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GENERAL PROVISIONS

[HISTORY: Adopted by the Borough Council of the Borough of Norwood as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
General Penalty
[Adopted 8-22-1988 by Ord. No. 2-88 (Ch. 1, Art. I, of the 1967 Codification)]

§ 1-1. Violations and penalties.
A. Whenever any of the provisions of the Code of the Borough of Norwood, or any of its regulations pursuant thereto, shall be violated by any person, persons, firm or corporation, upon judgment against any persons by summary conviction or by proceedings by summons before any Magisterial District Judge, said person, persons, firm or corporation shall pay a fine and penalty not exceeding $1,000 in any instance for any violation of the following specific chapters of the Code:1

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1. Editor’s Note: The list of chapters has been updated to reflect the 2012 renumbering of the Code. Chapters repealed prior to the renumbering of the Code have been omitted.
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<thead>
<tr>
<th>Chapter</th>
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</tr>
<tr>
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<td>Streets and Sidewalks</td>
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<td>278</td>
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<td>282</td>
<td>Trees</td>
</tr>
<tr>
<td>290, Articles I and IV through XV</td>
<td>Vehicle and Traffic</td>
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</table>

B. In addition to the above fine and penalty, any individual or persons found guilty by proceedings before the Magisterial District Judge shall also be responsible for costs of prosecution, and, in default of payment of the fine or penalty imposed by said judgment and the costs, the defendant may be sentenced and committed to county jail for a period not to exceed 30 days.

**ARTICLE II**

*Adoption of Code*

[An ordinance adopting the Code of the Borough of Norwood and making certain substantive changes to existing ordinances of the Borough is presently proposed before the Borough Council. Upon final adoption, it will be included here as Article II of this chapter.]
Chapter 5

AUDITOR

[HISTORY: Adopted by the Borough Council of the Borough of Norwood 1-18-1967 by Ord. No. 486 (Ch. 3 of the 1967 Codification). Amendments noted where applicable.]

§ 5-1. Appointment, qualifications, duties and responsibilities.

There is hereby provided, for the Borough of Norwood, the position of Auditor, who shall be appointed annually by a resolution passed by the Borough Council of the Borough of Norwood; said Auditor shall either be a certified public accountant or a competent, independent public accountant, who shall audit the accounts and other evidences of financial transactions of the Borough and Borough officers, and shall perform all the duties and responsibilities imposed by law upon a Borough auditor or auditors.

§ 5-2. Vote required to pass ordinance.

To be effective, this chapter must be passed by 2/3 of the vote of Councilmen; elected in accordance with the Act of Assembly in this case made and provided.

§ 5-3. Appointment powers and rights to accord with statutes.

The appointment to the position of Auditor herein created shall be in accordance with the newly enacted Borough Code, and said Auditor shall have all of the powers and rights, and shall be subject to all of the duties and responsibilities and liabilities, mentioned in the aforementioned statutes.
ARTICLE I

Joint Municipal Authority

[Adopted 10-14-1938 by Ord. No. 278 (Ch. 10 of the 1967 Codification)]

§ 10-1. Intention to organize.

The Borough of Norwood does hereby signify intention to organize an Authority together with the Townships of Ridley, Springfield and Upper Darby and the Boroughs of Folcroft, Clifton Heights and Glenolden under the provisions of the Acts of Assembly and the amendments and supplements thereto.

§ 10-2. Organization and execution of Articles of Incorporation.

The proper officers are hereby authorized and directed to organize the said Authority in conjunction with the proper officers of the aforesaid townships and boroughs, and together with the aforesaid officers to execute the Articles of Incorporation and to file the same with the Secretary of the Commonwealth of Pennsylvania, as provided by law.

§ 10-3. Articles of Incorporation.

The said Articles of Incorporation shall be as follows:

A. The name of the Authority shall be "Muckinipates Authority."


C. No other Authority organized under the Municipal Authority Act of 1937 (Act No. 200), nor under the act approved December 27, 1933 (Special Session, 1933, P. L. 114), is in existence in or for the incorporating municipalities.

D. The names of the incorporating municipalities, together with the names and addresses of its municipal officers, are as follows:

(1) The Township of Springfield, whose Commissioners are:

Guy M. Kennedy, 411 North Rolling Road, Springfield, Pennsylvania
George H. Chatham, 284 Ballymore Road, Springfield, Pennsylvania
Alfred Berger, Jr., 45 School Lane, Springfield, Pennsylvania
A. A. Ackerman, 404 Yale Avenue, Morton, Pennsylvania
Louis Wagner, 97 South Forest Road, Springfield, Pennsylvania
(2) The Township of Ridley, whose Commissioners are:

  William V. Brooks, Holmes, Pennsylvania
  Eugene L. Burns, Swarthmore, Pennsylvania
  Richard Frazier, Folsom, Pennsylvania
  John Dolan, Crum Lynne, Pennsylvania
  C. M. Lewis Corbin, Woodlyn, Pennsylvania

(3) The Township of Upper Darby, whose Commissioners are:

  Cyrus F. Agnew, 34 Overhill Road, Upper Darby, Pennsylvania
  Frederick C. Hoopes, Fernwood, Pennsylvania
  N. Joseph Connelly, 242 Wiltshire Road, Upper Darby, Pennsylvania
  John E. Burt, 344 Kingston Road, Upper Darby, Pennsylvania
  J. Frank McCloskey, 7236 Hilltop Road, Upper Darby, Pennsylvania
  Walter C. Fetters, 57 Sunshine Road, Upper Darby, Pennsylvania
  George T. Wadas, 8144 West Chester Pike, Upper Darby, Pennsylvania
  Richard G. Kelly, 212 Magnolia Avenue, Kirklyn, Upper Darby, Pennsylvania
  Walter B. Riddell, 396 Lakeview Avenue, Drexel Hill, Pennsylvania
  James F. Conner, 919 Wilde Avenue, Drexel Hill, Pennsylvania
  James S. Hughes, 4117 Sommers Avenue, Drexel Hill, Pennsylvania
  Edward R. S. Tull, Jr., 445 Burmont Road, Drexel Hill, Pennsylvania
  Clark W. Wooding, 361 Blanchard Road, Drexel Hill, Pennsylvania

(4) The Borough of Norwood, whose Councilmen are:

  Robert G. Milne, 425 Trites Avenue, Norwood, Pennsylvania
  John O. Widdoes, Jr., 235 Garfield Avenue, Norwood, Pennsylvania
  Laurence E. McIntyre, 253 Amosland Road, Norwood, Pennsylvania
  W. Rees Dutton, 114 Chester Pike, Norwood, Pennsylvania
  Chas. Knox, Jr., 124 Willows Avenue, Norwood, Pennsylvania
  Howard M. Keebler, 28 Huron Avenue, Norwood, Pennsylvania
  Harry D. Rarick, Sr., 121 Chester Pike, Norwood, Pennsylvania

(5) The Borough of Folcroft, whose Councilmen are:

  James H. Eastright, Folcroft, Pennsylvania
  Thorvald Rasmussen, Folcroft, Pennsylvania
  Joseph S. Lutz, Folcroft, Pennsylvania
  William E. Krumm, Folcroft, Pennsylvania
  E. L. Meadowcroft, Folcroft, Pennsylvania
  Joseph Shisler, Folcroft, Pennsylvania
  Robert W. Kelley, Folcroft, Pennsylvania

(6) The Borough of Glenolden, whose Councilmen are:

  Arthur J. Mulrooney, 313 Woodland Avenue, Glenolden, Pennsylvania
Lennard W. Warner, 125 East Glenolden Avenue, Glenolden, Pennsylvania
George W. Gilbert, 317 North Llanwellyn Avenue, Glenolden, Pennsylvania
Gustav A. Borkland, 29 North Parker Avenue, Glenolden, Pennsylvania
James Reed, 22 North Ridgeway Avenue, Glenolden, Pennsylvania
David Morrow, 102 North Wells Avenue, Glenolden, Pennsylvania
J. Boon Gallagher, 11 Boon Avenue, Glenolden, Pennsylvania

(7) The Borough of Clifton Heights, whose Councilmen are:

Daniel J. Sweeney, Clifton Heights, Pennsylvania
S. Garchinsky, Clifton Heights, Pennsylvania
William S. Evans, Jr., Clifton Heights, Pennsylvania
Joseph Carson, Clifton Heights, Pennsylvania
John Benner, Clifton Heights, Pennsylvania
Samuel P. Nickle, Clifton Heights, Pennsylvania

E. The names and addresses and terms of office of the first members of the Board of the said Authority are as follows:

<table>
<thead>
<tr>
<th>Municipality</th>
<th>Representative</th>
<th>Address</th>
<th>Term of Office (years)</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Township of Springfield</td>
<td>John W. Calder</td>
<td>Springfield, Pennsylvania</td>
<td>3</td>
</tr>
<tr>
<td>The Township of Ridley</td>
<td>Eugene L. Burns</td>
<td>Swarthmore, Pennsylvania</td>
<td>4</td>
</tr>
<tr>
<td>The Township of Upper Darby</td>
<td>John T. Brosnan</td>
<td>Drexel Hill, Pennsylvania</td>
<td>2</td>
</tr>
<tr>
<td>The Borough of Norwood</td>
<td>John O. Widdoes, Jr.</td>
<td>Norwood, Pennsylvania</td>
<td>3</td>
</tr>
<tr>
<td>The Borough of Folcroft</td>
<td>William E. Krumm</td>
<td>Folcroft, Pennsylvania</td>
<td>2</td>
</tr>
<tr>
<td>The Borough of Glenolden</td>
<td>Gustav A. Borkland</td>
<td>Glenolden, Pennsylvania</td>
<td>4</td>
</tr>
<tr>
<td>The Borough of Clifton Heights</td>
<td>Ellwood B. Revell</td>
<td>Clifton Heights, Pennsylvania</td>
<td>1</td>
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</table>

F. Appointment of one member for each municipality; vacancies.

(1) Commissioners or Councils, as the case may be, of each municipality creating said Joint Authority, shall appoint one member of the Board.

(a) The Borough of Glenolden and the Township of Ridley shall appoint one member each for a period of four years from the first of January 1939.

(b) The Township of Springfield and the Borough of Norwood, for a period of three years from the first of January 1939.
(c) The Township of Upper Darby and the Borough of Folcroft, for a period of two years from the first of January 1939; and

(d) The Borough of Clifton Heights, for a period of one year from the first of January 1939.

(2) All said terms to start immediately upon the granting of Certificates of Incorporation by the Secretary of the Commonwealth. Thereafter, said Commissioners or Councils, as the case may be, shall, at a meeting held not later than one month prior to January 1 in each year, in which a vacancy occurs in the office filled by that municipality, appoint as a member of the Board a citizen of that municipality for a term of four years, to succeed the member whose term expires on January 1 next succeeding.

(3) All vacancies shall be filled by the governing body of the municipality whose appointee has vacated his office.

In witness whereof the municipalities appointed herein have hereunto caused to be written their respective names, signed by their presiding officer and attested by their Secretary or Clerk, this _____ day of _______________ 1938.

§ 10-4. Repealer.

Ordinance No. 268 and all other ordinances or parts of ordinances inconsistent herewith be and the same are hereby repealed.

ARTICLE II
Parking Authority
[Adopted 3-15-1967 by Ord. No. 491 (Ch. 15 of the 1967 Codification)]

§ 10-5. Purpose.

The Borough Council of the Borough of Norwood does hereby find that the declarations of policy set forth in the Parking Authority Law apply to the parking and traffic problems existing in the Borough of Norwood, and the Borough Council declares that the establishment of a Parking Authority will promote the public safety, convenience and welfare.

§ 10-6. Creation.

It is the intention of the Borough Council of the Borough of Norwood to incorporate and create a Parking Authority in accordance with the provisions of the Parking Authority Law, to be known as "The Parking Authority of the Borough of Norwood."

§ 10-7. Articles of Incorporation prepared.

The proper officers of the Borough are hereby directed to prepare the necessary Articles of Incorporation and all other papers necessary for the incorporation of said Parking Authority; and said officers are hereby authorized to execute any and all papers necessary to incorporate the Parking Authority.
§ 10-8. Members; addresses and terms of office.

The names and addresses and terms of office of the first members of the Parking Authority of the Borough of Norwood are:

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>Term of Office (years)</th>
</tr>
</thead>
<tbody>
<tr>
<td>William Fagan</td>
<td>123 Love Lane, Norwood, Pennsylvania</td>
<td>1</td>
</tr>
<tr>
<td>William Friel</td>
<td>237 West Winona Avenue, Norwood, Pennsylvania</td>
<td>2</td>
</tr>
<tr>
<td>Robert Atkinson</td>
<td>21 West Winona Avenue, Norwood, Pennsylvania</td>
<td>3</td>
</tr>
<tr>
<td>John Devine</td>
<td>237 Leon Avenue, Norwood, Pennsylvania</td>
<td>4</td>
</tr>
<tr>
<td>John Butler</td>
<td>132 Henderson Avenue, Norwood, Pennsylvania</td>
<td>5</td>
</tr>
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</table>

§ 10-9. Publication; filing with Secretary.

The Secretary is directed to publish this article and to publish a notice indicating that the Articles of Incorporation of the Parking Authority of the Borough of Norwood will be filed with the Secretary of the Commonwealth of Pennsylvania.
ARTICLE I
Power to Make Appointments
[Adopted 1-4-1960 by Ord. No. 387 (Ch. 4 of the 1967 Codification)]

§ 15-1. Appointment of Dog Catcher. 1 [Amended 12-17-1969 by Ord. No. 519]
The Borough Council shall have the power and duty to appoint or dismiss, in its discretion, a special police officer to be known as the Borough Dog Catcher.

The Borough Council shall have the power and duty to appoint or dismiss, in its discretion, a special police officer to be known as the school crossing guard.

§ 15-3. Appointment of special police officers. 2 [Amended 12-17-1969 by Ord. No. 519]
The Borough Council shall have the power and duty to appoint or dismiss, in its discretion, any and all special police officers and/or auxiliary police.

The rate of pay of the Dog Catcher, the school crossing guard, and special police or auxiliary police shall be determined by the Borough Council. 3

---

1. Editor’s Note: For provisions concerning the powers and duties of Dog Catcher, see Ch. 90, Animals, Art. III, Care and Custody; Dog Catcher.

2. Editor’s Note: As to the Police Department Rules and Regulations, see Ch. A310.

3. Editor’s Note: Original § 4-5, Designation of maintenance men for police cars and equipment, which immediately followed this section, was repealed 12-17-1969 by Ord. No. 519.
Chapter 19

CIVIL SERVICE COMMISSION RULES AND REGULATIONS FOR POLICE OFFICERS

[HISTORY: Adopted by the Borough Council of the Borough of Norwood 11-27-1995 by Ord. No. 95-4 (Ch. 7 of the 1967 Codification). Amendments noted where applicable.]

GENERAL REFERENCES

Police Department rules and regulations — See Ch. A310.

ARTICLE I

Definitions and Word Usage

§ 19-1. Definitions.

Unless otherwise expressly stated, the following words and phrases, wherever used in these rules and regulations, shall be construed to have the meanings indicated herein:

APPLICANT — Any individual who is applying for a position on the Borough of Norwood Police Department by the rules outlined in these regulations.

BOROUGH COUNCIL OR COUNCIL — The Council of the Borough of Norwood.

BOROUGH SECRETARY OR MANAGER — The Secretary or Manager of the Borough of Norwood.

CANDIDATE — Any individual who is applying for a position on the Borough of Norwood Police Department by the rules outlined in these regulations.

CERTIFICATION — The submission to the appointing authority of names taken from the eligible list.

CHAIRMAN — The Chairman of the Civil Service Commission of the Borough of Norwood.

CIVIL SERVICE RANKS — The Civil Service ranks of the Borough of Norwood shall consist of patrolman, Corporal, Sergeant and Chief of Police. [Added 1-7-2008 by Ord. No. 2008-4]

COMMISSION — The Civil Service Commission of the Borough of Norwood.

ELIGIBLE — A person whose name is recorded on a current eligible list or furlough list.

ELIGIBLE LIST — The lists of names of persons who passed all examinations for a particular position in the Police Department.

FURLOUGH LIST — A list of persons who are laid off from positions in the Police Department because of a reduction in the number of officers in the Police Department.

PROBATIONER — An officer in the Police Department who has been appointed from any eligible list, but who has not completed his work test period.
REDUCTION IN RANK — A change to a different position or rank which results in a decrease in salary; provided, however, that a decrease in salary without a change to a different position or rank shall not constitute a reduction in rank.

REMOVAL — The permanent separation of a police officer from the Police Department.

SECRETARY — The Secretary of the Civil Service Commission of the Borough of Norwood.

SUSPENSION — The temporary separation of a member of the Police Department from his position.

§ 19-2. Gender.

The words "he," "his," "him" and "men" when used in these rules and regulations represent both the masculine and feminine genders.

ARTICLE II

Civil Service Commission

§ 19-3. Composition; terms; vacancies; oath.

A. The Commission shall consist of three Commissioners who shall be qualified electors of the Borough and shall be appointed by the Borough Council initially to serve for the terms of two and four years, and as terms thereafter expire shall be appointed for terms of six years.

B. Any vacancy occurring in the Commission for any reason whatsoever shall be filled by the Borough Council for the unexpired term within the period of 30 days after such vacancy occurs.

C. Each member of the Commission, before entering upon the discharge of the duties of his office, shall take an oath or affirmation to support the Constitution of the United States and of the Commonwealth of Pennsylvania and to perform his official duties with fidelity. No Civil Service Commissioner shall receive compensation.

§ 19-4. Officers.

The Civil Service Commission of the Borough of Norwood, on the first Monday of each even-numbered year, shall elect one of its members as the Chairman, one Vice Chairman, and one as Secretary. If the first Monday is a legal holiday, the meeting shall be held the first day following. In the event that a vacancy occurs on the Commission, interim elections will be held within 45 days of the effective date of the vacancy.

§ 19-5. Duties of Chairman.

The Chairman, or in his absence the Vice-Chairman, shall preside at all meetings and hearings of the Commission, decide all points of order or procedure and perform any duties required by law or these rules.

§ 19-6. Duties of Secretary.
The Secretary shall carry on, at the direction of the Commission, all official correspondence of the Commission, send out all notices required by law and these rules of procedure, keep a record of each examination or other official actions of the Commission, and perform all other duties required by law, by these rules, and by the Commission.

§ 19-7. Meetings.

Except for the biennial organization meeting, all meetings shall be held either at the call of the Chairman or at the call of two members of the Commission. At least 48 hours' written notice of each meeting may be waived in certain situations or emergencies with the concurrence of all members of the Commission. The Commission shall have the discretion to determine whether meetings shall be open to the public.

§ 19-8. Quorum.

A quorum shall consist of two members, and all actions of the Commission shall have the concurrence of at least two members.


The order of business of all meetings of the Commission shall be as follows:
A. Roll call.
B. Call to order.
C. Approval of minutes of previous meetings.
D. Unfinished business.
E. Hearing of cases.
F. New business.
G. Communications and reports.

§ 19-10. Minutes.

The secretary shall keep minutes of the Commission's proceedings showing the vote of each member upon each question or, if a member is absent or fails to vote, indicating such fact.


The Commission and the Borough shall have the power to prescribe, enforce and amend rules and regulations governing the conduct of its activities. Such rules and regulations must be financially approved by the governing body at public hearing and may not be amended without approval of the governing body at a public hearing.

§ 19-12. Clerical assistance.

The Borough shall furnish the Commission with such supplies and clerical assistance as may be
necessary for the Commission to fulfill its duties. In addition, the Commission may, if required, have the assistance of the Borough Solicitor and any other consultants or experts, including physicians and psychiatrists, as are necessary. The elected and appointed officials of the Borough shall assist the Commission with all reasonable and appropriate efforts, including compensation for any experts retained by the Commission.


The Commission shall have the power to make investigations concerning all matters relating to the administration and enforcement of these rules and regulations. The Chairman of the Commission is authorized to administer oaths and affirmations in connection with such investigations.


A. The Commission shall have the power to issue subpoenas over the signature of the chairperson, or his designee, to acquire the attendance of witnesses and the production of records and papers pertaining to any investigation or inquiry. The fees for attendance and travel of such witness shall be the same as for witnesses appearing in the courts and shall be paid from appropriations for the incidental expense of the Commission.

B. All officers in public service and employees of the Borough shall attend and testify when required to do so by the Commission.

C. If any person shall refuse or neglect to obey any subpoena issued by the Commission, upon conviction of such refusal or neglect in a summary proceeding, that person shall be sentenced to pay a fine not to exceed $100 and, in default of the payment of such fine and cost, shall be imprisoned not to exceed 30 days.

D. If any person shall refuse or neglect to obey any subpoena, the Commission may apply by petition to the Court of Common Pleas of Delaware County for its subpoena, requiring the attendance of such persons before the Commission or the Court to testify and to produce any records and papers necessary, and in default thereof shall be held in contempt of court.

ARTICLE III
Applications

§ 19-15. Application form; fee.

A. No person shall be admitted to an examination for a position in the Police Department of the Borough of Norwood until he shall have filed, on the official form prescribed by the Civil Service Commission, a sworn application giving such information as the Commission may require. The official application form and all notations, references and statements appearing therein are incorporated by reference in these rules and regulations and shall be as much a part of these rules as if they were fully described herein.

B. Application fee. Each applicant shall advance and pay a nonrefundable application fee of $50; said cost may from time to time be adjusted by resolution of Borough Council to reflect the Commission and Borough's costs.
§ 19-16. Availability of forms.

Application forms shall be available to all interested persons in the offices of the Borough Secretary-Manager, Police Department or at a place otherwise designated by the Commission.

§ 19-17. Age qualifications.

Any applicant for any position in the Police Department must be more than 18 years of age. Each applicant shall present satisfactory evidence of his date of birth.

§ 19-18. General qualifications of applicants.

A. Each applicant for a position in the Police Department shall be a citizen of the United States.

B. Each applicant shall be medically fit for the performance of the duties of a police officer, as set forth in the medical requirements established by the Commission, be of good moral character, and licensed to operate a motor vehicle in the Commonwealth of Pennsylvania. In the case of a foreign-born applicant, evidence, satisfactory to the Commission, shall be produced showing the person to be a naturalized citizen.

C. The applicant shall have demonstrated, by education, experience, background, or training:

(1) A commitment to a full-time career in law enforcement.

(2) A dedication to the protection of the community through service as a police officer.

(3) That said commitment and dedication are likely to motivate and inspire the candidate, if selected, to pursue continuing education programs in law enforcement and self-improvement, in the applicant's performance of the requirements of the applicant's duties.

(4) That said commitment to achieve will lead to promotions and advancements, and to provide leadership to other members of the Police Department to perform and achieve, according to the highest standards of law enforcement duties and service.

(5) That the applicant will continue the traditions of excellence and outstanding reputation in the community which the Borough of Norwood Police Department enjoys.

D. Patrolmen. The minimum requirements for application to the position of patrolman in the Norwood Police Department are hereby established to be any of the following:

(1) A diploma evidencing graduation from an accredited high school, or possess a GED or acceptable equivalency high school degree.

(2) Certification under the Act commonly referred to as "Act 120," as amended (53 P.S. § 740, Act 120, June 18, 1974, as amended, Basic Training Program, as approved by the Municipal Police Officer's Education and Training Commission).

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1. Editor's Note: Said section was repealed by 12-19-1996 by P.L. 1158, No. 177.
E. The Norwood Police Civil Service Commission shall prepare an appropriate applicant's questionnaire for the purpose of determining whether the applicant meets the minimum requirements set forth above.

(1) Each candidate is required to complete the applicant's questionnaire and to provide all information required by said application, as requested by the Norwood Police Civil Service Commission.

(2) The Norwood Police Civil Service Commission may hold hearings on the qualifications of the applicant, in the sole discretion of the Norwood Police Civil Service Commission, to determine whether said applicant meets the requirements of the Civil Service Commission.

(3) The determination of the Norwood Police Civil Service Commission as to whether the applicant meets the above minimum requirements to qualify as an applicant for the position of patrolman on the Norwood Police Department shall be final, binding and unappealable.


A. Candidates for the position of Corporal or sergeant shall:

(1) Meet the qualifications in § 19-18, inclusive, above.

(2) Be declared medically fit by passing an appropriate medical examination.

(3) Have fulfilled the following requirements:

   (a) Patrolman to Corporal: three years as a patrol officer of permanent appointment with the Department.
   
   (b) Corporal to Sergeant: two years as a Corporal of permanent appointment with the Department.
   
   (c) Patrolman to Sergeant: five years as a patrolman with the Department.

(4) Have satisfactorily completed a basic training program at a recognized police academy. This provision shall not apply to those men employed prior to the effective date of Act 120.

(5) Have demonstrated an ability to carry out orders from superiors.

(6) Demonstrate a working knowledge of police science and administration as ascertained by an appropriate promotional examination.

(7) Demonstrate an ability to supervise the work of subordinates.

(8) Have achieved at least an average rating of "satisfactory" on all his service ratings. Until such time as service ratings become available, the Commission may use an evaluation of experience, training, general background, and other such records of performance of the candidate as recommended by the Chief of Police.

(9) Have passed a medical exam taken expressly for this promotion, except where said
medical examination is waived pursuant to § 19-34A(4).

B. Promotions in rank.

(1) All promotions in rank shall be for an initial probationary period of six months. At any time during the probationary period, the Chief of Police may request a reduction to the rank which was held prior to the promotion, through proper channels.

(2) Permanent promotion, under the Civil Service Regulations, can be obtained only by certification from the Civil Service Commission through its testing procedures and completion of the probationary period.

C. Civil Service ranks.

(1) The rank of Corporal or Sergeant is by no means definitive or required. Our Department should base its command structure on the size of the Department and the needs and requirements of our community, as recommended by the Police Chief and Mayor, and set by the Borough Council.


An investigation of the character and reputation of the applicant shall be made by the Civil Service Commission or its designee and/or the Police Department or its designee and may include credit reports, criminal history, employment records and reports, background and employment investigations, and reports of investigations from recognized agencies.


Applications for any position in the Police Department may be received at any time during normal business hours in the office of the Borough Secretary-Manager, and by such other offices and officers as the Commission may designate. The receipt of such applications shall be subject to the following conditions:

A. No application received after 12:00 noon, on the date that is 14 calendar days prior to the date fixed for the written examination in the public announcement, shall be considered for such examination.

B. An application shall become invalid one year after the date upon which it is received.

§ 19-22. Recording applications.

The office of the Borough Secretary-Manager or other designated offices or officers shall review each application, upon receipt, for the purpose of determining that such application contains no minor errors or omissions. Any application containing minor errors or omissions shall be returned to the applicant for correction. The Borough Secretary-Manager shall date, number and record, in the order of receipt, all applications free from minor errors and omissions. An application, once recorded, shall be public record and shall not be returned to the applicant.

2. Editor’s Note: Original Subsection C(1), listing officers in the Civil Service ranks, was repealed 1-7-2008 by Ord. No. 2008-4. See now the definition of "Civil Service ranks" in § 19-1.
§ 19-23. Disqualification or rejection of applicant.

A. The Commission shall not examine any applicant who lacks any of the prescribed qualifications unless, in the judgment of the Commission, it can reasonably be presumed that the applicant shall have acquired the necessary qualifications prior to the date of a possible certification from the list of eligible produced as the result of the examination.

B. The Commission may refuse to examine or, if examined, may refuse to certify as eligible after examination any applicant who is found to lack any of the minimum qualifications for examination prescribed in these rules and regulations for the particular position for which the applicant has applied. In addition, the Commission may refuse to examine, or, if examined, may refuse to certify any applicant who is physically or mentally unfit to perform the full duties of the position to which he seeks employment, or who is a habitual substance abuser, who is guilty of any crime involving moral turpitude, or of infamous or notoriously disgraceful conduct, or who has been dismissed from public service for delinquency or misconduct in office, or who is affiliated with any group whose policies or activities are subversive to the form of government set forth in the Constitutions and laws of the United States and the Commonwealth of Pennsylvania.


A. If the statements made by the applicant in the official application shall contain any falsification or concealment with respect to any application:

(1) The application shall be invalid and the applicant shall be disqualified from examination;

(2) If the applicant shall have been examined, the name of each applicant shall be removed from the eligible list; or

(3) If the applicant shall have been appointed, each such willful misstatement, falsification or concealment shall constitute grounds for dismissal from the Police Department.

B. No person who shall make any willful false application shall be permitted to make any future application for any position in the Police Department of the Borough of Norwood.


In the case of a vacancy in the office of the Chief of Police, the appointing authority, the Borough Council, has sole authority and full discretion in selecting the individual to fill the position of Chief of Police. It shall thereupon become the duty of the Commission to subject such patron to a noncompetitive examination as provided in Part 1, Police Department Rules and Regulations, Article VI, Appointment of the Chief of Police, §§ 43 and 44. If such person shall be certified by the Commission as qualified, he or she may then be appointed to the position.

ARTICLE IV
Announcement of Examinations

Editor's Note: See Ch. A310, Police Department Rules and Regulations, Part 1, General Regulations.

A. In addition to the public notice, the Commission or its designee shall give written notice to each qualified applicant as follows:

(1) By mailing or otherwise delivering, to each applicant who shall meet the prescribed qualifications for duties of a police officer, a notice which shall include the date, time and place of the written examination.

(2) By mailing or otherwise delivering, to each applicant qualified for medical examination, a notice which shall include the name, address and telephone number of the Police Surgeon. Each applicant shall be responsible for scheduling an appointment for medical examinations and appearing for and completing the medical examinations prior to the deadline for filing of applications.

B. Each such notice shall be mailed or otherwise delivered at least seven days prior to the date fixed for examination. Only applicants receiving notices to report for any examination shall be permitted to participate in such examination, and each applicant shall present his notice to the examiner before he shall be examined. Failure to report for an examination, in accordance with the instructions contained in the written notice, shall disqualify the applicant, except that, in the case of a Police Surgeon, designated in the notice, the applicant may fix another date and time for such examination; provided, however, that any such date or time shall be within the period fixed for medical examination as so directed by § 19-28 of these rules.

§ 19-27. Medical requirements.

Every applicant or candidate for appointment to a position in the Police Department shall submit to a medical and psychiatric examination and must meet the minimum medical requirements established by the Commission.


Medical examinations shall be scheduled as the Commission and Borough Secretary-Manager may require.


The statement of each examination shall be submitted to the Commission.

§ 19-30. Rejection of medically unfit applicants.

If the Police Surgeon or a medical examiner shall deem any applicant medically unfit for the performance of the duties of a police officer, because of any physical, mental or psychological defect, whether or not the defect shall be specifically stated as a cause for rejection in the statement of medical requirements, such applicant shall be rejected and a brief statement of the reasons for rejection shall be entered in the report of his medical examination.

Each applicant eligible for certification to the Borough Council for appointment to any position in the Police Department shall be instructed by the secretary, before being certified, to inform the Commission of any illness or injuries requiring the attendance of a physician or requiring hospitalization and of any surgical operations that shall have occurred after the original medical examination. If, in the judgment of the Commission, there shall have been any change in the medical and psychological fitness of any applicant, whether or not such change shall have been reported by the applicant, the Commission may require the applicant to submit to a further medical and psychological examination before his name shall be certified for appointment. Any such further medical examination shall be performed at the expense of the Borough by a regularly appointed medical examiner.


The Commission shall, from time to time, appoint one or more medical examiners required by these rules.

ARTICLE V

Examinations

§ 19-33. Entrance examinations.

A. The examination for the position of police officer shall consist of the following parts:

(1) A physical agility examination administered on a pass or fail basis.

(2) A written examination, which shall have been determined to fairly test the aptitude of a candidate for the police service, administered by a recognized testing agency.

(3) An oral examination by a panel of examiners from a recognized testing agency or the Norwood Civil Service Commission.

(4) A background investigation, including fingerprint check, employment history, credit history check and criminal history check.

(5) A psychological examination.

(6) A polygraphic examination, if requested by the Commission.

(7) A medical examination.

B. The written examination and oral examination shall be graded on a scale of 100%. The acceptable passing grade on the written examination shall be as determined by the testing authority or the Norwood Police Civil Service Commission. The acceptable passing grade on the oral examination shall be 70%. All other examinations shall be based on an acceptable or unacceptable rating. Applicants who receive an unacceptable grade on any one of the above-listed examinations shall not be placed on the eligibility list.

C. The final grade score to be used to determine an applicant's position on the eligibility list shall consist of 40% of the oral examination score and 60% of the written examination score. The names on the eligibility list shall be arranged according to final grade score, so that the applicant with the highest score shall be at the top of the list and the applicant with the lowest passing score shall be at the bottom of the list. In the event that two or more
applicants receive a tie score, the applicant who first filed a completed application shall be higher on the list.

D. Final appointment shall be contingent upon the applicant passing all physical and psychological examinations.

§ 19-34. Examination for promotions.

A. The examination for the position of Corporal and Sergeant shall consist of three parts:

(1) A written examination which shall include a test of police knowledge and performance, and a test to measure knowledge of supervisory and command responsibility, administered by a recognized testing agency or the Civil Service Commission, as the Borough Council may direct.

(2) An evaluation of service ratings or performance records of the candidate.

(3) An oral examination by a panel of qualified examiners from a recognized testing agency or the Police Civil Service Commission, as the Borough Council may direct.

(4) Where a recent physical examination has been given to all of the eligible candidates, the Civil Service Commission may waive the requirements of any further physical examinations.

B. The written examination, oral examination and evaluation of service rating shall be graded on a scale of 100%. The acceptable passing grade on the written examination shall be as determined by the testing authority or Commission. The acceptable passing grade on the oral examination shall be 70%. The acceptable passing grade on the evaluation of service rating shall be 50%. The medical examination shall be based on an acceptable or unacceptable rating. Candidates who fail any one of the above-listed examinations shall not be eligible for promotion. A candidate must have at least a score of 50% from the evaluation of his service rating prior to the date of the written and oral examinations in order to be eligible to take those examinations.

C. The final grade score to be used to determine position on the promotion eligibility list shall consist of 50% of the written examination score, 40% of the oral examination score and 10% of the evaluation of service rating score. The names on the promotional list shall be arranged according to final grade score, so that the applicant with the highest score shall be at the top of the list and the applicant with the lowest passing score shall be at the bottom of the list. In the event that two or more candidates receive a tie score, that candidate with the greatest seniority shall be higher on the list.

ARTICLE VI

Eligible Lists

§ 19-35. Preparation of eligible list; filing and posting.

Within 30 days after receipt by the Commission of all examination results, the Secretary shall prepare an eligible list upon which shall appear the name of each applicant or candidate who received a passing grade in the examination. The names on the eligible list shall be arranged, from the highest to the lowest, in the order of the final score received by each applicant. The
eligible list shall be filed in the office of the Borough Secretary-Manager and a copy posted on the bulletin board in the police headquarters building.


When two or more qualified applicants shall received the same final score, the order in which the names of such persons shall appear on the eligible list shall be determined by the order in which the completed applications were received. That applicant who first filed a completed application shall be higher on the list.

§ 19-37. Veterans' preference points.

Pursuant to the Veterans' Preference Act, any applicant for the position of patrol officer who qualifies as a soldier under this Act shall receive an additional 10 points on top of his score if that applicant had received passing scores in all other areas of testing and qualification.

§ 19-38. Life of eligible lists.

A. The Borough Council, at its discretion, may void the eligible list at any time, but in no case shall any eligible list remain in effect for a period of more than two years from the date of its certification.

B. If the Civil Service Commission receives a request from the Borough Council or Borough Secretary to establish an eligibility list for a period of two years, the Civil Service Commission may establish an eligibility list for a period of two years.


Whenever the Borough Council causes a reduction in the number of police officers, then furloughing shall occur on a strict seniority basis, that officer with the least seniority being the first to be furloughed. In the event of furlough, the Commission shall prepare and maintain a list of all furloughed officers, together with the position held by each officer at the time of the furlough. The names on the furlough list shall be arranged in order of strict seniority, so that the officer with the greatest seniority is at the top of the list and the officer with the least seniority is at the bottom of the list. Seniority shall be determined by calculating the number of days of service with the Norwood Police Department. In the event that two or more officers have identical seniority, their names shall be arranged on the furlough list in accordance with the order of their appointment as officers from the eligible list, that officer who was appointed earlier being placed higher on the list.

ARTICLE VII
Certification and Appointments


When a vacancy is to be filled in the Police Department, the Borough Council shall submit a written request to the Commission for certification of eligibility. In making the request, the Borough Council shall state the title of the position to be filled and the compensation to be paid. The Commission shall initiate recruitment procedures by arranging public advertisement of said
§ 19-41. Furlough list to fill appointments.

Upon receipt of a request from the Borough Council, the Commission shall first certify the names of those eligible who were furloughed because of a reduction in force. In filling a vacancy from the furlough list, the Commission shall certify from the top of the list that number of names equal to the number of vacancies to be filled.

§ 19-42. Certification from eligible lists.

If no furlough list exists or if the total number of vacancies cannot be filled from the available names on the furlough list, the Commission shall certify names from the eligible list. The Commission shall certify for each existing vacancy the name of the top three applicants on the eligible list. If there are fewer than three applicants available on the eligible list, the Borough Council may select from such lesser number of available eligible or may request that the Commission void the eligibility list and hold another examination.

§ 19-43. Removal of names from furlough and eligible lists.

A. In addition to the other reasons stated as grounds for removal in these rules, the name of any person appearing on a furlough list or an eligible list shall be removed by the Commission if such person:

1. Is appointed to a position in the Police Department of the Borough;
2. Declines an appointment to a permanent position in the Police Department of the Borough;
3. Fails to make written reply to the Commission within seven calendar days from the date of receiving a notice of certification; or
4. Indicates availability for appointment and is appointed to fill a vacancy, but fails to report for duty at the time prescribed by Borough Council; unless, in the opinion of the Board, such person can show good and sufficient reasons for failing to report.

B. Nothing in this section, however, shall be construed as authorizing the removal of the name of any person on any furlough list who accepts a position of a lower rank than that for which he has qualified.

§ 19-44. Appointment procedures.

Whenever the name of any person is certified to the Borough Council from either the furlough list or the eligible list, the person shall be immediately notified of his certification by mail. The notice shall include the title of the position and the compensation to be paid and shall also state that the person certified must make a written reply within seven days from the date of receiving such mail. This notice shall be forwarded to the last known address provided to the Borough. It is the applicant's responsibility to provide the Borough with his current address.

§ 19-45. Probationary period.
A. All original appointments to any position in the Police Department of the Borough shall be for a probationary period of one year. The one-year probationary period shall not commence until after the officer has completed training under Act 120. The Chief of Police shall investigate the adjustment, performance and general acceptability of each probationer under his supervision to determine whether such probationer is fully qualified for permanent appointment. The Chief of Police shall make a report on the performance and conduct of each probationer before the next regular meeting of the Borough Council immediately preceding the end of the probationary period. Each final probationary report shall include the recommendation of the Chief of Police either to retain or to reject the probationer. Each report shall be submitted, in writing, to the Borough Council and the Civil Service Commission. The Borough Council has the sole and final responsibility to terminate, reject or retain the probationer.

B. In the event that the person named to the position of Chief of Police is a probationary appointment, the Board shall designate one person to evaluate the performance and conduct of the Chief in the same manner and subject to the same procedures as that established for all other positions in the Police Department of the Borough of Norwood.

ARTICLE VIII
Suspensions, Removals and Reductions in Rank

§ 19-46. Grounds for disciplinary action.
A. No person appointed to a position in the Police Department pursuant to these rules and regulations may be suspended without pay or removed and no person promoted in rank pursuant to these rules and regulations may be reduced in rank except for the following reasons:
   (1) Physical or mental disability affecting the officer's ability to continue in service, in which case the officer shall receive an honorable discharge from service.
   (2) Neglect or violation of any official duty.
   (3) Violation of any law of this Commonwealth which provides that such violation constitutes a misdemeanor or felony.
   (4) Inefficiency, neglect, intemperance, disobedience of orders or conduct unbecoming an officer.
   (5) Intoxication while on duty.
   (6) Engaging or participating in conducting of any political or election campaign other than the officer's exercise of his own right of suffrage.

B. No officer shall be removed for religious, racial or political reasons. A statement of any charges made against any officer so employed shall be furnished to the officer within 20 days after those charges have been adopted by the Mayor, Borough Council or Police Chief.

§ 19-47. Notice of suspension, removal or reduction in rank.
A. Whenever a police officer is suspended, removed or reduced in rank, the specific charges warranting such actions shall be stated in writing by the Police Chief or Mayor or Borough Council. The charges shall be stated clearly and in sufficient detail to enable the officer to understand the charges against him and to allow the officer an opportunity to respond to these charges.

B. Within 20 days after the Police Chief, Mayor or Borough Council has imposed the disciplinary action, a written statement of the charges shall be delivered to the officer either by personal service or by certified or registered mail. In addition, the charges shall notify the officer of his appeal rights under these rules and regulations. A copy of the statement of charges shall also be served upon the members of the Civil Service Commission.


No person in the police service shall be suspended, removed or reduced in rank except in accordance with law. Whenever any police officer in the Borough is suspended, removed or reduced in rank, the specific charges shall be stated, in writing, by the appointing authority, or the Mayor or the Chief of Police or his designate. The charges shall be stated clearly and in sufficient detail to enable the person accused to understand the charges made against him and to answer them. Within 20 days, the statement of charges shall be filed, in duplicate, with the Commission, and at the same time, the original copy of the statement of charges shall be delivered to the person accused, either by personal service or registered or certified mail.

§ 19-49. Demand for hearing.

Any police officer suspended, removed or reduced in rank may file with the Commission a written demand for a hearing within 10 days after receipt of the statement of charges. Such person may make written answers to any charges filed against him not later than the date fixed for the hearing. The Commission shall grant a hearing within 60 days of the receipt of hearing demand to any person accused who complies with the provisions of this section. Each such hearing shall be open to the public unless the person accused, when making his written demand for a hearing, requests that such hearing be closed.


Notice of the date, time and place for each hearing shall be given in the following manner:

A. By either personal service or registered or certified mail to each person making charges and to the person accused; and

B. By mailing a notice to all other parties who have stated an interest in the hearing; provided, however, that any failure to give the notice required by this subsection shall not invalidate any action taken by the Commission.

§ 19-51. Oaths.

All testimony shall be taken under oath. The Chairman or, in his absence, the Vice Chairman, shall administer all oaths.
§ 19-52. Subpoenas.

The Chairman or, in his absence, the Vice Chairman, may compel the attendance of witnesses and the production of records and papers pertaining to any hearing. However, upon the written request of the person accused or of any person making charges, the Chairman or, in his absence, the Vice Chairman, shall order the attendance of any witness or the production of any pertinent document, provided that such a written request is filed with the Secretary within five days from the date appearing on the notice of the hearing. It shall be the responsibility of the person requesting a subpoena to make service of the subpoena.


The following rules shall be followed by the Commission in all hearings relating to the suspension, removal or reduction in rank of police officers, or any other hearing which the Commission may be required to hold.

A. Evidence.

(1) The rules of evidence in force in the Courts of Common Pleas of the Commonwealth of Pennsylvania shall be the rules of evidence followed by the Commission; provided, however, that the rules with regard to hearsay evidence shall be relaxed and liberally construed.

(2) All rulings on evidence shall be made by the Civil Service Commissioner presiding at the hearing, subject to objection by other members of the Commission. In the event of such objection, the Commission shall adjourn, vote in private on the objection and return with a public ruling.

B. Parties.

(1) Parties to hearings before the Commission shall be as follows:

   (a) Appellant: the party sought to be or ordered suspended, removed or reduced in rank, who has requested a hearing, and his counsel.

   (b) Commission: the Civil Service Commission, individually or collectively, which shall have the right of a party in all hearings and may appear by counsel.

   (c) Person making charges: the appointing authority or persons designated by the appointing authority to act on its behalf, and the same may appear by counsel.

(2) Rights of the parties:

   (a) All parties shall have the right to request that the Commission issue subpoenas to compel the attendance of witnesses or other evidence.

   (b) All parties shall have the right to testify, examine witnesses and cross-examine witnesses of other parties and to offer documentary or other nonoral evidence.

   (c) The Civil Service Commission shall have the rights of a party with regard to the calling of witnesses and the right to cross-examine witnesses of the other parties.
C. Procedural rules. The hearing shall be conducted as follows:

1. The Chairman or, in his absence, the Vice Chairman shall call the hearing to order, state the general purpose of the hearing and make note of the parties present.

2. The suspension notice and charges therein and the answer thereto, if any, shall be read into the record by the Secretary of the Commission.

3. All witnesses shall testify under oath and the oath shall be given by the presiding Commissioner.

4. The person making charges may present witnesses and evidence.

5. The person making charges may make an opening statement.

6. The appellant may move for dismissal of the suspension and charges thereunder and may argue therefor.

7. The Commission shall rule on a motion to dismiss.

8. The appellant may make an opening statement.

9. The appellant may present his witnesses and evidence.

10. Argument shall be as follows:
    
    a. The party ordering the suspension shall argue first.
    
    b. The appellant shall have the final argument.

11. All parties shall have the right of cross-examination. At the conclusion of testimony on direct examination, redirect examination and recross examination shall be permitted.

12. Decision by the Commission:

    a. The decision shall be reached by secret written ballot.
    
    b. Majority and minority opinions may be filed.

13. A stenographic record of all testimony taken at a hearing shall be filed with, and preserved by, the Commission.

§ 19-54. Decision of the Commission.

Within 30 days after the hearing, the Commission shall issue its decision in the form of a written order approved by at least two members of the Commission, unless this time period is extended by mutual agreement of the parties. The written order shall include all findings of fact. If, during the public hearing, opposing facts are presented, the Commission shall include in its written order its decision as to the correct facts. The findings and decision of the Commission shall be certified to any person making charges, to the accused officer and to the Borough Council.

ARTICLE IX
Confidentiality
§ 19-55. Character and reputation reports.

All reports of investigations and inquiries into the character and reputation of applicants shall be kept in the strictest confidence and shall not be open to inspection.

§ 19-56. Inspection of examination materials.

A. All examination materials shall be confidential and shall not be open to general public inspection. Any examined applicant may inspect his examination papers, provided that:

(1) He makes a written request to the Commission within seven days from the date of mailing of the written notice of his grade;

(2) He receives the written consent of the Commission to inspect his examination papers; and

(3) He makes his inspection within 10 calendar days from the date of the mailing of the consent of the Commission.

B. The Commission shall not consent to the request of any examined applicant to inspect any written examination paper which may be used in any subsequent written examination that may be scheduled within 90 calendar days following the date of receipt of the written request. If the Commission consents to an inspection of the written examination papers by any examined applicant, it shall state in its letter of consent the specific examination papers that may be inspected. Before any member of the Commission, or any person designated by the Commission, permits any inspection of examination papers, he shall require the examined applicant to produce the letter indicating the consent of the Commission, and he shall limit the inspection by the examined applicant to only those examination papers indicated in the letter of consent. No examined applicant shall be permitted to inspect any examination papers other than his own, nor shall he be permitted to make any written notes while he is inspecting any examination papers.
Chapter 32

MANAGER

[HISTORY: Adopted by the Borough Council of the Borough of Norwood 7-23-2007 by Ord. No. 2007-10 (Ch. 12 of the 1967 Codification). Amendments noted where applicable.]

GENERAL REFERENCES

Borough Council — See Ch. 15.

§ 32-1. Creation of office.

Pursuant to Section 1141 of the Borough Code (53 P.S. § 46141), the office of Borough Manager is hereby created by the Borough Council of the Borough of Norwood, subject to the right of the Borough Council to abolish said office at any time by ordinance.

§ 32-2. Qualifications.

In appointing a Borough Manager, the Borough Council shall be guided by the executive and administrative qualifications of each person being considered for appointment, with special reference to the duties of the office as set forth hereinafter.

§ 32-3. Appointment and removal; vacancies.

A. The Borough Manager shall be elected or appointed for an indefinite term by a majority vote of all members of the Borough Council, shall serve at the pleasure of the Borough Council and may be removed at any time by a majority vote of all members of the Borough Council; provided, however, that the Borough Council shall have the right, in its discretion, to enter into a contract of employment with the Borough Manager setting forth the terms and conditions of his or her employment.

B. Whenever a temporary vacancy occurs in the office of Borough Manager because of illness, disability or any other reason, the Borough Council may appoint an Acting Borough Manager to perform the duties set forth hereinafter for the duration of the temporary vacancy.

§ 32-4. Bond.

Before entering upon his or her duties, the Borough Manager shall give a bond to the Borough of Norwood with an approved surety company in the amount to be determined by the Borough Council conditioned upon the faithful performance of his or her duties. The premium for said bond shall be paid by the Borough of Norwood.

§ 32-5. Compensation.

The Borough Manager shall receive such compensation as shall be established, from time to
time, by the Borough Council by ordinance or by resolution.


The Borough Manager shall be chief administrative officer of the Borough of Norwood and shall be responsible to the Borough Council as a whole for the proper and efficient administration of the affairs of the Borough of Norwood which are placed in his or her charge as set forth hereinafter. Subject, as aforesaid, to recall at any time by ordinance or resolution of the Borough Council and subject to the daily direction of the President of the Borough Council or, in his or her absence, the Vice President, the Borough Manager shall have all the powers and duties for the proper and efficient administration of the affairs of the Borough of Norwood by statute or ordinance, and which powers and duties shall include but not be limited to the following:

A. To execute and enforce the laws of the Commonwealth of Pennsylvania and all ordinances and resolutions of the Borough of Norwood.

B. To prepare for review by the President of the Borough Council an agenda for each meeting, regular or special, of Borough Council.

C. To attend all meetings, regular or special, of Borough Council and post and or advertise as required all appropriate notices thereof.

D. To keep the Borough Council informed as to the conduct of Borough affairs, submit periodic reports on the condition of Borough finances and such other reports as the Borough Council requests and make recommendations concerning the affairs of the Borough.

E. To work with the Treasurer to prepare and submit to the Borough Council, by October 15 of each year, a proposed annual budget for the next fiscal year. In preparing the proposed budget, the Borough Manager shall obtain from the Borough Council and from the head of each department, agency or board, or any qualified officer thereof, estimates of revenues and expenditures and such other supporting data as is required, and said data shall remain available for review by the Borough Council.

F. To administer the annual budget after its adoption by the Borough Council.

G. To work with the Treasurer to prepare and submit annually to the Borough Council, not more than 30 days after close of each fiscal year, a correct and detailed statement on the finances and the administrative activities of the Borough for the preceding year.

H. To investigate and dispose of or designate an officer to investigate and dispose of all complaints regarding Borough services and personnel and to report to the Borough Council thereon. All complaints regarding Borough services shall be referred to the office of the Borough Manager.

I. To attend all aspects of the awarding of contracts pursuant to law and supervise the performance and faithful execution of the same, except insofar as such duties are especially imposed upon some other Borough officer by statute or ordinance.

J. To direct and supervise the administration of all departments and functions of the Borough, except as otherwise provided by ordinance or law.
K. To be responsible for all accounts payable and receivable.

L. To ensure that all monies owing the Borough are promptly paid and that proper legal proceedings are taken for the collection of all Borough claims.

M. To supervise and oversee all nonuniformed personnel employed by the Borough.

N. To perform such other nonlegislative and nonjudicial powers and duties of the Borough Council as may, from time to time, be conferred upon him or her by ordinance or by resolution, to include the application and administration of any and all grants for the Borough.

O. Make recommendations to Council with respect to the compensation of all employees under his or her supervision and jurisdiction.

P. Supervise performance and faithful execution of all contracts.

§ 32-7. Powers and duties of Mayor.

The Mayor is hereby authorized to delegate to the Borough Manager any of his or her nonlegislative and nonjudicial powers and duties.
Chapter 38

PENSION PLANS

[HISTORY: Adopted by the Borough Council of the Borough of Norwood as indicated in part histories. Amendments noted where applicable.]

GENERAL REFERENCES

Social security — See Ch. 64.
Police Department rules and regulations — See Ch. A310.

Part 1

Police Pension Fund


ARTICLE I

Creation of Fund

§ 38-1. Creation of police pension fund.

Pursuant to the authority granted to Norwood Borough (hereinafter, "the Borough") by the police pension fund Act, Act of May 25, 1956, P.L. 1804 (1955), as amended, 53 P.S. § 767 et seq., ("Act 600"), there is hereby amended and restated the Norwood Borough Police Pension Fund ("Borough police pension fund" or "the fund") for the benefit of all full-time police officers employed by the Norwood Borough Police Department.

§ 38-2. Definition.

As used in this plan, the term "policeman" means a regular, full-time, paid policeman who was appointed by the Norwood Borough Council to serve as a policeman in the Borough Police Department. The word includes such a policeman who has completed at least six months of service, regardless of whether the individual has completed his or her probationary period. Although the word "policeman" and other words of masculine gender are used in this plan, the masculine gender is used only for convenience and brevity, and the masculine gender is intended to include the feminine gender.

ARTICLE II

Funding of Police Pension Fund; Administration, Investment, Management and Distribution

§ 38-3. Compliance with Act 600.

The police pension fund shall be funded in accordance with the provisions of Act 600.

§ 38-4. Segregation of plan assets.

A. The assets which comprise the police pension fund shall be kept separate and apart from
other assets and funds of the Borough, and any proper payment or distribution from the police pension fund shall not be a charge on any other asset or fund of the Borough.

B. The assets which comprise the police pension fund shall be deemed to be assets which are held by the Borough in trust for administration, investment, management and distribution as directed by Borough Council in accordance with, and subject to, the provisions of Act 600, as well as all other applicable Pennsylvania laws.

§ 38-5. Employment of actuary and auditor.

The Borough shall employ an actuary to render the services to be provided by an actuary under the provisions of Act 600. Likewise, the Borough may employ an independent auditor.

§ 38-6. Investments.

The assets of the police pension fund shall be invested in such investments as are authorized by Act 600.

§ 38-7. Authority to administer plan.

Although the Borough may delegate to others the authority to administer, invest, manage or distribute the assets of the police pension fund, the responsibility for the funding, solvency, administration, investment, management, and actuarial soundness of the police pension fund in all its aspects cannot be delegated, and that responsibility shall always remain with the Borough and its governing body. The Borough's authority with respect to the fund shall include the ability to receive gifts, grants, devises or bequests to the fund or any money, real or personal property, or mixed.

§ 38-8. Additional audits.

In addition to any audit of the police pension fund which is made by the Pennsylvania Department of the Auditor General, the independent auditor appointed by the Borough under § 38-5 of this plan to audit the accounts and records of the police pension fund shall perform an audit at the same time and in the same manner as he audits the other accounts and records of the Borough.


Except as prohibited by the Pennsylvania Municipal Pension Plan funding Standard and Recovery Act ("Act 205"), Act of December 18, 1984, P.L. 1005, as amended, 53 P.S. § 895.101 et seq., or by a regulation, directive, opinion, or the like issued by the Pennsylvania Department of the Auditor General, the costs, charges, fees and other expenses of administering, managing and distributing the assets of the police pension fund (including the charges or fees of the actuary and the independent auditor appointed pursuant to § 38-5, a trustee or fiduciary custodian, an investment advisor, or the like) shall be paid from the fund.


The accounts, records and audit reports of the fund shall be public records within the meaning
ARTICLE III
Participation and Contributions

§ 38-11. Participation in fund.
Every policeman shall be a participant in the fund. A policeman shall join the fund by signing and filing with the Borough Secretary an agreement in a form prescribed by the Borough and containing not less than the following provisions:

A. A statement by the policeman that he joins the fund;

B. A statement by the policeman that he agrees to be bound by the provisions of all statutes, laws, ordinances, resolutions, rules and regulations pertaining to the fund;

C. A statement by the policeman that he authorizes the Borough to deduct from his actual pensionable earnings, as that term is defined in § 38-12 below, and to deposit in the fund the amount which he is required to pay into the fund as his contribution; and

D. A designation of beneficiary provision by which the policeman names, but reserves the right to revoke, the primary and contingent beneficiaries who in the event of his death are to receive any payment in refund of his contributions pursuant to Article VI.

Every policeman shall pay into the fund a monthly contribution equal to not less than 5% nor more than 8% of his total average monthly earnings. Borough Council may, on an annual basis, by ordinance or resolution, reduce or eliminate payments into the fund by policemen. Reduction or elimination of member contributions shall not permit the return of contributions or any interest or fund earnings to be made to members while actively employed as Borough police officers.

§ 38-13. Record of contribution.
The Borough shall maintain a record for each policeman which shall show the date on which each contribution of the policeman under § 38-12 was deposited into the pension fund and the amount of that contribution.

ARTICLE IV
Pension and Benefits Calculation

A. Normal retirement. A policeman may retire from the Police Department with a monthly retirement pension benefit upon completing 25 years of total consecutive service in the Police Department and attaining the age 50. Both the service and age requirements must be met in order to receive normal retirement pension benefits.

B. Credit for intervening military service. In order to satisfy the service requirement contained...
in Subsection A of this section, any Borough policeman who has been a regularly appointed Borough police officer for a period of at least six months and who thereafter shall enter into the military service of the United States shall have credited to his employment record for pension or retirement benefits all of the time spent by him in such military service, if such person returns or has heretofore returned to his employment within six months after his separation from the service.

C. Vesting. If a policeman, before meeting both the service and age requirements prescribed by Subsection A above but after having completed 12 years or more of total consecutive service in the Borough Police Department, ceases for any reason to be employed as a policeman in the Borough Police Department, he shall be entitled to vest his monthly retirement pension benefit by filing with the Borough Secretary (within 90 days after the date on which the policeman ceased to be employed as a policeman) a written notice that his monthly retirement pension benefit is to be deemed to have vested. Upon reaching the date when both the service and age requirements prescribed by Subsection A above would have been met if he had continued to be employed as a policeman, he shall receive a partial monthly retirement pension benefit determined as: 1/2 of the "average monthly earnings," as that term is utilized in § 38-15, that he was paid during the last 36 months of his service in the Police Department prior to his cessation of employment multiplied by a fraction, the numerator of which shall be the number of consecutive years he served in the Police Department prior to his cessation of employment, and the denominator of which shall be the number of consecutive years he served in the Police Department prior to his cessation of employment, plus the number of years remaining to the date when both the service and age requirements prescribed by Subsection A above would have been met if he had continued to be employed as a policeman. In no event shall the numerator of the fraction be less than 12 years, nor shall the denominator of the fraction be less than 25 years. A policeman who elects to vest his pension shall not be eligible to receive a normal retirement benefit or a refund of contributions.

D. Early retirement. An early retirement benefit shall be available to officers under the plan. This benefit will be available to a member of the police force with 20 or more years of continuous service who terminates employment prior to satisfying the age requirement for normal retirement and who files a written application for an early retirement with the Borough Manager. The early retirement benefit shall become effective on the date the application is filed with the Borough Secretary or the date designated on the application, whichever is later, and shall be the actuarial equivalent of a partial superannuation retirement benefit calculated as follows:

1. An early retirement benefit shall be determined by applying the percentage that the member's years of service bear to the years of service that the member would have rendered had the member continued to be employed until he satisfied both the age and service requirements for normal retirement to the gross pension amount calculated using the monthly average earnings during the appropriate period prior to his termination of employment.

2. The actuarial equivalent of the early retirement benefit shall be determined by actuarially reducing the early retirement benefit to reflect that it will commence on the effective date of the early retirement rather than on the date on which the member
would have satisfied both the age and service requirements for normal retirement. The actuarial reduction shall be calculated using the actuarial assumptions reported in the last actuarial valuation report filed with the Public Employee Retirement Commission under the Act of December 28, 1984 (P.L. 1005, No. 205), known as the "Municipal Pension Plan Funding Standard and Recovery Act" or "Act 205," 53 P.S. § 895.101 et seq.


A. Calculation of benefit.

(1) The monthly retirement pension benefit for a policeman retiring under Article IV shall be determined as: 50% of the average monthly earnings which he was paid during his last 36 months of service in the Police Department, subject to the fraction, if applicable, described under § 38-14C, Vesting.

(2) For the purposes of computing the average monthly earnings referenced in §§ 38-14, 38-15 and 38-21 (disability retirement), the term "earnings" shall mean and include the following: any earnings reportable as W-2 wages for federal income tax withholding purposes. The term "earnings" shall not include payments for unused vacation or personal days or sick pay paid at termination or any lump sum payment made upon termination.

B. Service increment. A policeman who retires pursuant to § 38-14A with 26 years or more of total consecutive service in the Police Department shall receive a length of service increment benefit of $20 per month for each completed year of service in excess of 25 years, up to a maximum service increment of $100 per month. This benefit shall be added to, and paid as part of, the monthly retirement pension benefit. However, although the monthly length of service benefit shall be deemed to be part of the monthly retirement pension benefit, it shall not be increased by any cost of living increase granted pursuant to § 38-18.

§ 38-16. Survivor benefits.

Upon the death of a policeman who is receiving retirement benefits or who is eligible to receive retirement benefits, including a disability pension benefit under Article V herein, the surviving spouse shall be entitled, during his or her lifetime, to receive a survivor benefit equal to 50% of the pension the policeman was receiving or would have been receiving at the time of the policeman's death. If there is no surviving spouse or if the surviving spouse subsequently dies, then the child or children of the policeman shall be entitled to receive a survivor's benefit equal to 50% of the pension which the policeman was receiving or would have been receiving had the policeman retired at the time of death. Such survivor's benefit to the child or children shall continue until the child or children reach the age of 18, or until age 23 if the child is attending college. There shall be no social security offset for survivor benefits received under this section. For purposes of this section, the phrase "attending college" shall mean being enrolled in an institution of higher learning and carrying a minimum course load of seven credits per semester.

§ 38-17. Killed in service.
In the case of an officer who is killed in the performance of police duties with the Borough, the surviving spouse of the officer shall receive a benefit of 100% of the officer's salary at the time of his or her death until the surviving spouse dies. If there is no surviving spouse or if the surviving spouse subsequently dies, then the child or children of the officer shall be entitled to receive a survivor's benefit equal to 100% of the officer's salary at the time of his or her death. Such survivor's benefit to the child or children shall continue until the child or children reach the age of 18, or until age 23 if the child is attending college. At the time at which any surviving spouse has died and any dependent children have reached age 18, or age 23 if the child is attending college, the survivor benefit shall terminate. For purposes of this section, the phrase "attending college" shall mean being enrolled in an institution of higher learning and carrying a minimum course load of seven credits per semester.


No optional form of retirement pension benefit shall be available.


If an officer should receive any federal social security payments after retirement, the Borough may take a credit against his pension benefits, providing said credit does not exceed 15% of the federal social security payments as aforesaid.

ARTICLE V
Disability Pension

§ 38-20. Eligibility.

A policeman who is injured in the line of duty with the Police Department and who then becomes, in the opinion of a physician selected by the Borough, so disabled as a result of that injury as to be incapable of continuing to perform his normal police duties permanently shall be honorably discharged from the Police Department with a monthly disability pension benefit.


A. The monthly disability pension benefit for a permanently disabled policeman shall be determined as: 65% of the officer's then salary. In the event that the officer is receiving workers' compensation benefits as the result of his permanent work-related injury or illness, the officer may keep any workers' compensation benefits up to 10% of the officer's earnings for pension purposes.

B. Any workers' compensation benefits received by the officer which are in excess of 10% of the officer's salary for pension purposes must be paid over to the Borough. In the event that an officer receives a lump-sum payment for workers' compensation, whether through an approved compromise and release or through another means, the net payment, after any attorneys' fees have been deducted, shall be divided equally with 50% going to the Borough and 50% going to the officer and with the officer also receiving the 65% disability pension benefit provided herein. If an officer who sustains a permanent work-related injury does not apply for or obtain workers' compensation benefits, then the Borough shall only be obligated to pay the disability pension benefit of 65% of the officer's then-salary.
§ 38-22. Payment of benefit.

The monthly disability pension benefit determined pursuant to § 38-21 shall be paid monthly in advance to the disabled policeman during his lifetime. No optional form of disability pension shall be available. A policeman who receives a disability pension shall not be eligible to receive a retirement pension or a refund of contributions.

ARTICLE VI
Refund of Contributions

§ 38-23. Amount of refund.

If a policeman ceases to be a member of the Police Department and is ineligible for any reason, including a non-service-related death or non-service-related permanent disability, prior to rendering 12 years of service, to receive a retirement pension under Article IV or a disability pension under Article V of the plan, the policeman shall be entitled to receive a refund of the contributions which the policeman-made to the police pension fund under § 38-12, together with interest on those contributions computed at a rate of 5% per year compounded annually for the period from the date of the first contribution which he made to the fund to the date on which he ceased to be a member of the Police Department. The amount of the refund to which the former policeman is entitled under this section shall be paid from the fund within 30 days after the policeman ceased to be a member of the department.

§ 38-24. Payment of refund.

Except in the case where the policeman ceased to be a member of the Police Department because of his death, the payment from the fund shall be made directly to the former policeman. In the case where the policeman ceased to be a member of the Police Department because of his death, the payment from the fund shall be made to the primary or contingent beneficiaries named by him in the agreement referred to in § 38-11 or, in the absence of any such beneficiaries, to his estate. Eligibility under this section shall be limited to a refund of the officer's contributions to the fund only, and any officer receiving a refund of contributions shall not be eligible to receive any additional or further benefit or payment from the fund.

§ 38-25. No refunds for normal retirement.

No payment in refund of a policeman's contributions shall be made under this section to a retiring policeman who is to receive a normal or vested retirement pension under Article IV or disability pension under Article V.

ARTICLE VII
Appeal to the Board


A policeman or a beneficiary who alleges that an official, officer, employee, agent or representative of the Borough has made a requirement, order or decision which incorrectly interprets, administers, applies or enforces a provision of this plan or a provision of Act 600 shall have the right to appeal the matter to Borough Council or its designee for a decision and shall have the right to have Borough Council or its designee hear the appeal pursuant to the provisions
of the Pennsylvania Local Agency Law, 2 Pa.C.S.A. § 101 et seq.

ARTICLE VIII
Inalienability of Benefits

To the fullest extent permitted by law, the interest of any policeman or beneficiary in the police pension fund or in any benefit payable therefrom shall not be subject to anticipation, alienation, transfer, assignment or pledge; shall not be subject to any debts or obligations of a policeman or beneficiary; shall not be subject to bank attachment, garnishment or other legal process.

ARTICLE IX
Amendment or Repeal Based Upon Statutory Amendment

To the extent that a provision of this plan is the same as or consistent with a provision of Act 600 and was mandated by the Act, it shall be subject to amendment or repeal by the Board in order to comply with amendments or repeals of provisions of Act 600. In addition, a provision of this plan may be amended or repealed by the Board if statutory authority is granted therefor or if restrictions or mandates imposed by Act 600 are removed or alleviated.

§ 38-29. Rights of retirees.
Despite anything implied to the contrary in and pursuant to Section 8 of Act 600, 53 P.S. § 774, a change in an eligibility requirement or a change in the method of determining a benefit under Article IV or V of this chapter, shall not in any way diminish the rights which a policeman serving in the Police Department prior to the effective date of the change expected to have under the requirement or expected to have in the benefit.

Part 2
Nonuniformed Employees Pension Plan

[Adopted 12-19-1988 by Ord. No. 3-88 (Ch. 15A of the 1967 Codification)]

ARTICLE X
Establishment; General Provisions

§ 38-30. Plan established; regulations; effective date.
A pension plan is hereby established for the full-time nonuniformed employees of Norwood Borough. Such plan shall be under the direction of the Borough Council and shall be applied under such regulations as the Council may prescribe. The effective date of this plan shall be January 1, 1989.

As used in this Part 2, the following terms shall have the meanings indicated:

ACTUARIAL EQUIVALENT — A benefit determined by an actuary to be equivalent in value
COMMITTEE — The persons which may be appointed to serve in an advisory capacity to the Council in the administration of the plan.

COMPENSATION — The moneys received by a participant in each and every month, including base pay and overtime (W-2 earnings). Payments made for unused vacation time will be included for computation of retirement benefits. Payments made for unused sick time will not be included for computation of retirement benefits.

CONTRIBUTION — The moneys paid by the employer to the plan and/or the payroll deductions made monthly from the compensation of the participants and paid to the plan, except that "contributions," in § 38-44, shall mean the participant's total contributions accumulated during the period of employment and participation in this plan.

COUNCIL — The governing body of the Borough of Norwood acting in the capacity of administrator of the nonuniformed employees pension plan established pursuant to this Part 2.

EMPLOYER — The Borough of Norwood.

FUTURE SERVICE LIABILITY — The value of any participant's benefits, which shall accrue by virtue of that participant's service, rendered subsequent to the enactment of this Part 2.

PARTICIPANT — Every person duly appointed from time to time by the employer as a full-time nonuniformed employee working not less than 37 scheduled hours per week with definite compensation, subject to reasonable vacations and sick leave. Current employees to be included upon date of hire. Joan A. Futty and Edna R. Murdock, both of whom were part-time employees who later became full-time nonuniformed employees, will be granted initial service dates for entry into the nonuniformed employees' pension plan as of January 6, 1984, and August 30, 1981, respectively. And, furthermore, any present or future full-time employee of the Borough of Norwood who was employed on a part-time basis by the Borough of Norwood immediately prior to becoming a full-time employee shall be granted initial service dates for entry into the nonuniformed employees' pension plan as of the date of hire to the part-time position. [Amended 9-27-1993 by Ord. No. 93-6; 2-25-2002 by Ord. No. 2002-1]

PLAN — The nonuniformed employees' pension plan established pursuant to this Part 2.

SERVICE — Total aggregate service with the employer, not necessarily continuous, beginning upon completion of a ninety-day probationary period. Service of six months or more will be counted as a full year; service of less than six months will be disregarded.

TERMINATION — The cessation of service by the participant for any reason, including death, disability, resignation and employer termination. Voluntary leaves of absence without pay shall not be considered a termination for purposes of this Part 2, but no period of such leave shall be computed in the total service for pension benefit purposes. Leaves of absence with pay shall not be considered a termination within the meaning of this Part 2, provided that the municipality is able to certify to the Department of the Auditor General that such participant on a leave of...
absence with pay is within the definition of a participant as set forth herein, but such leaves may
be computed in the total service for pension benefit purposes.

UNFUNDED LIABILITY — The present value of any participant's benefits accrued prior to the
enactment of this Part 2 by virtue of that participant's prior service.

§ 38-32. Administration.
The Council shall administer the plan by such regulations as shall from time to time be necessary
for the effective maintenance of the plan, provided that no regulation shall be contrary to the
statutes of the Commonwealth of Pennsylvania and/or applicable federal regulations.

§ 38-33. Advisory body to be appointed.
The Council shall appoint a committee which shall act as an advisory body to the Council in the
administration of the plan according to the regulations established pursuant to this chapter.

§ 38-34. Membership of advisory body; terms; vacancies; compensation.
A. The Committee shall consist of three members, which number shall include one chosen
from the Council and one chosen by a majority of the participants in the plan. The final
member of the Committee shall be neither a member of the Council nor a participant in the
plan, but shall be a citizen-at-large and shall be appointed by the Council.

B. All persons so designated shall serve at the pleasure of the Council for a three-year term,
with one member being selected each year. Any member may resign upon written notice to
the Council and the Committee. Any vacancies in the Committee arising from resignation,
death or removal shall be filled by the Council by the procedure set out herein for the
member of the Committee whose resignation, death or removal has created the vacancy.

C. The Committee shall meet not less than annually and shall serve without compensation for
their services.

§ 38-35. Conduct of advisory body's affairs; recordkeeping.
A. The Committee shall act by such procedure as the Committee shall establish, provided that
all decisions shall be by majority vote. The Committee may authorize one of its members
to execute any document or documents on behalf of the Committee, may adopt bylaws and
regulations as it deems necessary for the conduct of its affairs and may appoint such
accountants, counsel, specialists or such other personnel as it may deem desirable for the
proper administration of the plan, provided that all such executions of documents,
adoptions of bylaws and regulations and appointments shall be submitted to the Council for
approval.

B. The Committee shall keep a record of all its proceedings and acts which shall relate to the
plan and shall keep all such books of accounts, records and other data as shall be necessary
for the proper administration of the plan. All actions of the Committee shall be
communicated to the Council in a timely fashion.
§ 38-36. Payment of specialists' fees.

All such reasonable expenses incurred in the administration of the plan, including but not limited to fees for the services of specialists, including actuaries, accountants, consultants and legal counsel, shall be approved by the Council, and all may be paid from the plan, provided that no such payment shall be contrary to the statutes of the Commonwealth of Pennsylvania.

§ 38-37. Liability of Council and advisory body.

No member of the Council or the Committee established pursuant to this chapter shall incur any liability for any action or failure to act, excepting only liability for its own gross negligence or willful misconduct. The employer shall indemnify each member of the Council and the Committee against any and all claims, loss, damages, expense and liability arising from any action or failure to act, except for such that is the result of gross negligence or willful misconduct of such member.

ARTICLE XI

Eligibility; Benefits

§ 38-38. Eligibility for normal retirement; mandatory retirement.

A. A participant in the plan may retire from active employment on the first day of the month following the attainment of age 65, provided that the participant has completed eight or more years of service with the employer. Participants hired after December 31, 1988, may retire after he/she has attained the age of 65 years and has completed 20 years of service, whichever comes later.

B. A participant shall retire on the first day of the month following the attainment of age 70.


A. A participant may retire on the first day of the month following the attainment of age 60, provided that the participant has completed 17 or more years of service.

B. A participant who is eligible for early retirement benefits shall receive either of the following:

1. A monthly pension equal to the participant's accrued benefit as of his/her early retirement date, commencing on or after his/her early retirement date, reduced by 1/180 for each of the first 60 calendar months by which the commencement of the participant's benefit precedes his/her normal retirement date; or

2. A deferred unreduced monthly pension equal to the participant's accrued benefit as of his/her early retirement date, with payment commencing at his/her normal retirement date.


A. Normal retirement benefit. A participant who shall complete the age and service requirements as set forth in § 38-38 shall receive a pension for life, payable in equal
monthly installments in an amount to be computed by applying one-percent credit for all years of past and future service (maximum 30 years) times the average monthly compensation for the 24 months immediately preceding the participant's retirement.

B. Fifty-percent retirement benefit. In the event of a non-service-connected death of an employee who is receiving a pension or disability benefit or who had qualified for retirement pension benefits but had not yet retired, the deceased employee's widow or widower shall be entitled, during his/her lifetime, or as long as she/he does not remarry, to receive a pension equal to 50% of the pension the employee was receiving or would have been receiving had he/she been retired or disabled at the time of his/her death. If no widow or widower survives or if she/he survives and subsequently dies or remarries, then any surviving child or children of the deceased member under the age of 18 years shall be entitled to receive a pension equal to 50% of the pension the employee was receiving or would have been entitled to receive, until such child or children reach the age of 18. If the widow or widower of the employee is more than seven years younger than the employee, the benefit paid to the widow or widower shall be actuarially reduced such that the value of the payments expected to be paid to the widow or widower is the same as the payment that would be made to a widow or widower if she/he were seven years younger than the employee.


In lieu of the retirement benefits contained herein, a participant may elect, in writing, an actuarial equivalent form of benefit as may be provided for by regulation; provided that no such equivalent benefit may have the effect of providing a lump sum amount of money (with the exception as noted below), or provide for a pension for a period less than life, or provide for a pension less than the amount herein established, unless such amount is reduced to pay the cost of an additional benefit such as a one-hundred-twenty-month certain and continuous annuity. If a certain and continuous annuity is chosen, the designated beneficiary of payments to be made after the participant's death (or the participant's estate if no living designated beneficiary exists) may elect to receive the actuarial equivalent of the remaining payments in a lump sum.

§ 38-42. Designation and change of beneficiaries.

A. Each participant shall have the right to name the beneficiary or beneficiaries for preretirement death benefits incidental to policies of insurance purchased primarily to fund the participant's pension, provided that the ownership of such policies shall remain in the plan and shall be endorsed to prevent the assignment of ownership to the insured. If the participant shall fail to name a beneficiary or beneficiaries, such benefits as would have accrued to the participant's beneficiary or beneficiaries shall be paid to the participant's estate.

B. Each participant may from time to time change the beneficiary or beneficiaries in such form and in such manner as shall be prescribed by the Council and following such procedure as may be required by the insurance company.

C. Fifty-percent retirement benefit. In the event of a non-service-connected death of an
employee who is receiving a pension or disability benefit or who had qualified for retirement pension benefits but had not yet retired, the deceased employee's widow or widower shall be entitled, during his/her lifetime, or as long as she/he does not remarry, to receive a pension equal to 50% of the pension the employee was receiving or would have been receiving had he/she been retired or disabled at the time of his/her death. If no widow or widower survives or if she/he survives and subsequently dies or remarries, then any surviving child or children of the deceased member under the age of 18 years shall be entitled to receive a pension equal to 50% of the pension the employee was receiving or would have been entitled to receive, until such child or children reach the age of 18. If the widow or widower of the employee is more than seven years younger than the employee, the benefit paid to the widow or widower shall be actuarially reduced such that the value of the payments expected to be paid to the widow or widower is the same as the payment that would be made to a widow or widower if she/he were seven years younger than the employee. [Added 11-28-1994 by Ord. No. 94-4]

§ 38-43. Vested benefits.

A. A vested deferred monthly benefit shall be provided for any participant whose termination date occurs prior to that participant's normal retirement date, provided that the participant shall have notified the employer of such intention to vest within 90 days of the participant's date of termination. Such vested deferred monthly benefit shall be based on the participant's completed years of service as of the termination date.

B. Current plan participants will become 100% vested upon the completion of seven years of service. Future plan participants will vest as per the schedule below:

<table>
<thead>
<tr>
<th>Years of Service</th>
<th>Vested Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>10</td>
<td>50%</td>
</tr>
<tr>
<td>11</td>
<td>60%</td>
</tr>
<tr>
<td>12</td>
<td>70%</td>
</tr>
<tr>
<td>13</td>
<td>80%</td>
</tr>
<tr>
<td>14</td>
<td>90%</td>
</tr>
<tr>
<td>15</td>
<td>100%</td>
</tr>
</tbody>
</table>

C. Such vested deferred monthly benefit shall be funded through the purchase of a single premium, deferred annuity, which shall provide for the monthly benefit to be paid to the participant upon attainment of that participant's normal retirement age as set forth in this chapter.

D. Preretirement death benefit. Each terminated vested participant shall qualify for a preretirement death benefit equal to the actuarial equivalent of his/her vested benefit. Said actuarial equivalent shall be paid in equal monthly installments to the participant's named beneficiary or to the estate, if the participant has failed to name a beneficiary, over a ten-year period. [Added 1-22-1990 by Ord. No. 4-90]

§ 38-44. Termination of and return to service.

A. If for any reason a participant shall terminate service with the employer prior to becoming
vested, that participant shall be entitled to a refund of that participant's contributions, plus interest at a rate of 6% compounded interest. Such interest shall be uniform for all participants.

B. If a participant shall subsequently return to service and return to the plan the contributions, plus interest, which were refunded to that participant upon termination, the participant shall be entitled to credit for the prior years of service to the extent of the return of contributions.

C. Nothing in this chapter shall be construed to allow credit for service not actually given to the employer, except as specifically provided in § 38-51.

§ 38-45. Nonalienation of benefits and vesting.

A. No benefit under the plan shall be subject in any manner to anticipation, alienation, sale, transfer, assignment, pledge, encumbrance or charge. Nor shall any such benefits be in any manner liable for or subject to garnishment, attachment, execution, levy or other legal process.

B. Further, all benefits granted herein shall vest in the participant upon completion of the requirements for eligibility, and that participant's benefits shall continue in the amount and in the form in which that participant first became entitled to them.

ARTICLE XII
Plan Assets and Contributions

§ 38-46. Employer contributions.

A. It shall be the liability of the employer to fund the past service liability, as determined by the actuary, provided that such liability may be funded over a period not to exceed 30 years, such period commencing with the passage of this Part 2.

B. It shall be the liability of the employer to fund for the future service cost of the plan.

C. It shall be the responsibility of the employer to maintain the actuarial soundness of the plan.

D. Contributions to the plan paid by the employer shall be at an amount determined by an annual actuarial study, which study shall be completed on a calendar-year basis.

§ 38-47. Participants' contributions.

A. Contributions to the plan paid by the participants shall be at the rate of 2% of monthly compensation.

B. Contributions to the plan paid by the participants may be reduced or eliminated if a current actuarial study indicates that such reduction or elimination for that year will not adversely affect the actuarial soundness of the plan. Should the current actuarial study so indicate, the reduction or elimination of contributions by the participants shall be effected by resolution and shall be effective for one calendar year only.

C. No such reduction or elimination of contributions by the participants shall result in
increasing the liability of the employer to the plan.


The payments made by the State Treasurer to the employer from the moneys received from the taxes paid on the premiums of foreign casualty insurance companies for purposes of retirement or disability benefit pensions for municipal employees shall be used as follows:

A. To reduce the unfunded liability or after such liability is funded.

B. To apply against the annual obligation of the employer for future service cost or to the extent that the payments may be in excess of such obligation.

C. To reduce or eliminate the contributions paid by the participants.

§ 38-49. Allocation of existing plan assets.

Any assets of any existing pension plans for the nonuniformed employees of the Borough are hereby transferred to the plan established pursuant to this Part 2 and shall be applied against the unfunded liability.


All other moneys and property received by the plan, including gifts, bequests, devises and grants, shall be applied against the employer portion of the future service cost, unless otherwise specifically provided.

§ 38-51. Credit for military service.

Any participant in the plan with at least six months of service with the employer who thereafter shall enter the military service of the United States of America shall have credited to that participant's service record, for pension benefit purposes, all of the time spent by the participant in such military service, provided that the participant returns to service with the employer within six months after said participant's separation from such military service.

§ 38-52. Termination of the plan.

Upon termination of the plan, the assets shall be distributed as follows:

A. Sufficient funds shall be maintained to provide the pension benefits prescribed in §§ 38-38 through 38-45 for all participants who have retired prior to the termination of the plan or who are eligible to retire at the time of the termination of the plan.

B. Sufficient funds shall be maintained to provide the vested pension benefits prescribed in §§ 38-38 through 38-45 for all participants who are eligible for such benefits.

C. Of the remaining funds, those which can be identified as contributions of the employees and employer shall be distributed as the Council sees fit, provided that such distribution is made on a uniform basis.

D. All funds in excess of the funds described in Subsections A, B and C above shall be
returned to the commonwealth as unused funds.

§ 38-53. Participant's rights and municipality's right to terminate.

A. Neither the establishment of the plan hereby created, nor any modification thereof, nor the creation of any fund or account, nor the payment of any benefits shall be construed as giving to any participant or other person any legal or equitable right against the employer, or any officer or employee thereof, or the Council, except as herein provided.

B. Under no circumstances shall the plan hereby created constitute a contract for continuing employment for any participant or in any manner obligate the employer to continue or to discontinue the services of an employee.

C. This plan has been established and shall be maintained by the employer in accordance with the laws of the Commonwealth of Pennsylvania. The plan shall continue for such period as may be required by such laws, provided that the employer may, by its own action, discontinue this plan should such laws provide, and the employer reserves the right to take such action in its sole and absolute discretion. Upon termination, the employer shall have no liability hereunder other than that imposed by law.

§ 38-54. Investments.

A. All investments by the Council of the assets of this plan shall comply with such regulations as the Council shall establish for the purpose of investing such funds.

B. The Council may also purchase retirement annuities or retirement income endowment policies, or a combination of both, which provide a cash value with which to fund pensions, provided that the Council shall determine the value of any policies purchased, the company with which the contracts shall be made and the time to purchase such policies. The Council shall also have the obligation to ensure that the policies purchased provide benefits on a uniform scale and that such policies are endorsed to the ownership of the plan.

§ 38-55. Amendment of plan.

The Council reserves the right to amend at any time, in whole or in part, any or all of the provisions of the plan, provided that no such amendment shall authorize or permit any part of the plan to be used or diverted to purposes other than for the exclusive benefit of the participants, their beneficiaries or their estates. Nor shall any amendment divest a participant of benefits vested by the provisions of §§ 38-38 through 38-45. All such amendments shall comply with the applicable statutes of the Commonwealth of Pennsylvania.

§ 38-56. Construal of plan.

A. This plan shall be constructed according to the laws of the Commonwealth of Pennsylvania, and all provisions hereof shall be administered according to the laws of such commonwealth.

B. Wherever any words are used herein in the masculine gender, they shall be construed as though they were also used in the feminine gender in all cases where they would so apply; and wherever any words are used herein in the singular form, they shall be construed as
though they were also used in the plural form in all cases where they would so apply.

C. Headings of sections and subsections of this instrument are inserted for convenience of reference. They constitute no part of this plan and are not to be considered in the construction thereof.

§ 38-57. Repealer.

This Part 2 repeals all other ordinances and/or resolutions prior to the date of its enactment, which documents established, maintained, governed or regulated a pension plan for the nonuniformed employees of the Borough of Norwood, Delaware County, Pennsylvania.
Chapter 43

PLANNING COMMISSION

[HISTORY: Adopted by the Borough Council of the Borough of Norwood 3-19-1969 by Ord. No. 512. (Ch. 16 of the 1967 Codification). Amendments noted where applicable.]

GENERAL REFERENCES

Zoning — See Ch. 300.

§ 43-1. Repealer.

Ordinance No. 507, enacted and ordained on the 17th day of July 1968, is hereby rescinded, and the Planning Commission established under and by virtue of Ordinance No. 507 is hereby abolished.

§ 43-2. Creation.

Pursuant to Act No. 247 of the General Assembly of the Commonwealth of Pennsylvania, approved on July 31, 1968, there is hereby created a Planning Commission for the Borough of Norwood.


Said Planning Commission shall consist of seven members, who shall be appointed to said Commission by Borough Council.

§ 43-4. Terms of office; vacancy.

Except for the initial appointments made pursuant to this chapter, the term of each member of the Commission shall be for four years, or until his successor is appointed and qualified. Any vacancy arising during an unexpired term shall be filled by Borough Council for the balance of the unexpired term.


The initial appointments to the Planning Commission shall be made by Borough Council as follows:

Two members shall be appointed for terms of one year each. Two members shall be appointed for terms of two years each. Two members shall be appointed for terms of three years each. Three members shall be appointed for terms of four years each.

¹. Editor’s Note: This ordinance also provided a procedure for the reduction in membership from nine to seven members by not filling the expired terms of two members.
§ 43-6. **Powers and duties.**

The powers and duties of the Planning Commission of the Borough of Norwood shall be such as are given it by Act No. 247 of the General Assembly of the Commonwealth of Pennsylvania, approved July 31, 1968, and by any other statutes of the Commonwealth of Pennsylvania, and by the duly adopted ordinances of the Borough of Norwood, and by any amendments to said statutes and ordinances.

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2. Editor’s Note: See 53 P.S. § 10101 et seq.
Chapter 50

RECREATION BOARD

[HISTORY: Adopted by the Borough Council of the Borough of Norwood 2-10-1965 by Ord. No. 465 (Ch. 19 of the 1967 Codification). Amendments noted where applicable.]

§ 50-1. Board established.

There is hereby established in the Borough of Norwood a Recreation Board, which shall perform the duties and responsibilities as prescribed for said Recreation Board in the Borough Code.


The members of said Recreation Board shall hereafter be appointed by the Borough Council in accordance with the provisions of the Borough Code.
Chapter 56

SALARIES AND COMPENSATION

[HISTORY: Adopted by the Borough Council of the Borough of Norwood as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Borough Council — See Ch. 15.
Social security — See Ch. 64.

ARTICLE I

Mayor and Council

[Adopted 12-29-1983 by Ord. No. 5-83 (Ch. 6 of the 1967 Codification)]

§ 56-1. Repealer.

Ordinance No. 562, passed December 19, 1973, providing for the compensation of the Mayor, President of Council, and all other Council members, is hereby repealed.1


Notwithstanding any state law which may increase the salaries of the Mayor, President of Council and other Council members, elected or appointed, during the pendency of this article, above and beyond the compensation set in § 1001 of the Borough Code,2 beginning on the first day of January 1992, the salary of the Mayor, the President of Council and other Council members, elected or appointed, shall be the maximum amount permitted as the General Assembly may from time to time determine, except as restricted by the provisions of § 1001 of the Borough Code, as amended.3

1. Editor's Note: Ordinance No. 562 comprised original Ch. 6, Compensation of Mayor and Council.
2. Editor's Note: See 53 P.S. § 46001.
3. Editor's Note: See 53 P.S. § 46001.
Chapter 59

SEAL

[HISTORY: Adopted by the Borough Council of the Borough of Norwood 3-2-1894 by Ord. No. 6 (Ch. 20 of the 1967 Codification). Amendments noted where applicable.]

§ 59-1. Description of seal.

The Mayor and Borough Council of the Borough of Norwood have ordained that the common or corporate Seal of the Borough of Norwood shall consist of a circular impression or seal having in the center thereof the head and face of an Indian, with the words "Incorporated 1893" under it, and having in a circle about the margin the words "Borough of Norwood, Delaware County, Pa."
Chapter 64

SOCIAL SECURITY

[HISTORY: Adopted by the Borough Council of the Borough of Norwood 9-11-1953 by Ord. No. 3371 (Ch. 21 of the 1967 Codification). Amendments noted where applicable.]

GENERAL REFERENCES

Pension plans — See Ch. 38.
Salaries and compensation — See Ch. 56.

§ 64-1. Authorization to effect coverage of employees and officers.

The Borough of Norwood is hereby authorized to execute and deliver to the state agency a plan or plans and agreement required under Section 6 of said enabling act and the Social Security Act, to extend coverage to employees and officers of said Borough of Norwood and do all other necessary things to effect coverage of employees and officers under the Old Age and Survivors' Insurance System.


The Secretary is hereby authorized to establish a system of payroll deduction to be matched by payments of the Borough of Norwood, to be made into the Contribution Fund of the Social Security Act through the office of the state agency, and to make charges of this tax to the fund or funds from which wage or salary payments are issued to employees of the Borough of Norwood. Such payments are to be made in accordance with the provisions of the law and regulations promulgated by the state agency and the Federal Security Administrator. Such payments which are delinquent shall bear interest at the rate of 1/2 of 1% per month until such time as payments are made.

§ 64-3. Appropriation of funds; agreement, commencement.

Appropriation is hereby made from the proper fund or funds of the Borough of Norwood in the necessary amount to pay into the contribution fund as provided in Section 4 of the enabling act and in accordance with the plan or plans and agreement. Authority is given to the Mayor and the Secretary of the Borough of Norwood to enter into an agreement with the state agency, which agreement shall be in accordance with Act No. 4912 and with Paragraph 218 of the Social

1. Editor's Note: The preamble for this ordinance is as follows: "Whereas, the Borough of Norwood is of the opinion that the extension of the Social Security System to its employees and officers will be of benefit not only to them, by providing that they may participate in the provisions of the Old Age and Survivors' Insurance System, but will also be of benefit to the said Borough by enabling it to attract and retain in employment the best of personnel and thus increase the efficiency of its government; and Whereas, the 1951 Session of the General Assembly of the Commonwealth of Pennsylvania enacted a statute known as Act No. 491, which is the enabling act provided for in Section 218 of Public Law 734, 81st Congress, which designated the Secretary of Labor and Industry of the Commonwealth of Pennsylvania to act as the state agency in implementing the coverage of employees and officers under the said Old Age and Survivors' Insurance System."

2. Editor's Note: See 65 P.S.§ 201 et seq.
Security Act. Such plan and agreement shall provide that the participation of this Borough shall commence as of January 1, 1953.

Chapter 80

ALARMS AND WARNING SYSTEMS

§ 80-1. Title.

This chapter shall be known as the "Alarm and Warning System Ordinance."

§ 80-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicted.

ALARM SYSTEM — Any assembly of equipment, mechanical or electrical, arranged to signal the occurrence of an illegal entry, fire, smoke and/or similar-type emergency or other activity requiring urgent attention and to which the Borough of Norwood emergency services, police, fire and/or ambulance are expected to respond.

ALARM USER — Any person, firm, business or corporation of any kind in control of the premises wherein the alarm system is maintained.

FALSE ALARM — Any alarm system activated by inadvertence, negligence or unintentional acts to which the Borough of Norwood Emergency Services respond, including malfunction of the alarm system; or any other kind of direct or indirect signal given to the Borough of Norwood Police Department, County of Delaware 911 Emergency Dispatch System and/or the Borough of Norwood Fire Company or to any of the various ambulance services associated thereto to which police and/or fire fighters and/or emergency medical personnel respond, which is not the result of a robbery, burglary, intrusion, smoke, fire or similar emergency. Alarm activation caused by electrical failures beyond the control of the owners of the structure protected, electrical storms or acts of God shall not be considered false alarms.

§ 80-3. Disconnect devices required for audible alarms.

All alarm users with an alarm system using an audible alarm shall equip such system with a timing mechanism that will disengage the alarm for a maximum period of 15 minutes. Such audible alarm must remain disconnected until it can be manually reset. It is the specific intent of the section to prevent an audible alarm automatically resetting.

§ 80-4. Alarm users to obtain operation information.
Every alarm user shall be responsible to obtain information to enable the user to operate the alarm system properly and to locate and obtain service for the alarm system.

§ 80-5. **Alarm service fee.**

Unless waived by the Borough Secretary as a first offense, an alarm service fee of $25 per false alarm shall be charged against all alarm users that either knowingly or unknowingly cause a false alarm to be received by the Borough of Norwood Emergency Services, which include the Borough of Norwood Police Department and/or the Borough of Norwood Fire Company, or the County of Delaware 911 Emergency Dispatch and any of the associated ambulance services thereto to which police and/or fire fighters and emergency medical personnel respond, which is not the result of a robbery, burglary, intrusion, fire or similar emergency, for the first offense; an alarm service fee of $25 for the second offense; and an alarm service fee of $50 for the third offense; and an alarm service fee of $100 for each offense thereafter. Each daily occurrence of the same offense shall be considered as a new expense and chargeable as such. All false alarm service fees are payable to the Borough of Norwood and shall be made within 10 days of the notice of charge.

§ 80-6. **Violations and penalties.**

Any alarm user who violates any provision of this chapter and does not timely pay to the Borough of Norwood the alarm service fee(s) assessed as required herein or any alarm user who violates any provisions of this chapter shall be guilty of a violation of this chapter and shall, upon conviction before the Magisterial District Judge, be subject to pay a fine of no less than $100 and not more than $1,000, plus the payment to the Borough of Norwood of the assessed and charged alarm service fee(s), plus costs of prosecution.
Chapter 85

ALCOHOLIC BEVERAGES

[HISTORY: Adopted by the Borough Council of the Borough of Norwood 11-21-1979 by Ord. No. 607 (Ch. 27 of the 1967 Codification). Amendments noted where applicable.]

GENERAL REFERENCES

Peace and good order — See Ch. 215.

§ 85-1.  Definitions.

For the purposes of this chapter, the following definitions shall apply:

ALCOHOL — Ethyl alcohol of any degree or proof originally produced by the distillation of any fermented liquid, whether rectified or diluted with or without water, whatever may be the origin thereof, and shall include synthetic ethyl alcohol, but shall not mean or include ethyl alcohol, whether or not diluted, that has been denatured or otherwise rendered unfit for beverage purposes.

PERSON — Includes any individual, whether a resident or nonresident of the Borough of Norwood, and whether male or female.

PUBLIC PROPERTY — Includes all property owned by the Borough of Norwood.

PUBLIC WAY OR PLACE — Every way or place, in whatever nature, located within the Borough of Norwood, open to the use of the public as a matter of right for the purposes of vehicular or pedestrian travel.

§ 85-2.  Consumption in public places unlawful.

It shall be unlawful for any person to willfully consume, in or upon public ways, parks, places or property within the Borough of Norwood any beverage containing any percentage of alcohol whatsoever.


The possession of an open container containing a beverage with any percentage of alcohol whatsoever, in and upon the public ways, parks, places or property of the Borough of Norwood, shall be prima facie evidence of consumption of such beverage in violation of this chapter.


Any person or persons violations the provisions of this chapter shall be punishable, upon conviction, as indicated in Chapter 1, General Provisions, Article I, General Penalty, of this Code.
Chapter 90
ANIMALS

[HISTORY: Adopted by the Borough Council of the Borough of Norwood as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES
Health code — See Ch. 178.
Trapping — See Ch. 278.

ARTICLE I
Running at Large Prohibited
[ Adopted 1-16-1894 by Ord. No. 3 (Ch. 28, Art. II, of the 1967 Codification)]

§ 90-1. Running at large prohibited; seizure.

It shall not be lawful to permit any horses, cattle, sheep or swine to run at large or to pasture upon any public road, street or alley of the Borough, and it shall be the duty of the Health Officer to seize any such animals so running at large or pasturing and to remove the same to some safe enclosure for safekeeping until redeemed or sold as hereinafter provided for.

§ 90-2. Redemption or sale.

If said animals shall not be redeemed by the owner within five days after such seizure, it shall be the duty of the Health Officer to cause the same to be sold at public sale for the benefit of the Borough, first giving at least three days' notice of such sale by handbills posted in six of the most public places of the Borough, and the net proceeds of said sale, after deducting charges and expenses, shall be paid into the Borough treasury.

§ 90-3. Expense of redemption.

The owner of any animal so seized shall have the right of redeeming the same at any time before sale upon the payment of all charges and expenses incurred in the seizure and keeping thereof, to the Health Officer, together with a fine not to exceed $100, which shall be paid into the Borough treasury.

§ 90-4. Redemption after sale.

If the owner of any animal sold as hereinbefore provided shall appear before the Mayor within one year of the sale and shall make affidavit that he is the owner and that he had no notice of the seizure prior to the sale, the net proceeds of such sale, after deducting the fines, charges and expenses aforesaid, shall be paid over to such owner.

§ 90-5. Disputes as to expenses and charges.

All disputes as to reasonableness of the expenses and charges hereinbefore provided for shall be
referred to the Mayor, and his decision thereon shall be final.

Any person or persons violations the provisions of this article shall be punishable, upon conviction, as indicated in Chapter 1, General Provisions, Article I, General Penalty, of this Code.

ARTICLE II
Keeping of Hogs
[Adopted 8-13-1931 by Ord. No. 248 (Ch. 28, Art. I, of the 1967 Codification)]

From and after the enactment of this article, it shall be unlawful to keep or maintain hogs, hogpens or pigsties within the limits of the Borough of Norwood.

§ 90-8. Nuisance declared; abatement.
The keeping of hogs, hogpens or pigsties within the limits of the Borough of Norwood is hereby declared to be a public nuisance and shall be abated by the proper Borough authorities in the manner now provided by law for the abatement of nuisances.

If any person or corporation shall keep or maintain hogs, hogpens or pigsties within said Borough, the Health Officer of the Borough shall cause a written notice to be served upon the owner of the premises on which the same are kept, directing him to remove and to restore the ground on which they were kept to its original condition within five days from the date of service of such notice. If the owner is not a resident of the Borough, said notice shall be served upon the tenant or occupier of the buildings on said premises, or if there is no tenant or occupier, then by affixing such notice to the premises.

§ 90-10. Violations and penalties. [Added 8-22-1988 by Ord. No. 2-88]
Any person or persons violations the provisions of this article shall be punishable, upon conviction, as indicated in Chapter 1, General Provisions, Article I, General Penalty, of this Code.

ARTICLE III
Care and Custody; Dog Catcher
[Adopted 7-20-1951 by Ord. No. 321 (Ch. 40, Art. I, of the 1967 Codification)]

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

ANIMAL — Any living creature which is not a person, including but not limited to any pet, dog, cat, fowl, hamster, guinea pig, mouse or reptile.

OWNER — When applied to the proprietorship of a dog, cat, fowl, reptile or any other animals,
includes every person having title to such dog, cat, fowl, reptile or any other animal, and also to every person who keeps or harbors a dog, cat, fowl, reptile or any other animal or has it in his possession, care or custody, and to every person who permits a dog, cat, fowl, reptile or any other animal to remain on, in or about any premises occupied by him.

PIT BULLS — Includes any of the following breeds of dogs: Staffordshire terrier, American pit bull, pit bull and any dog that fits into the above American Kennel definitions, dogs displaying the majority of traits of any of the above breeds and any dog bred for fighting.

RUNNING AT LARGE — The presence of any animal upon any public highway street, alley, park or any other public land, or upon property of another person other than the owner, without being under the control of the owner or other person having custody of said animal.


A. Hereafter it shall be unlawful for the owner of any animal, at any time whatsoever, to permit such animal to run at large or to cause any damage to any buildings, lawns, shrubbery or any other real or personal property, or to cause any annoyance to persons in the Borough of Norwood, or to tie or fasten any animal in any public place or street in the Borough for any purpose.

B. When the presence of an animal inside an enclosed building or structure causes any noise to be heard or odor to be detected inside another enclosed building or structure, such noise or odor is hereby declared to be a public nuisance and shall be abated by the proper Borough authorities in the manner now provided by law for the abatement of nuisances.

C. No person shall own, keep or harbor any animal within the Borough of Norwood unless such animal is licensed.

D. Upon complying with the provisions regarding licensing of animals, every owner is required to see that the current license tag is securely fastened to the animal's chain, collar or harness, which must be worn by the animal at all times, unless the animal, accompanied by the owner, is engaged in hunting or other sport where a collar might endanger the animal's safety.

E. Every person living in the Borough of Norwood owning or keeping a dog or cat over three months of age shall cause that dog or cat to be vaccinated against rabies. The rabies vaccine shall be administered by a licensed veterinarian or under the supervision of a licensed veterinarian. The Borough of Norwood shall recognize the three-year rabies vaccine as the vaccine to be used. Those animals vaccinated after one year of age shall get booster vaccinations every three years thereafter. Those animals vaccinated prior to one year of age will be considered protected for only one year and shall receive a booster vaccination one year later on the anniversary date of the original vaccination and shall be vaccinated every three years thereafter. Every licensed veterinarian who vaccinates a dog or cat against rabies shall issue a vaccination certificate and tag to the owner. Information contained in rabies vaccination records shall not be used for the purpose of licensing animals or for taxation of individuals for owning animals. Every person living in the Borough of Norwood owning or keeping a dog or cat must be able to show proof of vaccination at any time upon the request of the Norwood Borough Police Department or
other duly authorized agent of the Borough of Norwood.

F. The number of dogs, cats, snakes, ducks, fowl and other animals permitted to be maintained in any one dwelling unit shall be limited to three of any one type of animal listed herein and a total of five of any of the animals described herein in combination.

§ 90-13. Dog Catcher appointed. 1

The Mayor or Borough Council of the Borough of Norwood shall appoint an officer to be known as Borough Dog Catcher. It shall be the duty of said officer to enforce this article, to institute prosecutions for violations thereof in the name of the Borough and to carry out all of the provisions of this article, including the care and custody of any dogs running at large in violation hereof and their destruction.


A. The Borough Dog Catcher is hereby authorized and directed to seize any dog running at large within the Borough of Norwood. If it shall appear dangerous to seize said dog without the use of force, then the Dog Catcher be and is hereby authorized to use such force as shall be necessary to seize said dog and to protect himself; and if in the use of force, under the circumstances, the dog shall be killed, the Dog Catcher shall not be held responsible or liable for the death of said animal. In the use of force, the Dog Catcher shall not endanger any person or property and the Dog Catcher shall not use or discharge any firearms. If the use of a firearm should be necessary, then the Dog Catcher shall call upon the Borough police for assistance, and it shall be the duty of the police to render assistance under such circumstances.

B. The Dog Catcher shall carefully note the date and the time of the seizure or destruction of any dog and the place of its seizure or destruction, and shall attempt to ascertain the name and address of the owner of the dog.

C. In the case of seizure, the Dog Catcher shall hold said dog in custody in a place to be approved by the Police Committee of the Borough Council. Said place of custody shall be adequate in size for said dog and shall be kept clean and sanitary, and the Dog Catcher shall feed any dog seized with good and wholesome food and shall keep plenty of fresh water available.

D. If there is no report, evidence or indication that any dog seized has bitten any person or animal or is suffering the disease of rabies, then any dog seized shall be held in custody by the Dog Catcher for a minimum period of 72 hours, to be computed from the time the dog is placed in the place of custody. During said minimum period of 72 hours, the Dog Catcher shall deliver custody of said dog to its owner upon proof of the right to have custody and upon payment of a fee in such amount as shall be set from time to time by resolution of the Borough Council and upon payment of the cost of maintenance of said dog, which shall be set forth in a schedule to be set by the Police Committee and posted in the place where the dog is held. During the period of 72 hours, the Dog Catcher shall attempt to ascertain the ownership of the dog by reference to license records if the dog

1. Editor's Note: See § 15-1, which provides for the appointment of the Dog Catcher by the Borough Council.
appears to be licensed. Also, if there shall be any fine and penalty imposed on the owner of the dog as the result of any prosecution hereunder, then the owner shall exhibit proof to the Dog Catcher that the fine and costs have been paid in full before the dog shall be delivered to its owner. If the dog is not reclaimed by the owner at the expiration of the minimum period of 72 hours, then it shall be the duty of the Dog Catcher to cause the dog to be killed in a merciful manner and its body disposed of in a sanitary manner, and a careful record to be made of the date, time, place and manner of its destruction and of the disposal of its body. Nothing herein shall require that an unlicensed dog be maintained in custody for any period. [Amended 9-20-1972 by Ord. No. 5462]

E. If there is any report, evidence or indication that any dog seized has bitten any person or animal, or if there is any basis to suspect that any dog seized may have the disease of rabies, then the Dog Catcher shall keep custody of the dog under close quarantine for a period of not less than 10 days, during which time he shall make frequent and close observation of the dog for rabies. If there are any indications that the dog has rabies, then the Dog Catcher shall cause the dog to be examined by a licensed veterinarian who shall be designated for that purpose by the Borough Council. If, in the opinion of the veterinarian, the dog has rabies, then the dog shall be killed and its head shall be forwarded to a proper testing laboratory for microscopic examination; and if it shall be determined that the dog was suffering from rabies, then any person bitten or who was suspected of having been bitten shall be immediately warned and advised to take the Pasteur treatments; provided, however, that it shall not be the obligation of the Borough to pay for said treatments. Any dog or other animal suspected of having been bitten by a rabid dog shall be taken into the custody of the Dog Catcher and shall be held by him in custody for a minimum period of 10 days, subject to the same investigation by the Dog Catcher and/or veterinarian for clinical symptoms of rabies; and if rabies develops, then said dog or animal shall be killed and its head shall be forwarded for microscopic examination. If any dog held for quarantine shall not develop rabies at the expiration of the quarantine period, the dog may be reclaimed by its owner upon payment of a fee in such amount as shall be set from time to time by resolution of the Borough Council, plus the cost of maintenance of said dog for the quarantine period; and if said dog is not reclaimed at the expiration of said quarantine period, it shall be killed as hereinbefore set forth, with record made and report rendered. Nothing herein shall require that an unlicensed dog be maintained in custody for any period. [Amended 9-20-1972 by Ord. No. 5463]

F. In any case where a dog was killed at the time of its capture by the Dog Catcher and there was any evidence, indication or report that the dog was diseased, the head shall be forwarded to a laboratory for microscopic examination; and if the examination discloses that the dog was rabid, then due notice of said fact shall be given to the people of Norwood through the Norwood Borough Police Department.

§ 90-15. Complete reports of seizures and examinations.
It shall be the duty of the Dog Catcher to keep full records and to render complete reports of all
seizures of dogs, together with a statement of the date, time and place of seizure and of all destruction of dogs, together with the date, time and place and manner of destruction. The Dog Catcher shall likewise keep a full report of all examinations of all dogs who have bitten any person or animal and who are otherwise suspected of having rabies. All such reports shall be made monthly to the Borough Secretary in time for presentation to the Borough Council at the regular monthly meeting of the Borough Council.

§ 90-16. Records of moneys collected; submission of bills.

It shall be the duty of the Dog Catcher to keep full and complete records of the proceeds of all moneys received for the return of dogs to the owners, and he shall remit all of said proceeds, together with a full and complete report thereof, to the Borough Secretary in time for presentation to Borough Council at its scheduled regular monthly meeting. Any bills that the Dog Catcher shall have for the care and custody of dogs shall be submitted likewise for presentation to Borough Council at its regularly scheduled monthly meeting.


The Borough of Norwood and a suitable person designated by Borough Council shall enter into a contract whereby the Borough of Norwood shall employ said person as Dog Catcher.

§ 90-18. Reports to the Chief of Police.

It shall be the duty of the Dog Catcher to report to the Chief of Police of the Borough of Norwood on each visit to the Borough, and to advise him of the number of dogs caught on said visit; and he shall also be subject to special call by the Chief of Police or the Mayor in the event of any emergency in connection with any dog running at large.

§ 90-19. Applicability.

This article shall be construed to apply to all dogs, whether they shall be licensed or unlicensed, and it shall not be the duty of the Borough Dog Catcher to enforce the terms of any state law. The Borough Dog Catcher shall not be construed to be a police officer of the Borough of Norwood or to have police powers in connection with his office.


Any person who shall interfere with the Dog Catcher in the performance of his duties under this article or who shall attempt to prevent him from seizing or capturing any dog or who shall attempt to liberate any dog in the custody and possession of the Dog Catcher shall be punishable, upon conviction, as indicated in Chapter I, General Provisions, Article I, General Penalty, of this Code.

§ 90-21. Title.

4. Editor’s Note: For regulations concerning rabies, see Ch. 178, Health Code, Article III, Rabies.
This article may be known and cited as "The Norwood Borough Dog Ordinance of 1951."

ARTICLE IV
Control and Confinement; Seizure
[Adopted 2-8-1952 by Ord. No. 323 (Ch. 40, Art. II, of the 1967 Codification)]


It shall be the duty of the owner and custodian of any animal, dog, cat, reptile or fowl within the Borough of Norwood at all times to keep such animal either:

A. Confined within an enclosure from which it cannot escape;

B. Firmly secured by means of a collar and chain or other device so that it cannot stray beyond the premises from which it is secured; or

C. On a leash or other device, the limits of which shall not be greater than eight feet so as to keep the animal under reasonable control of the person handling the animal.


A. Any owner of any animal found running at large off the premises of the owner shall be notified, if it is a first offense concerning the animal in question, that he shall pay to the Borough Secretary, within 72 hours of mailing or delivery of written notice to him, a penalty of $25. After the expiration of such 72 hours, or without such notice, if it is a second offense with regard to the animal in question, the owner shall be liable for a fine of not less than $25 nor more than $1,000, in addition to costs of prosecution, to be collected in the same manner as fines and penalties are now collected.

B. Any licensed animal running at large that is picked up by the animal catcher or by Borough Police shall be housed and fed, with the owner notified, if it is a first offense concerning the animal in question, that (s)he may claim the animal within 72 hours of mailing or delivery of written notice to him/her by paying to the Borough Secretary a penalty of $25, plus all reasonable expenses incurred by reason of the detention. After the expiration of 72 hours, or without such notice, if it is a second offense with regard to the animal in question, the fines set forth in Subsection A shall apply, in addition to all reasonable expenses incurred by reason of detention of said animal, and in addition to the cost of prosecution, to be collected in the same manner fines and penalties are now collected.

§ 90-24. Disposal of unclaimed and improperly licensed, unlicensed or licensed animals. [Amended 4-27-1992 by Ord. No. 92-2]

A. Improperly licensed or unlicensed animals that are seized are to be held in a licensed kennel and fed for 48 hours. If said animal is not claimed, it may be destroyed in a humane manner in accordance with the Dog Law of 1982, Act of December 7, 1982, P.L. 784; 3 P.S. § 459-101 et seq., and all amendments thereto.

B. Licensed dogs that are seized are to be held in a licensed kennel and fed. The Norwood Borough Police Department shall immediately send notice by certified mail, return receipt
 requested, to the person in whose name the license was procured, or his agent, to claim such animal within five days after receipt thereof. If, five days after obtaining the postal return receipt, such animal has not been claimed, the animal shall be disposed of by sale or by destruction in some humane manner.

C. The owner or claimant of an animal so detained shall pay a penalty of $25 to the Borough of Norwood and all reasonable expenses incurred by reason of its detention to detaining parties before the animal is returned.

ARTICLE V
Keeping of Fowl

§ 90-25. Keeping of pigeons, geese and roosters prohibited.

A. From and after the date of the passage of this article, it is illegal to keep, house, maintain and raise pigeons, geese or roosters within the limits of the Borough of Norwood.

B. The keeping of pigeons, geese or roosters within the limits of the Borough of Norwood is hereby declared to be a public nuisance and shall be abated by the proper Borough authorities in the manner now provided by law for the abatement of nuisances.

§ 90-26. Violations and penalties.

Any person, firm or corporation who shall violate the provisions of § 90-25 hereto shall be guilty of an offense and, upon conviction thereof before the Mayor or any Magisterial District Judge of the Borough, shall be sentenced to pay a fine of not less than $25 nor more than $1,000 and, upon default of payment of the same, together with the costs, shall be sentenced and committed to the county jail for a period not exceeding 30 days.

ARTICLE VI
Pet Waste
[Adopted 6-22-1987 by Ord. No. 3-87 (Ch. 40, Art. III, of the 1967 Codification)]

§ 90-27. Animal defecation on public and private property restricted.

No person, having possession, custody or control of any animals shall knowingly or negligently permit any dog or other animal to commit any nuisance, i.e., defecation or urination, upon any gutter, street, driveway, alley, curb or sidewalk in the Borough of Norwood, upon the floors or stairways of any building or place frequented by the public or used in common by the tenants, or upon the outside walls, walkways, driveways, alleys, curbs or stairways of any building abutting on a public street or park, or upon the grounds of any public park or public area, or upon any private property other than the property of the owner of such animal.


Any person having possession, custody or control of any dog or other animal which commits a nuisance, i.e., defecation or urination, in any area other than the private property of the owner of such dog or other animal, as prohibited in § 90-27, shall be required to immediately remove any
feces from such surface and either:

A. Carry same away for disposal in a toilet; or

B. Place same in a nonleaking container for deposit in a trash or litter receptacle.

§ 90-29. Dogs accompanying blind or handicapped persons exempted.

The provisions of §§ 90-27 and 90-28 hereof shall not apply to a guide dog accompanying any blind persons or to a dog used to assist any other physically handicapped person.

§ 90-30. Violations and penalties. [Amended 8-22-1988 by Ord. No. 2-88]

Any person or persons violations the provisions of this article shall be punishable, upon conviction, as indicated in Chapter 1, General Provisions, Article I, General Penalty, of this Code.

ARTICLE VII
Cat Control
[Adopted 8-28-1989 by Ord. No. 6-89 (§ 28-6.1 of the 1967 Codification)]


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

HARBORING — Maintaining custody or control over a cat, or permitting a cat to remain on premises or providing shelter or food, which shall include the leaving of food in an area to which stray cats have access.

PUBLIC NUISANCE — A cat that damages either public or private property or harms the lawful users or occupants thereof; a cat that defecates on private or public property; or runs loose, stray or unattended.

STRAY CAT — A cat having no known owner or custodian or known place of care and shelter, or not identified with the owner's name and address on the collar of the cat; or unattended or running loose.

§ 90-32. Prohibited activities; requirements.

A. No cats shall be stray; no cats shall be permitted to run loose, unattended, nor be permitted to cause a public nuisance.

B. Any person who owns, keeps or harbors any cat located within the Borough of Norwood or permits a cat to enter the Borough of Norwood shall exercise sufficient and proper care and control over such animal at all times so as to prevent the animal from becoming a public nuisance or other violation of this article.

C. No person owning, keeping or harboring any cat shall permit it to soil, defile or commit any nuisance on any place where people congregate or walk or upon any public or private property whatsoever. This provision shall also apply to all privately owned property in the Borough, including the property of the owner or keeper of the cat and the property owned
or controlled by persons who have invited or permitted the owner or keeper of a cat to bring such cat upon the premises.

D. No person owning or keeping a cat shall permit such cat to become a public nuisance as defined herein. No person shall harbor any nonowned, unidentified or stray cat or make food or shelter available to the same.

E. No person shall abandon any cat of any age or permit a cat to become a stray.

F. All cats must be identified on the cat's collar with the owner's name and address; all cats must be currently vaccinated for rabies and tagged to confirm current vaccination.

G. No person shall harbor any nonowned, unidentified or stray cat or make food or shelter available to the same following receipt of a notice from the Secretary of the Borough or the Board of Health advising said person that a harboring in violation of this article is occurring and giving said person seven days within which to cease and desist such harboring.

§ 90-33. Violations and penalties.

Except as otherwise provided in this article, any person who violates or fails or refuses to comply with the Cat Control Ordinance or any sections, terms or provisions thereof shall be liable to a fine or penalty of not less that $25 nor more than $500 for each offense, and the cost of prosecution or, in the event of nonpayment of fine and costs, to undergo imprisonment for a period not to exceed 10 days.

ARTICLE VIII
Dangerous Animals

[Adopted 4-27-1992 by Ord. No. 92-2 (Ch. 40, Art. IV, of the 1967 Codification)]

§ 90-34. Attack-trained animals.

A. Attack-trained animals are a potential hazard to the community. These animals are not pets and under no circumstances will be permitted loose upon the Borough. It will be the duty of a police officer to destroy any loose animal he has reason to believe is an attack-trained animal.

B. Attack-trained animals must be confined in a secure building. When the animal is to be used to prowl an exterior area, that area must be securely fenced by a cyclone-type fence or fence of similar confinement at least eight feet in height.

C. If it becomes necessary to transport an attack-trained animal outside of the secured compound, said animal must be securely leashed and muzzled, except where it is deemed necessary in the performance of police duties for the protection of the community.

§ 90-35. Pit bulls considered dangerous.

Pit bulls are considered dangerous animals and potentially hazardous to the community. Pit bulls shall at no time or under any circumstances be permitted to run loose in or upon the Borough of Norwood. Any pit bull running loose in or upon the Borough of Norwood shall be subject to restraint, confinement, impoundment and/or destruction by any police officer or any other
authorized person from the Borough of Norwood. It shall be the duty of any Borough police
officer or other authorized personnel of the Borough to take whatever action is necessary under
the circumstances to properly secure and restrain any loose pit bull, including the immediate
destruction of the dog, and they are hereby authorized to do so.

§ 90-36. Registering of pit bulls; bond.
A. No person shall own, keep or harbor any pit bull over six months of age in any household,
residence or any property whatsoever within the Borough of Norwood without first
registering the pit bull with the Borough of Norwood.
B. A pit bull shall be registered with the Borough Secretary and the following information
provided to the Borough:
   (1) The name of applicant.
   (2) The name of the owners of the pit bull if different from the applicant.
   (3) The address where the pit bull will be kept.
   (4) The number of pit bulls to be kept or housed on the premises.
   (5) The exact location on the property where the pit bulls will be kept.
   (6) The method to be used to secure or restrain the pit bulls on the property.
   (7) The name of the person who will be responsible for the care and confinement of the
pit bulls.
   (8) Any other information requested by the Borough.
C. If the applicant, owner or other person responsible for any pit bull kept within the Borough
violates any provision of this article or part of any other applicable code, statute or
regulation, then permission to keep a pit bull in the Borough of Norwood shall be
automatically revoked.
D. Any person who owns, keeps or harbors a pit bull must post a bond of $20,000 with the
Borough of Norwood to insure payment of any damages or injuries which might be caused
by said pit bull. Proof of said bond shall be provided to the Borough Secretary.

§ 90-37. Confinement of pit bulls.
A. All pit bulls must be confined in a secured building or enclosure.
B. Pit bulls may not be kept, housed or harbored in an exterior yard unless they are securely
leashed and muzzled at all times.
C. All entrances to and exits from a property where a pit bull is confined must post a warning
sign, the size and type of which must be approved by the Borough of Norwood.
D. Any pit bull which is taken off or removed from its area of confinement into or upon the
Borough of Norwood must be kept securely leashed and muzzled at all times.
§ 90-38. Destruction of pit bulls.

Any pit bull which bites or attacks a person for any reason must be destroyed at the owner's expense or permanently removed from the Borough of Norwood. If said pit bull is not removed from the Borough of Norwood or destroyed, it shall be subject to seizure and/or destruction by the Borough or its duly authorized person or persons within three days after the attack.


A. Any person who shall violate any provision of this article shall, upon conviction thereof, be sentenced to pay a fine not exceeding $1,000 and costs, or in default of payments thereof, shall be subject to imprisonment for a term not to exceed 30 days. Each day that a violation of this article continues shall constitute a separate offense.

B. In addition, any person violating the provisions of this article shall be subject to the following:

(1) Forfeiture of their bond.

(2) Revocation of permission to keep a pit bull in the Borough of Norwood.

(3) Prohibition from obtaining permission to keep another pit bull for up to five years.

ARTICLE IX
Noise Disturbances
[Adopted 8-26-2002 by Ord. No. 2002-3 (Ch. 28, Art. IV, of the 1967 Codification)]

§ 90-40. Intent and purpose.

The Borough Council of the Borough of Norwood, finding that excessive levels of sounds are detrimental to the physical, mental and social well-being of the people as well as their comfort, living conditions, general welfare and safety and being therefore a public health and welfare hazard, hereby declares it to be necessary to provide for the greater control and more effective regulation of excessive sound and the sources of excessive sound within the Borough of Norwood.

§ 90-41. Continuous or incessant noise prohibited.

It shall be illegal within the Borough of Norwood for any person or persons to own, possess, harbor, or control any animal or bird which makes any noise continuously and/or incessantly for a period of 10 minutes or makes such noise intermittently for 1/2 hour or more to the disturbance of any person any time of the day or night, regardless of whether the animal or bird is physically situated in or upon private property, said noise being a nuisance; provided that at the time the animal or bird is making such noise no person is trespassing or threatening to trespass upon private property in or upon which the animal or bird is situated nor is there any other legitimate cause which justifiably provoked the animal or bird.

§ 90-42. Exceptions.

This article shall not be deemed to prohibit or otherwise declare unlawful any agricultural
operations protected from nuisance suits by Act No. 1982-133.5

§ 90-43. Violations and penalties.

Any person, firm or corporation who shall violate any provision of this article, shall, upon conviction thereof, be sentenced to pay a fine of not more than $600 and, in default of payment, to imprisonment for a term not to exceed 30 days.

5. Editor’s Note: See 3 P.S. § 951 et seq.
Chapter 105

BUILDING CODES

[HISTORY: Adopted by the Borough Council of the Borough of Norwood as indicated in part histories. Amendments noted where applicable.]

GENERAL REFERENCES

Certificates of occupancy — See Ch. 120.
Uniform construction codes — See Ch. 126.
Fences — See Ch. 154.
Fire prevention — Ch. 165.
Flood damage prevention — See Ch. 170.
Numbering of buildings — See Ch. 206.
Plumbing; oil burners — See Ch. 225.
Signs and billboards — See Ch. 244.
Zoning — See Ch. 300.

Part 1
Norwood Building Code of 1955

[Adopted 2-11-1955 by Ord. No. 346 (Ch. 31, Part I, of the 1967 Codification)]

ARTICLE I
Title and Scope

§ 105-1. Title.

This Part 1 shall be known and may be cited as the "Norwood Building Code of 1955," and is generally hereinafter referred to as "this code."

§ 105-2. Purpose.

The purpose of this Part 1 is to provide minimum standards for structural strength, safety, fire resistance, prevention of fire, adequate light, adequate ventilation, adequate egress facilities and structural stability, to safeguard life or limb, health, property and public welfare.

§ 105-3. Repealer.

All ordinances or parts of ordinances and those severally amended relating to the provisions of this code, except Chapter 300, Zoning, Chapter 178, Health Code, the Rules of the Board of Health of Norwood and their amendments, are repealed upon the passage and approval of this Part 1 by the Borough Council.

§ 105-4. Conflict.

If in any specific case there is an apparent difference in the materials, methods of construction or other requirements specified in different sections of this code, or between the requirements specified in different sections of this code, or between the requirements of this code and of any
other applicable law or ordinance, the more restrictive shall govern.

§ 105-5. When effective.

This code shall take full effect upon its being passed and approved by the Borough Council. If a valid permit has been issued prior to the effective date of this Part 1, the work authorized thereunder may be completed in accordance with the repealed applicable ordinance.

§ 105-6. Scope.

A. Applicability. The provisions of this code shall apply to the location, design, material and equipment, including service equipment, and construction, alteration, repair, maintenance, removal, moving, demolition, use and occupancy, of every building or structure now existing or which may hereafter be erected, including all additions, equipment, fire escapes or any appurtenance connected or attached to such buildings or structures within the Borough.

B. Maintenance. All buildings or structures both existing and new, and all parts thereof, shall be maintained in a safe and sanitary condition. All devices or safeguards which were required by the Borough Building Code when the building was erected, altered or repaired shall be maintained in good working order. The owner shall be responsible for the maintenance of buildings or structures in accordance with this code.

C. New buildings hereafter erected in the Borough shall comply with the requirements of this code.

D. Existing buildings.

   (1) When the percent of remodeling of any existing building exceeds 40, either by an addition, an alteration, repairs within any twelve-month period, or the rebuilding of a destroyed building, such building in its entirety shall be made to comply with the requirements of this code for a new building.

   (2) Not more than 25% of the roof covering of any building or structure shall be replaced in any twelve-month period unless the entire roof covering is made to comply with the requirements of this code for new buildings.

   (3) Additions, alterations or repairs less than 40%, complying with the requirements of this code, may be made to any portion of an existing building without making the entire building comply.

   (4) Minor structural or nonstructural additions, alterations or repairs, when approved by the Building Official and which do not affect the required fire resistance of any member or part of the building or structure, may be made with the same material of which the building or structure is constructed.

   (5) Buildings or structures moved within or into the Borough shall comply with the provisions of this code for new buildings.

E. Use and occupancy. All new buildings hereafter erected in the Borough shall comply with the use and occupancy requirements of this code.

A. The provisions of this code are not intended to prevent the use of any material or method of construction not specifically prescribed by this code, provided such alternate has been approved by the Building Committee of Council.

B. The Building Committee of Council may approve any such alternate, provided they find that the proposed design or material has been investigated by competent engineering authority and the design or material is in accordance with recognized standards, and that the material, method or work offered is, for the purpose intended, at least equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, flammability, durability and safety.

§ 105-8. Owner.

Wherever the word "owner" is used in this Part 1, it shall apply equally to the owner of land as recorded in the office of the Recorder of Deeds for Delaware County, or the owner thereof by will or operation of law or as registered in court; a tenant of an entire building and/or a tenant of less than an entire building, when the tenant has assumed the obligation of maintenance of the building; and contractor performing or about to perform work under a contract to alter, repair or in any other manner change the structure and/or the building in any fashion.


Whenever the provisions of any ordinance, code, regulation, specifications, tests or standards are incorporated into this Part 1 by reference to such ordinance, code, regulation, specifications, test or standard, the reference shall be to the provisions thereof as existing at the date of this Part 1 and shall not include subsequent additions or amendments thereto.

ARTICLE II
Organization and Enforcement

§ 105-10. Administration.

This code shall be administered by a person known as the Building Official, who shall be designated by the Borough Council.


A. No person shall be eligible for appointment as Building Official who cannot furnish evidence satisfactory to the Council that he is generally informed on the quality and strength of building materials and on the prevailing methods of building construction.

B. The Building Official is hereby authorized and directed to enforce all the provisions of this code. For such purpose he shall have the powers of a police officer.

C. In cases of emergency he may deputize such employees of the Borough as may be necessary to carry out the functions of the Building Official in the administration of this code.

D. Upon the approval of the Borough Council, he may engage a building consultant to assist
him in the execution of his duties, by acting in an advisory capacity.

§ 105-12. Building Official pro tem.

In case of the temporary absence or temporary disability of the Building Official, the Chairman of the Building Committee of Council shall exercise the duties of Building Official pertaining to this code.

§ 105-13. Building consultant.

The building consultant shall be a professional engineer or architect, registered as such by the Commonwealth of Pennsylvania.


A. The President of Borough Council shall appoint a Building Committee of three members of Council.

B. The Building Committee shall have the power to promulgate rules of procedure under this code; to approve or disapprove the use of alternate materials and methods under § 105-7 of this code; and to prescribe standards or methods for determining equivalents, in addition to, but not in substitution for, the standards and methods prescribed in § 105-7 of this code.

C. Rules of procedure may be determined by the approval of two of the three members of the Committee, but the other powers conferred upon the Committee by this section shall be exercised only by unanimous vote of the three members of the Committee.

D. Any person who considers himself aggrieved by the action of the Committee may appeal to Council for reversal of the Committee action or for amendment or alteration thereof, but any action by Council shall require the approval of at least four members of Council. The four members may include all or any part of the Committee.

§ 105-15. Relief from personal responsibility.

Any person charged with the enforcement of this code shall not, in the execution of his duties, render himself liable personally. Any suit instituted against such person because of an act performed by him in the lawful discharge of his duties under the provisions of this code shall be defended by the legal representative of the Borough, until the final termination of the proceedings. All cost of such a suit shall be borne by the Borough.

§ 105-16. Duties of Building Official.

A. General. It shall be the duty of the Building Official to enforce the provisions of this code. For the purpose of enforcing compliance with the law, to remedy or remove illegal or unsafe conditions, to secure the necessary safeguards during construction or to require adequate exit facilities in existing buildings or structures, he shall issue such notices or order as may be necessary.

B. Value or valuation. The determination of value or valuation under any of the provisions of this code shall be made by him.
C. Application for permits.

(1) He shall examine all applications, together with their accompanying plans and specifications as, required by this code, and within 15 days approve or disapprove the application.

(2) If the application is approved the Building Official, upon payment of the prescribed fee, shall thereupon issue a permit for the proposed work. If the application is rejected, the Building Official shall note his objections and return the application to the applicant.

D. Revocation. He may revoke a permit or approval issued under the provisions of this code in case there has been any false statement or misrepresentation as to a material fact in the application or plans on which the permit or approval was based.

E. Inspection of construction. He shall inspect all work as it progresses for which a permit has been issued. Should he find that it is not being done in accordance with the application, plans or specifications, he may require the removal and proper replacement of such parts as are in violation of the code. If necessary, he is empowered to order the work stopped at once by verbal or written notice to the owner or applicant. Such action shall be made a matter of official record in the Borough Office by a written report giving the reasons for such order.

F. Unlawful work. Whenever any work is being executed without a permit as required by this code, he shall have the work stopped at once.

G. Right of entry. In the discharge of his duties he may enter and has the authority to enter any building or premises at any reasonable hour until he has approved the work authorized by the permit. In the event of any violation of this code, or of any complaint of violation thereof, after the completion of work under a permit, he shall have all the powers of entry permitted by the Constitution, Acts of Assembly and ordinances in effect at the date thereof.

H. Unsafe construction. If during the course of construction under a permit there shall ensue a condition of menace or danger to adjacent property, or of bodily harm to the general public, he shall make an immediate inspection. If in his opinion the condition requires immediate attention, he is hereby empowered, upon the refusal or neglect of the owner, applicant or contractor, to take measures to insure safety to property or to prevent bodily injury to the general public, to enter upon the premises and engage such agencies as are necessary to restore conditions of safety. The expense of such work is to be charged against the owner of the property, collectible as such debts are now by law collected.

I. Unsafe buildings or structures. Upon receipt of information that a building or structure is unsafe, he shall make an immediate inspection. If it is found that an unsafe condition exists, he shall proceed in accordance with Article III of this code.

J. Inspection of existing buildings. He shall inspect as he deems necessary all buildings, other than dwellings, to determine any changes in classification of occupancy or construction, to remedy illegal or unsafe conditions or to require adequate exit facilities.

K. Reports. He shall make a report to the Council once each month or oftener if requested.
Such report shall include statements of permits and certificates issued and orders promulgated.

L. Recommendations.

(1) He shall recommend to the Building Committee any special rules or regulations that may in his opinion be necessary to define or carry out the intent and purpose of any portion of this code.

(2) He shall also invite the Building Committee's attention to any new developments in the building industry that may insure the public benefits and yet will not affect public safety.

M. Records. He shall keep careful and comprehensive records of applications, of permits issued, of inspections made, of reports rendered and of notices or orders issued. He shall retain on file at the Borough Office copies of all papers and plans in connection with building permits for a period of not less than five years. They shall be open to inspection during regular office hours, but shall not be removed from the Borough Office.

§ 105-17. Committee procedure.

A. Appeals. An appeal from any decision of the Building Official may be taken to the Building Committee. Such appeal shall be made in writing within 10 days after such decision has been made, and shall be filed with the Borough Secretary. The appellant or his agent shall have the right to appear and be heard. Decision of such appeal shall be made by the Building Committee within 30 days after the appeal is filed with the Borough Secretary.

B. Rules. In promulgating a rule to define or carry out the intent or purpose of this code or to set forth conditions under which new materials or methods of construction may be used, the Building Committee shall give serious consideration to the recommendations and publications of accredited engineering, material-testing or fire underwriters' laboratories or societies; engineering schools, federal or state technical bureaus; manufacturing and trade associations. However, no such rule shall have the effect of waiving working stresses or fire-resistive requirements specifically provided for in this code, or of violating accepted engineering practice involving public safety.

C. Tests.

(1) Whenever there is insufficient evidence that any material or construction conforms to the requirements of this code, or there is insufficient evidence to substantiate claims for alternate materials or constructions, the Building Committee may require tests as proof of compliance to be made at the expense of the applicant by an approved agency.

(2) Tests shall be made in accordance with generally recognized standards for the material or construction in question, but in the absence of such standards, the Building Official shall specify the test procedure. Duly authenticated tests by a competent person or laboratory may be accepted by him in lieu of tests under his own supervision.
(3) Copies of the results of all such tests shall be kept on file in the Borough Office for a period of not less than five years after the acceptance of the structure or materials or assembly of materials.

(4) The Building Official may require tests to be repeated if at any time there is reason to believe a material or construction no longer conforms to the requirements on which its approval was based.

D. Action. Every action of the Committee on appeals, rules or tests shall be by resolution, copies of which shall be certified to the Building Official and other interested parties.

§ 105-18. Violations and penalties.

A. Any person or persons violations the provisions of this chapter shall be punishable, upon conviction, as indicated in Chapter 1, General Provisions, Article I, General Penalty, of this Code. [Amended 8-22-1988 by Ord. No. 2-88]

B. Notice of violation shall be by the same method as is required with respect to action at law in assumpsit or trespass, provided service can be made within the Borough limits, or a like notice posted upon said building in case such service cannot be made within the Borough of Norwood. Failure to promptly obey and comply with this Part 1 shall be an offense, and failure to obey each additional notice, a separate offense.

C. Each day of violation of the provisions of this code after the day of service of notice (or the day of posting of notice if service cannot be made within the Borough of Norwood) shall be a separate offense.

§ 105-19. Abatement.

The imposition of the penalties herein prescribed shall not preclude the Borough Solicitor from instituting appropriate actions or proceedings to prevent an unlawful erection, construction, reconstruction, alterations, repair, conversion, maintenance or use, or to restrain, correct or abate a violation, or to prevent the occupancy of a building, structure or premises, or to prevent an illegal act, conduct, business or use in or about any premises.

§ 105-20. Liens.

All of the penalties, expenses, costs or other sums of money required by any part of this Part 1 to be paid by any property owner, agent or contractor with respect to such property may be collected in addition to all other remedies provided in this Part 1, by the filing of a municipal lien within six months after the performance of the work or the occurrence of the event for which any sum is due to the Borough. Any lien so filed shall be in conformity with the existing Acts of Assembly in force at the date of such filing and dealing with the form and procedure for filing of liens. The amount hereinabove stated to be the sum which may be included in a municipal lien may be entered as a lien against the property upon computation by the Building Official without awaiting the entry of a judgment against any person, and such lien, when filed, shall not be subject to opening or abatement except in accordance with the Municipal Lien Law and the Borough Code of the Commonwealth of Pennsylvania in effect at the date when the lien is filed.
ARTICLE III
Unsafe Buildings and Structures

§ 105-21. General.
All buildings or structures which are structurally unsafe or not provided with adequate egress, or which constitute a fire hazard or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence or abandonment, are severally, for the purpose of this code, unsafe buildings or structures. All such unsafe buildings or structures are hereby declared to be public nuisances and shall be abated by repair, rehabilitation or demolition.

§ 105-22. Notice to owner.
A. The Building Official shall examine or cause to be examined every building or structure or portion thereof reported as dangerous or damaged, and if such is found to be an unsafe building as defined in this article, the Building Official shall give to the owner of such a building or structure written notice stating the defects thereof. This notice shall require the owner at once to commence either the required repairs or improvements or demolition and removal of the building or structure or portions thereof, and all such work shall be completed within 90 days from the date of notice, unless otherwise stipulated by the Building Official.
B. If necessary, such notice shall also require the building, structure or portion thereof to be vacated forthwith and not reoccupied until the required repairs and improvements are completed, inspected and approved by the Building Official.
C. Proper service of such notice shall be by the same method as is required, with respect to action at law in assumpsit or trespass.

§ 105-23. Posting signs.
The Building Official shall cause to be posted at each entrance to such building a notice, to read: "THIS BUILDING IS UNSAFE AND ITS USE OR OCCUPANCY HAS BEEN PROHIBITED BY THE BUILDING OFFICIAL (signed) ______________ Borough Building Official." Such notice shall remain posted until the required repairs are made or demolition is completed. Such notice shall not be removed without written permission of the Building Official, and no person shall enter the building except for the purpose of making the required repairs or of demolishing same.

§ 105-24. Right to demolish.
In case the owner shall fail, neglect or refuse to comply with the notice to repair, rehabilitate or to demolish and remove said building or structure or portion thereof, the Borough Council may order the owner of the building prosecuted as a violator of the provisions of this Part 1 and may order the Building Official to proceed with the work specified in such notice.

§ 105-25. Emergency work.
In case there shall be, in the opinion of the Building Official, actual and immediate danger of the
falling of a building or structure so as to endanger life or property, he shall cause the necessary work to be done to render said building or structure temporarily safe, whether the procedure prescribed in this section has been instituted or not. For this purpose he may employ such labor and materials as may be necessary.

Cost incurred under above §§ 105-24 and 105-25 shall be paid out of the Borough treasury. Such cost shall be charged to the owner of the premises involved as a special assessment on the land on which the building or structure is located, and shall be collected as such debts are now by law collected, or by lien as provided in § 105-20.

ARTICLE IV
Use and Occupancy of Buildings

§ 105-27. Classification of occupancies. [Amended 10-11-1961 by Ord. No. 422]
For the purpose of this code, buildings are classified, with respect to occupancy and use, as Class 1, 2, 3, 4, 5 and 6 buildings.

§ 105-28. Occupancy restrictions.
No building hereafter erected or altered shall be occupied unless it be of a type of construction required for its class of occupancy, as per Article V, General Building Requirements, of this code.

§ 105-29. Existing buildings.
Nothing in this code shall prevent the continuance of the use and occupancy for which a lawfully erected building in its existing condition is being used and occupied on the effective date of this code, except as may be necessary for the safety of life and property.

§ 105-30. Change of use or occupancy.
No change of occupancy or use shall be made in a building after the effective date of this code that is not consistent with the last occupancy of such building, unless the building conforms or is made to conform with the type of construction required for the new occupancy and the requirements for means of egress.

§ 105-31. Temporary occupancy.
The Building Official may permit a change in occupancy for a period not in excess of 12 months, of a building that does not conform to the requirements of this code, provided that such temporary occupancy and use would not jeopardize life and property.

§ 105-32. Mixed occupancy.
A. When a building is used for two or more occupancies which are not of the same class, it shall conform in all respects to the most stringent requirements of any of the construction
types to which the occupancy pertains, unless the building is divided into sections containing the different occupancies by horizontal and vertical fire divisions.

B. Where a minor portion of a building requires a more fire-resistive type of construction than that required for the major portion, the building may be classified by the Building Official on the basis of the major use.

C. No building shall have a mixed occupancy of Classes 4 and 5.

§ 105-33. Doubtful classification.

In case any building is not specifically provided for, or where there is any uncertainty as to its classification, its status shall be fixed by the Building Official, giving due regard to safety and the regulations for protection from fire and panic promulgated by the Department of Labor and Industry of the Commonwealth of Pennsylvania for Class 1, 2, 3 and 4 buildings.

§ 105-34. Classes of buildings.

A. Class 1 buildings shall include, among others, buildings used for such purposes as follows:

(1) Group 1. Commercial and industrial including, but not limited to, power plants, office buildings, warehouses, public garages and mercantile buildings A, those of high-hazard occupancy, and mercantile buildings B, those of moderate- or low-hazard occupancy.

(2) Group 2. Institutional, including, but not limited to, hospitals, asylums, public and private institutions, hotels and dormitories.

(3) Group 3. Educational; namely, school and colleges.

(4) Group 4. Structures and buildings of a special nature and design, including, but not limited to, radio towers, retaining walls, grandstands, railroad trestles, tank towers, airport type of buildings.

B. Class 2 buildings. Theaters and motion-picture theaters shall be classified as Class 2 buildings.

C. Class 3 buildings. Buildings used as a place of assemblage, including, but not limited to, public buildings and halls, churches, auditoriums, dance halls, banquet halls, lodge halls, skating rinks, armory hall, etc., shall be classified as Class 3 buildings.

D. Class 4 buildings: apartment houses.

E. Class 5 buildings: dwellings.

F. Class 6 buildings. Class 6 buildings shall be family fallout shelters as defined in Bulletins, Numbers MP-15 and MP-18, circulated by the Office of Civil and Defense Mobilization of the United States Government. [Added 10-11-1961 by Ord. No. 422]

§ 105-35. Affidavit of occupancy.

The Building Official may require from the owner an affidavit as to the proposed or existing
ARTICLE V
General Building Requirements

§ 105-36. Class 1 buildings.

A. Group 1, commercial and industrial.

(1) Public garage, automobile salesrooms, service stations or any other similar business pertaining to the sale, repair, maintenance, servicing or storing of motor vehicles.

(a) Any such building or area shall be separated from any basement or from any room containing boilers or furnaces or in buildings of mixed occupancy, from other building areas, by walls, floors and ceilings having a fire-resistance rating of not less than four hours, and there shall be no openings in such divisions of separation.

(b) All garage areas shall be adequately ventilated, which ventilation shall in no case be less than the minimum requirements of the American-Society of Heating and Ventilating Engineers for the ventilating of garages.

(c) Metal sash with wire glass shall be provided for window openings within 10 feet of the side and rear lot lines.

(d) No garage shall have a pitched roof unless a special permit is obtained. All flat roofs shall be provided with parapet walls three feet high.

(e) Type A construction shall be used for all buildings wherein motor vehicles may be placed on three or more levels or stories.

(f) Type A or B, with or without fire protection of structural steel used in conjunction with the floor and roof systems, shall be used for two-story buildings.

(g) One-story buildings shall be of grade of construction not less than Type C.

(h) The number of motor vehicles permitted on any floor, roof or level shall not exceed the floor area divided by the number 265. Such vehicles shall be so parked as to afford easy movement past building columns and through aisles not less than 20 feet wide.

(2) Commercial and industrial buildings other than public garages.

(a) Commercial and industrial buildings, other than public garages, five stories or 55 feet in height, shall be of Type A construction; also, any building of a high-hazard occupancy shall be of Type A construction.

(b) Types A or B construction shall be used when the building is four stories or 45 feet in height. Other commercial and industrial buildings one to three stories or
35 feet in height shall be constructed of a grade not less than Type C. However, when ceiling heights are approved, two-story or twenty-eight-foot high buildings with an area of not over 4,000 square feet may be of Type D construction; one-story buildings with an area of not over 6,000 square feet may be of Type D or E construction. A building of Type E construction shall be located at least 20 feet from the property lines and not be used for commercial purposes.

B. Group 2, institutional.
   (1) Any hospital, hotel, public asylum or institutional building, any dormitory over three stories in height shall be constructed of Type A construction.
   (2) Three-story dormitories or private institutions shall be of a grade construction not less than Type B.
   (3) Two-story private institutions or dormitories that are provided with two means of egress from the second story may be of Type D construction. When an existing three-story Type D dwelling is converted to such use, the third floor shall be separated from the lower two floors by a fire division, without openings, having a fire-resistive rating of not less than one hour.

C. Group 3, educational.
   (1) All such buildings three stories and over shall be constructed of Type A construction.
   (2) Two-story buildings shall be of a grade of construction not less than Type B.
   (3) One-story buildings without basements, if divided by fire separations into areas less than 2,500 square feet, and with each classroom having one emergency exit in the exterior wall of the building, may be of Type D or E construction; otherwise, one-story buildings shall be of a grade not less than Type B construction. Any building of E construction shall be at least 20 feet from the property lines.

D. Group 4, structures and buildings of a special nature or design. For all structures or buildings of this group, the requirements shall be as deemed necessary by the Building Committee in consultation with the building consultant, as to: types of construction; location of all rooms and means of egress; seating arrangement; light, ventilation; and such safeguards as may be required to provide proper and sufficient protection for all persons subject to, employed, housed, accommodated or assembled therein.

§ 105-37. Class 2 buildings: theaters and motion-picture theaters.
A. Every such building having a seating capacity of over 500 shall be of Type A construction. Any other such building shall be of a grade not lower than Type B construction.
B. No existing building shall be converted to this use unless it entirely complies, or is made to comply, with this section.
C. In buildings of mixed occupancy, the theater or motion-picture theater or any part of either shall be separated from other parts of the building (including its basement) by walls
equivalent to eight inches of brick, and by floors or ceilings equivalent to four inches of reinforced concrete, in fire-resistive rating. Also, such divisions of separation shall be unpierced by any openings.

D. Class 2 buildings shall comply with all Acts of Assembly and the Regulations for Protection from Fire and Panic for Class 2 Buildings promulgated by the Pennsylvania Department of Labor and Industry.

§ 105-38. Class 3 buildings: places of assemblage.

A. Every building used as a place of assemblage, hereafter erected or hereafter adapted for such use, and having a capacity of over 1,000 persons, shall be of Type A construction throughout.

B. Such buildings or parts thereof having a capacity of over 200 but less than 1,000 shall be of a grade not lower than Type C construction.

C. One-story buildings having a capacity less than 200 may be constructed of Types D or E construction. Any building of E construction shall be at least 20 feet from the property lines.

D. In every such building, the hall, auditorium or room of assemblage built in connection with or part of a building used for other purposes shall be separated from other parts of the building by fire-resistive walls, doors, partitions, floors and ceilings of approved materials. The walls and partitions shall be equal in fire-resistive quality to an eight-inch brick wall, and the floors and ceiling equal in fire-resistive quality to a four-inch reinforced concrete slab.

E. Existing buildings not over three stories in height may be adapted as places of assemblage for not over 100 capacity when the place of assembly is not above the second story, adequate means of egress are provided, and the ceiling, walls and partitions of the story or basement below the place of assemblage have, or are made to have, a fire-resistive rating of at least one hour.

F. Capacity, that is, the number of persons that can be assembled therein, shall be computed as follows:

(1) If the assembly hall contains permanent fixed seats, the capacity shall be computed as the sum of all the seats plus the number obtained by dividing the number of square feet of floor area available as standing room by three. If pews or benches without arms between seats are used, their capacity shall be computed on the basis of not more than one person for each 18 inches in width of the pew or bench.

(2) If the assembly hall does not contain permanent fixed seats, the capacity shall be computed by allowing 12 square feet of clear floor space per person in halls without movable seats, and six square feet per person in halls with movable seats. If the hall is to be used with or without seats, the capacity shall be computed as a hall with movable seats.

A. No building over four stories in height of this class shall hereafter be erected or altered unless it be a building of Type A construction. A building of this class four stories in height shall not be erected or altered unless it be of a grade of construction not less than Type B.

B. No existing building four stories or more in height shall be converted to this class of building unless all of the requirements of new construction for this class are complied with.

C. Any building of this class hereafter erected, three stories or under in height, shall be of a grade of construction not less than Type D.

D. All new buildings of this class shall be provided with at least two means of egress. However, one means of egress shall be permitted in unit apartment groups erected under specific conditions as outlined in Rule 408 for Class 4 building regulations, promulgated by the Pennsylvania Department of Labor and Industry. Also, one means of egress is permitted in two-story buildings when the second floor is but one apartment.

E. Class 4 areas in buildings of mixed occupancy hereafter erected, or in existing buildings hereafter altered, or in existing buildings hereafter altered whose party wall is of precode construction, shall be totally separated by fire divisions with a fire-resistive rating equivalent to the higher of the types of construction being separated.

F. Three-story existing buildings of this class with an occupancy of more than 20 persons, hereafter altered, or an existing three-story building converted to this class for an occupancy of more than 20 persons, shall conform to all of the requirements for new buildings of this class.

G. Existing three-story buildings of this class with an occupancy of not over 20 persons, or any existing three-story building converted to this class for an occupancy of not over 20 persons, shall be made to conform with the following requirements:

   (1) Two means of egress shall be provided when there are sleeping accommodations for more than 10 persons above the first story, or there are sleeping accommodations for more than four persons above the second story, or there are kitchen and/or cooking facilities in the third story of the building.

   (2) One means of egress shall be within, the other may be within or without, the walls of the building. No existing means of egress may be used when it is less than 30 inches wide.

   (3) When an existing interior stairway (including the hallways thereto) is altered, or an additional interior means of egress is installed, such means of egress shall not be less than 36 inches wide, and the walls, ceilings and soffits of such exitways shall be protected by metal lath covered with cement or gypsum plaster or other equivalent fire-resistive material. The pitch of the stairs shall be not less than 33° nor more than 40°; also, the height of the riser, plus the width of the tread, shall not exceed 17 1/2 inches, exclusive of nosings. Winding stairs shall not be permitted. Landings shall not be less than the width of the stairs and shall be required at top and bottom of any stairs having a door which swings toward the stairs. At least one handrail, either railing or wall type, shall be provided for each run of stairs. Railings shall be provided on the open sides of all stairs and their walls.
Outside the building an iron fire escape may be used, provided it complies with the provisions of Article IX, Means of Egress, of this code.

Access to each means of egress shall be either from each apartment or else from a public corridor, or else through an unoccupied room without a door; and each means of egress shall lead directly to a street, yard or open court accessible to a street.

Such means of egress shall be so located that the occupants of any apartment or room need not pass one stairway or exit to reach the other, unless the stairway or exit passed by is entirely enclosed.

All interior stairs and public halls shall be adequately lighted, either naturally or artificially. Lights shall be on a separate electric circuit from those used by the tenants or occupants of the building. In such circuits, switches shall be installed so that the lights may be operated from each floor by any or all of the occupants.

The interior arrangement of rooms of any apartment shall be such that it is not necessary to pass through a means of egress for another apartment or a public hall in going from one to any other room of the apartment. Also, all rooms shall conform to the requirements of § 105-71L, Rooms, of this code.

Two-story existing buildings of this class, or converted to this class, with more than one kitchen and/or cooking facilities on the second floor, shall be provided with two means of egress in accordance with Subsection G of this section. Two-story buildings with only one apartment on the second floor need be provided with only one means of egress. Such buildings shall meet the following requirements:

1. Any existing stairway, or existing hall or doorway, leading to the exterior of the building shall not be less than 30 inches wide.

2. No hallway or doorway serving both the first and second stories shall be less than 36 inches wide.

3. Any alterations required to provide the proper means of egress shall comply with the requirements of Subsection G(3) of this section.

4. Means of egress shall be lighted in accordance with Subsection G(7) of this section.

5. Rooms and their arrangement shall conform to Subsection G(8) of this section.

§ 105-40. Class 5 buildings: dwellings and private garages.

A. Dwellings.

1. No dwelling hereafter erected shall be over three stories in height.

2. No building of this class shall hereafter be erected or substantially altered if any part thereof is within eight feet of the property line of the lot on which the building is erected, unless it be of a grade of construction not less than Type D.

3. Buildings over 10 feet from the property lines may be of Type F construction.

4. For the purpose of this section, when the exterior walls of Type F construction are
entirely of masonry, the building shall be considered as equivalent to Type D construction.

(5) Twin dwellings having a masonry party wall not less than eight inches thick separating the two dwellings may be of Type F construction.

B. Private garages.

(1) No private garage hereafter erected or altered shall be of a grade less than Type D construction, except that private garages of not more than two cars' capacity or 500 square feet in floor area may be Type E, or when not within six feet of any lot lines, may be Type F construction. No area of a private garage shall contain more than six cars or 1,200 square feet unless separated by fire division walls. When fire division walls are used for area subdivision, they shall extend through and above the roof by a distance of at least three feet.

(2) Private garages that will accommodate more than six cars in any one area shall be built in accordance with the requirements of this code for public garages.

(3) No private garage shall be more than one story high.

(4) Nothing in this section shall prevent the construction of a garage for not over two cars in the basement of, or attached to a dwelling when such private garage is constructed in accordance with § 105-71M, Type F construction, private garages, of this code.

(5) Private garages in mixed occupancy with Class 4 buildings shall be separated by fire divisions equivalent to: attached garages in Type F construction for two-car capacity; Type B construction for over two and not over six cars' capacity; Type A construction when the capacity of the garage is over six cars.

C. Wood decks. [Added 2-27-1989]

(1) Wood decks will be allowed on all residential (Class 5) buildings, and all building codes that pertain to design and installation of Class 5 buildings will pertain to wood decks. These decks will be designed to meet the load requirements for balconies as listed in Chapter 105, the Norwood Building Code. (Designed for live load of 60 pounds per square foot.)

(2) Size of the deck will be limited by all setback requirements in Chapter 300 of the Norwood Code and the following:

(a) Twin home: No more than 16 feet projection from house and not closer than one foot from the party wall.

(b) Single residence: No more than 16 feet projection from house.

(3) In addition to Subsection C(1) above, the following items are required for any deck:

(a) Hardware: All hardware, bolts and nails are to be galvanized. Interior columns are to be anchored at the top into the existing wall with approved fasteners.

(b) Lumber: Lumber shall be pressure-treated in accordance with standards recommended by the American Institute of Timber Construction (AITC).
Pressure treatment to resist decay, current American Wood-Preservers Association (AWPA) standard C-1 and to resist insect attack, current standard C-28. Specialty lumber may be used if the wood will resist decay and insect attack and be of comparable standard to pressure treatment.

(c) Care: Cutting of treated wood should be avoided whenever possible. End cuts are to be filed-treated with approved wood preserver.

(d) Foundations:

[1] Shall go at least three feet deep, with a minimum of six inches of concrete below column. Concrete shall be at least 12 inches in diameter for four-by-four columns and 16 inches in diameter for six-by-six columns.

[2] Under no circumstances shall the column be set in concrete. If the concrete extends within six inches of grade, an approved anchor support will be used to prevent lateral slippage of the column.

(e) Railings: Railings shall have a minimum of four-by-four corner posts bolted to joists and shall comply with loading requirements for porch and balcony rails in Norwood Code (200 pounds single-point load in any direction and 50 pounds per linear foot at top).

§ 105-41. Light and ventilation.

A. All buildings shall comply with the Acts of Assembly and regulations of the Pennsylvania Department of Labor and Industry applicable to lighting or ventilating.

B. Additional light and ventilation shall be provided as may be deemed necessary by the Building Official. His decisions shall be predicated upon the recommendations of the American Society of Heating and Ventilating Engineers and the Illuminating Engineering Society, or other accredited authorities.

C. Mechanical ventilation may be used when specifically approved by the Building Official. Such systems shall be designed to provide the necessary air changes and the proper amount of fresh air. The air quantities stipulated shall be used to compute the size of inlets and outlets and as the basis for computing the size of the ventilating system.

D. Systems of mechanical ventilation permitted to be installed shall be kept in good working order and in continuous operation at all times during the normal occupancy of the building or the ventilated area.

E. Habitable rooms shall at least comply with all of the requirements for rooms of Type F construction, § 105-71L of this code.

§ 105-42. Party walls.

Nothing in this code or the issuance of a building permit hereunder shall be deemed to authorize the construction of a party wall on adjoining property unless the construction be done with the written consent of the adjoining owner, or in such a manner as shall be permitted by law.
§ 105-43. Footings of street walls.

Footings of street walls may project beyond the building line not more than 12 inches, provided such projecting parts are not less than eight feet below sidewalk level.

§ 105-44. Cellar doors and exit areas.

Cellar doors and exit areas below ground level may project beyond the building line for a distance not to exceed four feet, provided that the area or open space thus created shall be covered with an approved grating or other covering of metal sufficiently strong to carry pedestrian traffic. All such covering shall be set flush with the surface of the sidewalk or paving. The Building Official shall have the power to prohibit entirely any such area or open spaces where the safety of the public so requires.

§ 105-45. Window areaways.

Window areaways may project beyond the street line not more than four feet, provided that every such area shall be covered over at sidewalk level by an approved grating or covering of noncombustible materials. The Building Official may prohibit entirely any such areaways where, in his opinion, the safety of the public so requires.

§ 105-46. Ornamental projections.

A. Mouldings, belt courses, lintels, columns or pilasters and their bases, or other similar ornamental projections, may project beyond the building line not more than four inches.

B. Main cornices, meaning thereby moulded projections at or near the top of a wall that faces on a street, may project not more than 12 inches beyond the building line, provided such projections are not less than 14 feet above the sidewalk at any point.

§ 105-47. Bay windows.

No bay window shall project beyond the building line.

§ 105-48. Open balconies.

No open balconies shall be permitted to project beyond the building line.

§ 105-49. Hazardous conditions.

A. A building or structure in which explosives, oil or other inflammable or dangerous material is to be manufactured, stored or used, including but not limited to dry-cleaning establishments, paint manufacture or spraying, artificial-flower and paper manufacture or sorting, rag sorting and storage, oil storage, woodworking mills, factories or shops, department stores and five-, ten-, twenty-five-cent or dollar stores, shall be considered as a hazardous building.

B. In such case the Building Official may make such other additional regulations regarding the handling, storage or use of such material as in his opinion may appear necessary, in order to protect the general public and adjoining property.
ARTICLE VI
Permits and Fees

§ 105-50. Miscellaneous construction work.
Work not specifically referred to in this code, or the definition of which may be questionable, shall be defined by the Building Official as a "demolition," a "new or altered structure," a "repaired structure" or as "service equipment." Service equipment, to be defined as such, does not necessarily have to be part of a structure, but may be of an independent nature such as, but not limited to, a tank in the ground on a lot where no building or structure is erected.

§ 105-51. Plans, specifications and computations.
A. To obtain a permit, plans, specifications and computations, severally or collectively, shall be filed with the Building Official, and they shall be of sufficient clarity to indicate the nature and extent of the work proposed. Furthermore, they shall be so detailed as to show that the work will conform to all of the provisions of this code and all relevant laws, ordinances, rules and regulations.
B. When required by the Building Official, all plans, specifications and computations shall be prepared, by an architect, an engineer or a land surveyor registered or licensed as such by the Commonwealth of Pennsylvania.

§ 105-52. Property survey.
A. For each new building or an addition to, or the erection (including altering) of a fire escape or exitway for, an existing building, a plot plan shall be required.
B. Also, when so required by the Building Official, a field survey shall be made including the placing and maintaining of all necessary stakes or monuments.

§ 105-53. Application.
The application shall be made on a form furnished by the Borough and it shall be processed in accordance with the rules of procedure promulgated by the Building Committee.

§ 105-54. Resubmission.
When an application for a permit is resubmitted more than twice, the Building Official may increase by 25% the fee as stipulated in this code for each additional resubmission.

§ 105-55. Issuance.
A. The Building Official shall, prior to the issuance of a permit, be satisfied that the proposed project is in accordance with Chapter 300, Zoning.
B. No permit for work in conjunction with an educational building, whether for public or private use, shall be issued until the State Board of Education gives evidence that the proposed work is in compliance with the Public School Code of the Commonwealth of Pennsylvania.
C. Furthermore, for all buildings other than Class 5 buildings, evidence of approval by the Department of Labor and Industry of the Commonwealth of Pennsylvania as required under the commonwealth's:

   (1) General Safety Law, Act No. 174, May 18, 1937, P.L. 654, as amended to the date of this Part 1; and
   (2) Fire and Panic Law, Act No. 299, P.L. 465, April 27, 1927, as amended to the date of this Part 1; may be required prior to the issuance of a permit.

D. The permit or a photostatic copy thereof shall be kept on the premises for public inspection during the prosecution of the work and until completion.

E. No permit, after issuance, shall be transferable.

§ 105-56. Validity.

A. The issuance or granting of a permit or approval of plans and specifications shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code. No permit presuming to give authority to violate or cancel the provisions of this code will be valid, except insofar as the work or use which it authorizes is lawful.

B. The issuance of a permit based upon plans and specifications shall not prevent the Building Official from thereafter requiring the correction of errors in said plans and specifications or from preventing building operations being carried on thereunder when in violation of this code or of any other Borough ordinance.

§ 105-57. Amendments.

A. Nothing in this article shall prohibit the filing of amendments to an application or to a plan or other record accompanying same, for which a permit has been issued, at any time before the completion of the work. Such amendments, after approval, shall be filed with and be deemed a part of the original application.

B. The Building Official may charge a fee for such amendment. When so charged, the fee, whether the work is an increase or a reduction of the application, shall be computed on the same basis as though the change were a building addition.

§ 105-58. Expiration.

Every permit shall be considered canceled unless active work is commenced within a period of six months after the date of its issue, or if work is suspended for any reason for six consecutive months after once being commenced.

§ 105-59. Retention of plans.

A. One set of the approved plans and the permit shall be kept at all times at the site of the work, readily accessible to the Building Official. The other set shall be filed at the Borough Office and retained for a period of five years.

B. Plans submitted for checking, for which no permit is issued and on which no action is taken
by the applicant for 60 days, shall be considered abandoned, and the applicant's permit fee forfeited. To renew action on said plans, a payment of a new permit fee will be required.

§ 105-60. Measuring floor areas.

A. The floor area of buildings and additions thereto shall be the sum of the areas of each and every floor or mezzanine contained within the exterior walls of the building or addition and shall include all basements but not uninhabitable pipe loft, garret or attic spaces.

B. In a dwelling the basement area shall not be included in the computations.


A. No permit as required by the Building Code shall be issued until the fee prescribed in this section shall have been paid; nor shall an amendment to a permit be approved until the additional fee, if any, due to an increase in the estimated cost of the building or structure shall have been paid.

B. For a permit for the construction or alteration of a building or structure, the fee shall be as set from time to time by resolution of the Borough Council.2

C. When application is made to repair any part of a building or structure that is subject to loads or stresses, such work shall, for the purpose of this code, be considered an alteration, and the permit fee shall be computed as set forth in Subsection B above.

D. For a permit for the removal of a building or structure from one lot to another, the fee shall be at a rate set from time to time by resolution of the Borough Council, according to the estimated value of the building or structure in its completed condition after removal.

E. For a permit for the removal of the building or structure to a new location within the same lot, the fee shall be at a rate set from time to time by resolution of the Borough Council, according to the estimated cost of moving, of new foundations and of work necessary to put the building or structure in usable condition in its new location.

F. For a permit for the demolition of a building or structure, the fee shall be as set from time to time by resolution of the Borough Council.3

G. In case of abandonment or discontinuance of construction or alterations, the cost of work performed under a permit may be estimated and adjustment of the fee made and the portion of the fee for uncompleted work returned to the permit holder, provided that no refund of a prescribed minimum fee shall be made. If such discontinuance is due to revocation of the permit, a similar adjustment and return may be made, provided that no refund shall be made until all penalties incurred or imposed by due authority have been collected. After such refund has been made, no work shall be resumed until a new application has been

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1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).
2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).
3. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).
made and a new permit has been issued.

H. On all commercial and industrial work, where periodic inspections may be required, the Building Inspector shall determine whether or not an additional inspection is necessary, and, such determination having been made, it shall be the obligation of the permit holder to pay to the Building Inspector such sum per inspection as shall be set from time to time by resolution of the Borough Council, which sum shall be the Building Inspector's compensation for such additional inspection. In the event that the permit holder shall refuse to pay such additional inspection fee, the Building Inspector shall have the option to cancel the permit and halt all work under the authority of the same until the additional fee is paid.

I. The term "estimated cost" as used in this section means the reasonable value of all services, labor, materials and use of scaffolding and other appliances or devices entered into and necessary to the prosecution and completion of the work ready for occupancy, provided that the cost of excavation or grading, and painting, decorating or other work that is merely for embellishment or not necessary for the safe and lawful use of the building or structure is not deemed a part of such estimated cost.

J. Any fee for checking computations of floor loads made by registered architects or engineers to determine the permissible live loads on existing buildings or structures shall be the responsibility of the owner.

K. The fee for the use of the Borough streets during construction, as may be provided for by the Building Code, shall be at a rate per month or any fractional part of a month, such rate to be established from time to time by resolution of the Borough Council.

L. The fee for a permit to erect a sidewalk or pavement shelter shall be as set from time to time by resolution of the Borough Council.

M. The permit fee for service equipment shall be as set from time to time by resolution of the Borough Council.

N. A certificate of occupancy must be obtained from the Building Inspector before a new dwelling is occupied. The fee for such certificate shall be as set from time to time by resolution of the Borough Council. In the case of a multiunit dwelling, the fee shall apply as to each unit within the dwelling. Should any reinspection be necessary because of one or more violations found at the initial inspection, then a further fee, as shall be set from time to time by resolution of the Borough Council, shall be paid for each reinspection.

ARTICLE VII
Terminology

§ 105-62. Definitions; word usage.

A. Unless otherwise stated, the following words or terms when used in this code shall be construed to have the meanings indicated in this section.

B. Words used in the singular include the plural; words used in the present tense include the future; words used in the masculine gender include the feminine and/or neuter gender and vice versa; the word "person" includes a corporation as well as an individual; "writing" includes printing and printed or typewritten matter; "oath" includes affirmation; "signature"
or "subscription" includes "mark" when a person who cannot write his name makes his mark near his name at the time it is written by another person.

C. Where terms are not defined in this section, they shall have their ordinarily accepted meanings to competent authorities or such as the context may imply to such authorities.

**ADDITION** — Any change to a structure which increases or changes its dimensions with respect to area and/or height.

**ALTERATION** — Any change to a structure which does not increase any of its exterior dimensions.

**APARTMENT HOUSE** — A building designed or used as a residence for more than one family, each family living separate and apart from the other and not as a boarder, lodger or roomer to one or another; or a building used as a residence having kitchen and/or cooking facilities above the first story.

**APPROVAL** — The written acceptance and sanction by the Building Official of any plan, permit, application, device, building material or type of construction.

**APPROVAL IN PART**

1. The written acceptance and sanction by the Building Official of any plan or permit, application for a portion of a proposed alteration, addition or new building, pending approval of plans, for the complete project.

2. The written acceptance by the Building Official of new materials or types of construction, but restricting or limiting their use.

**APPROVED** — The word approve or approved as applied to any material, device or method of construction means approved by the Building Committee of the Borough Council.

**AREA**

1. **BUILDING AREA** — AREA, as applied to the dimensions of a building, means the maximum horizontal projected area of the building at grade, excluding cornices, eaves or gutters, steps, porches, chimneys, balconies and terraces.

2. **FIRE AREA** — That part of the building area separated by fire wall or fire division.

3. **LIVING QUARTERS** — AREA, as applied to living quarters, shall consist of the aggregate area of all space usable for living purposes, including private hallways, closets, bathrooms, excluding first floor enclosed porches, garage, utility room, attic and cellar.

4. **APARTMENT AREA** — AREA, as applied to an apartment, means the area of the living quarters in any single apartment.

**AREAWAY** — Any subsurface space adjacent to a building for lighting or ventilating a cellar or basement or for other purposes.

**ATTIC** — That part of a building wholly or partly within the roof framing, unfinished, not inhabited or used for sleeping purposes.
BASEMENT — A story in which the upper surface of the floor next above is less than five feet above the lowest point of cartway surface of the street or streets on which the lots abuts, as shown on the drawings upon which the permit was granted and not counted as a story in determining the height of the building.

BOARDER — Same as "roomer."

BUILDING — A structure forming a shelter for persons, animals or property and having a roof, floor or floors and parts thereof. It shall be fixed upon or in the soil and be composed of different pieces connected together and designed for use in the position it is erected.

BUILDING LINE — The dividing line between a street as confirmed upon the Borough Plan and the abutting property, or if not confirmed upon the Borough Plan, between the legal lines of a street as laid out and the abutting property.

CELLAR — A "basement."

DEMOLITION — The act or process of tearing down a structure or reducing it in size or removing it from its existing site.

DIMENSIONAL FIGURES — Nominal sizes or dimensions obtainable as acceptable commercial standards.

DWELLING

(1) A building designed or used exclusively as a residence for not more than one family.

(2) Two dwellings separated by a common wall unpierced by openings is commonly referred to as "twin dwellings" or "semidetached dwellings."

ELEVATOR — A device within or in connection with a building, used for carrying persons or things upward or downward, and includes dumbwaiter and similar devices.

EXISTING BUILDING — A building erected prior to the effective date of this code.

FAMILY — One or more persons constituting a household, including parents, children and others closely related by blood or marriage, servants and not more than four resident lodgers or boarders.

FIRE BARRIER — A fire wall or a fire division wall. (See "walls.")

FIRE DOOR — A door and its assembly so constructed and assembled in place as to give protection against the passage of fire.

FIRE RESISTANCE (or FIRE RETARDANCE) — The property of materials and assemblies thereof, which prevents or retards the passage of high temperatures, hot gases or flames as defined by the fire-resistance rating.

FIRE-RESISTANCE RATING — The measured time in hours or fractions thereof that the material or assemblies or construction will withstand fire exposure as determined by fire tests conducted in conformity to recognized standards.

GARAGE, PUBLIC — A building, other than a private garage, used for the storage, maintenance or repair of motor vehicles.
GARAGE, PRIVATE — A building in which not exceeding 1,200 square feet of floor area is used for the storage of trucks not over one-half-ton's capacity or of passenger automobiles.

GRADE — The lowest point of cartway of the street or streets on which the lot abuts.

HABITABLE ROOM — Any room not a bathroom or a room used solely for storage or closet purposes, and which is used in whole or in part for any household purposes.

HEAVY TIMBER CONSTRUCTION — See § 105-71.

HEIGHT

(1) As applied to a building, means the vertical distance computed from the lowest point of the cartway surface of the street or streets on which the lot abuts, to the highest finished roof surface in the case of flat roofs, or to a point at the average height of roofs having a pitch of more than one foot in 4 1/2 feet; provided that chimneys, spires, towers, elevator penthouses, tanks and similar projections shall not be included in calculating the height. Height of a building may also be expressed as the number of stories in the building.

(2) As applied to a story, means the vertical distance between the upper surface of two successive floors.

(3) As applied to a wall, means the vertical distance to the top, measured from the foundation wall or from a girder or other immediate support of such wall.

LODGER — Same as a "roomer."

MEZZANINE — A floor within a story between the floor and ceiling thereof, having an area not over 1/4 of the area of the building at the level at which the mezzanine floor occurs.

MOVING-PICTURE THEATER — A theater used for witnessing of motion pictures, not having a stage capable of being used for theatricals and not using movable scenery other than that required for the showing of motion pictures.

NEW BUILDING — A building erected after the effective date of this code.

OCCUPANCY — The purpose for which a building or portion thereof is used or intended to be used.

PERCENT OF REMODELING — The ratio of the amount of change in the existing condition of the structural members or parts of the exterior walls, fire barriers, floor and roof systems of a building, to the condition of these members or part upon the completion of the remodeling.

PLAN or PLANS — The word "plan" or "plans" shall be construed to mean drawing or drawings illustrating the work involved.

PUBLIC BUILDING — Any building open to the general use of the people; a building in which people congregate for civil, social, political or religious purposes.

REPAIR — The renewal or reconstruction of any part of an existing building for the purpose of its maintenance or restoration.

ROOMER — A person who resides with a family and who occupies a room or suite of rooms
which are not equipped with kitchen or cooking facilities, and who pays compensation for such residence, if required, only to the family with whom he resides.

SHALL — The word "shall" as used in this code is mandatory.

SIGN — An advertisement or announcement attached to or a part of a wall, building, tree, pole or fence, or constructed on the ground.

SMOKE BARRIER — A partition, wall, door or enclosure for the purpose of retarding the passage of smoke.

SPRINKLER SYSTEM — An installation for the purpose of extinguishing fires by means of water or other acceptable extinguishing agent expelled through automatically operated spray heads.

STORY — That part of a building comprised between the upper surface of any floor and the upper surface of the floor or roof next above. A garrett, attic or pipe loft shall be considered as a story if the average ceiling height exceeds eight feet and if so constructed as to make occupancy of it possible.

STREET — Shall be deemed to include any avenue, boulevard, street, alley or lane 20 feet or greater in width, or any court, parking space or yard with direct connection to the street and not less than 20 feet wide. Such court, parking space or yard shall not be enclosed or roofed over.

STREET LINE — Same as "building line."

STRUCTURE — A combination of materials to form a construction that is safe and stable; including, among others, buildings, stadiums, gospel and circus tents, reviewing stands, platforms, stagings, observation towers, radio towers, water tanks and towers, trestles, piers, wharves, sheds, coal bins, fences and display signs; the term "structure" shall be construed as if followed by the words "or part thereof" or "appurtenant thereto."

WALLS

(1) BEARING — A wall which supports a floor, roof or other vertical load in addition to its own weight.

(2) CURTAIN — An exterior, nonbearing wall one or more stories high and supported at each floor level and is laterally stayed by masonry piers or by the frame of the building.

(3) EXTERIOR — Any outside wall which serves as a vertical enclosure of a building.

(4) FACED — A wall in which the masonry facing and backing are so bonded as to exert common action under load.

(5) FIRE — A wall of approved masonry or concrete which subdivides a building to restrict the spread of fire and which starts at the foundations and extends continuously through all stories to the roof, if required.

(6) FIRE DIVISION — A wall of solid masonry or concrete which subdivides a building to restrict the spread of fire, but is not necessarily continuous through all stories nor extended through the roof.
Article VIII
Types of Construction

§ 105-63. Grades of construction.
A. Buildings are, for the purpose of this code, graded with respect to the fire-resistive ability of their construction, as Types A, B, C, D, E and F.
B. Type A shall be deemed to be the most fire-resistive type of construction and Type F the lowest.
C. When two or more grades of construction occur in the same building, which are not separated by fire divisions, the entire building shall be graded as of the least fire-resistive type of construction used and shall be subject to the restrictions of this code imposed upon that type.
D. A precode building which cannot be definitely graded as one of the types defined in this article shall be deemed to belong to the less fire resistive of the types to which it most nearly conforms.

§ 105-64. Fire-resistive requirements.
A. Materials. Materials are classified for the purpose of this code as noncombustible or combustible according to their burning characteristics.
   (1) A material shall be deemed to be noncombustible when:
      (a) It will neither ignite nor actually support combustion in the air and a
surrounding temperature of 1,200° F., during an exposure of five minutes in a
vented tube or vented crucible furnace; or

(b) It will not show a flame spread of more than zero when tested in accordance
with the Underwriters' Laboratories, Inc., Subject 723, "Standard Test Method
for Fire Classification of Building Materials."

(2) Combustible materials permitted under the provisions of this code shall possess
burning characteristics that do not exceed the limits:

(a) When tested in accordance with Underwriters' Subject 723, the flame spread
shall be less than 200; or

(b) When tested in accordance with Federal Specification SSA-118a-48 Trim and
Finish (Acoustical Tile), no flame from the test specimen shall reach the angle
frame at any point in 3 1/2 minutes or less.

(c) Under certain conditions of usage such as, but not limited to, wallpaper, paper
between sheathing and siding, or sub and finished flooring, a combustible
material whose burning characteristics exceed the limits set forth herein, when
approved as to material and its method of installation, may be used. Provided,
such material shall in no case be capable of producing a flash fire.

B. Fire-resistive ratings.

(1) The fire-resistive rating (also referred to as fire-retardant classification) of materials
and assemblies thereof shall be evaluated by Standard (Methods of) Fire Tests of
Building Construction and Materials ASTM Designation E119-50 or Underwriters'
Laboratories, Inc., Subject 263, November 1951, Standard for Fire Tests of Building
Construction and Materials.

(2) In general, the fire-protection or fire-resistive ratings listed in Section 2503,
"Fire-Protection of Structural Metal and Reinforced Concrete Construction," in
Section 2504, "Fire-Resistive Floor, Roof and Ceiling Construction," and in Section
2505, "Fire-Resistive Bearing and Non-Bearing Walls and Partitions," of the City of
Philadelphia Building Code, 1949, shall be the requirements of this code. However,
ratings or classifications obtained by competent authority from the standard tests
referred to in the preceding subsection, which are not listed in or may be in
reasonable variance with the Philadelphia Code, may be accepted as meeting the
requirements of this code, provided such ratings or classifications have been approved
by the Building Committee.

§ 105-65. Engineering and construction requirements.

All materials and assemblies thereof, in addition to being adequate for fire-resistive requirements
of § 105-64, shall conform to all of the requirements of Article XI, Engineering and Construction
Requirements, of this code, for quality and durability, effectiveness, strength and size, structural
rigidity and stability, to withstand the effect of their own weight and all the loads coming upon
them.
§ 105-66. Type A construction.

A. In Type A (fireproof) construction, the material used for the fire protection shall be in intimate contact with all the members of the structural frame, floor or roof systems.

B. No pipes, wires, cables or other service equipment shall be embedded in the required fire protection of columns or other structural members, nor shall they be between the required fire protection or fireproofing of the members protected, except in the case of trusses noted in Subsection C(2)(a) below.

C. The construction of all walls, partitions, floors, roofs, ceilings shall be of, and all structural members shall consist of noncombustible materials, and they shall develop minimum fire-resistive ratings as follows:

(1) Four hours: for exterior walls; interior walls or fire partitions, both horizontal and vertical, stairtower and elevator enclosures; bearing and party walls; the protection for the structural steel and reinforcement of the columns; the protection of all structural members supporting load-bearing walls or partitions; however, structural steel lintels not exceeding four feet of span and the soffits of shelf angles for the exterior four inches of masonry need not be protected.

(2) Three hours: for the floor and systems. In reinforced concrete construction, except a system of monolithically poured ribs and slabs, the floor slab shall be at least four inches thick and the roof slab 3 1/2 inches thick. When of gypsum, the roof slab may be 2 1/2 inches thick.

   (a) Trusses supporting a roof and ceiling only and having a clear height of not less than 25 feet above the floor may be protected by a ceiling of noncombustible construction having a fire-resistive rating of at least one hour.

   (b) Suspended ceilings shall be of noncombustible materials, including the supporting members, with a fire-resistive rating of at least one hour.

(3) Two hours: for interior partitions. However, solid wood doors, of 1 3/4 inches thick, in metal frames, may be used in such partitions.

D. Combustible material may be used for flooring surfacing, wall paneling, trim and similar finish when backed solidly with a noncombustible material.

E. No wooden strips, furring lath or other combustible material shall be used for the furring of any walls or partitions.

F. Office partitions shall be of noncombustible material.

G. Window frames, sills and sash shall be of noncombustible materials.

H. The roof covering shall be of brick, concrete, tile, slate, metal, asbestos, prepared asbestos-felt shingles, or of built-up roofing finished with asphalt, slag or gravel, or other approved material. All roofing shall meet the requirements of the Underwriters' Laboratories, Inc., for Class A or B roof-covering materials.

§ 105-67. Type B construction.
A. In Type B (semifireproof) construction, the members of the structural frame, floor or roof systems shall be fire-protected, but the materials used for such protection need not be in intimate contact with such members, nor need each individual member be entirely enveloped.

B. This type of construction, except as modified below, shall meet all of the requirements of Type A:

(1) Columns shall have a fire-resistive rating of not less than three hours.

(2) The floor and roof systems shall have a fire-resistance rating of not less than two hours. Floor construction which consists of steel or other noncombustible beams or joists spaced not more than 36 inches on center, supporting a floor of reinforced concrete, and a noncombustible ceiling of one-hour fire-resistive construction, shall be considered as meeting the requirements of this section.

(3) Partitions shall be of noncombustible materials with a fire-resistive rating of not less than one hour, though doors need not be solid 1 3/4 inch thick nor in metal frames.

(4) Wooden furring strips shall be permitted on walls of noncombustible material, provided they are fire stopped with close-fitting strips at the ceiling of each story.

(5) Wooden office partitions, when not used as the wall of an exitway, may be used in this type of construction.

(6) Windows in Class 1, Group 3, and Class 3 buildings, when not within 20 feet of a property line other than a building line, or within 20 feet of the wall or roof of another building, may be of wood construction.

§ 105-68. Type C construction.

A. In Type C (slow-burning) construction, all exterior, fire and all bearing walls shall be of masonry or reinforced concrete construction, having a fire-resistive rating of not less than four hours, including wall-supporting beams or girders. Lintels over openings more than six feet wide shall have a fire-resistive rating of not less than three hours.

B. The floors shall be constructed of splined or tongued-and-grooved wooden planks not less than three inches in thickness, covered with a suitable wearing surface. The roof deck shall not be less than two inches' tongued-and-grooved wooden planking. A steel roof deck when 14 feet above the floor below, or a gypsum roof deck when 10 feet above the floor below, shall be acceptable when used in lieu of two-inch wooden planking.

C. Structural members of the floor and roof systems may be of wood, steel, or a combination thereof.

(1) When of wood, columns shall not be less than eight inches by eight inches. Beams or girders shall not be less than six inches in thickness nor less than 10 inches in depth; however, roof beams when 14 feet above floor may be four inches in thickness. Wooden members shall be framed together with an approved metal type of beam stirrups, and column bases or caps. No wooden truss shall be constructed with any of its members less than four inches by six inches. Laminated arches may be used for the
support of a roof.

(2) Steel beams or columns may be used in lieu of timber, provided they are fire-protected by filling the space between flanges solidly with securely held masonry or concrete, or by enclosing the exposed members in one-hour fire-resisting protection. Steel supporting a roof only need not be fire protected, provided such steel is at least 14 feet clear height above the finished surface of the top floor.

D. Partitions shall be at least equivalent in fire-resistive rating to:

(1) Two or more layers of wood, making a total thickness of not less than 2 5/8 inches (actual), spiked together so that no joist extends continuously through the partition; or

(2) Wooden studding, properly fire stopped, two inches by four inches in size, covered each side with metal lath and plaster.

(3) Doors may be of wood, with wood frames and trim. Thin-panel wood-and-glass office partitions may be used when approved as to usage, location and design.

E. Suspended ceilings shall be of noncombustible materials and the supports thereof shall be metal or wooden members not less than two inches by four inches in size.

F. Window frames and sash, furring strips of wood properly fire stopped, interior trim or finish may be of combustible materials.

G. Roof coverings shall be as required for Type A construction.

§ 105-69. Type D construction.

A. Type D (ordinary) construction is that in which the exterior walls, fire and bearing walls are of masonry or reinforced concrete construction, with a minimum fire-resistive rating of not less than two hours, including wall-supporting structural members. However, steel lintels having spans of six feet or less for bearing walls and 10 feet or less for nonbearing walls need not be fire protected. No wooden lintels shall be permitted. Also, the interior partitions, floor and roof systems are wholly or partly of wood, steel, concrete or other approved construction, with a minimum fire-resistive rating of 3/4 of an hour, for all classes of buildings.

B. Floor and roof joist in Type D construction shall not be less than two inches thick, and when two inches thick, they shall not be more than 12 inches deep. No joist shall be over 16 inches on center. Joist shall be set, tied and fire cut in accordance with the requirements of Type F construction.

C. No wooden column shall be used in the basement of any building. Wooden columns six inches or over shall be framed in accordance with the requirements of Type C construction. No wooden column shall be less than four inches in least dimension, and such columns shall be framed in accordance with the requirements of Type F construction.

D. Interior partitions of wooden stud construction shall be constructed in accordance with the requirements of Type F construction. No wooden stud load-bearing partition shall be over one story in height.
E. Nailing and fastening of all wooden framing shall comply with the requirements of Type F and C construction.

F. Firestopping.
   (1) Firestopping of all combustible framing shall be provided in accordance with the requirements of Type F construction. In addition, each run of all wooden stairways shall be effectually fire stopped midway of the length of each run. Also, loft or attic spaces shall be provided with fire separations or stops so that no attic area is in excess of 3,000 square feet.
   (2) All shafts, vents, ducts or similar construction shall be provided with adequate fire or draft barriers as may be required by the Building Official.

G. Roof coverings shall be equivalent to Underwriters' Laboratories, Inc., Class A or B roof coverings. However, on three-story buildings of Class 4 occupancy or buildings of Class 5 occupancy, Underwriters' Laboratories, Inc., Class C roof coverings may be used, provided no Class C asphalt shingles weighing less than 210 pounds per square are used.

§ 105-70. Type E construction.
In Type E (iron or iron frame or metal building) construction, the building shall not be over one story or 26 feet in height; the frame shall be of unprotected metal; sheet metal shall be used for the exterior walls and roof decking. Windows shall be of metal and any interior construction shall be equivalent to that required for Type D.

§ 105-71. Type F construction.
A. Type F (frame) construction is that in which the exterior walls, the floor and roof systems, the interior partitions and stairways thereof are constructed wholly or partly of wood; the exterior wall sheathing is covered with a combustible or noncombustible weathertight veneer and the roof decking is covered with a roof covering rated as Class C (an asphalt shingle weighing less than 210 pounds excluded) by the Underwriters' Laboratories, Inc.; and the walls and ceilings of all habitable rooms are finished by the use of lath and plaster or other materials as may be provided for under Subsection P.

B. Foundation walls and footings.
   (1) It is the responsibility of the applicant to have the soil inspected by the Building Official prior to the placing of any foundation walls or footings. All foundations shall rest upon undisturbed, solid soil, and be at least 30 inches below finished grade. If, in the opinion of the Building Official, the soil is not suitable for the foundation allowed by this section, the foundation shall be redesigned in accordance with § 105-88 of this code.
   (2) The minimum requirements for the foundation walls shall be either 12 inches of brick or concrete block, 16 inches of stone or 10 inches of 2,000 pounds per square inch minimum plain concrete. Such walls shall be erected upon a concrete footing not less than eight inches thick by 18 inches wide. An eight-inch concrete wall shall be acceptable, provided it is reinforced both horizontally and vertically with either
three-eighths-inch-diameter or one-half-inch-diameter bars placed six inches or 12 inches on centers, respectively. The footing for such a reinforced concrete wall shall be not less than 10 inches by 18 inches.

(3) In one-story buildings, the basement walls may be eight inches of solid concrete block, brick or concrete, over an eight-by-twelve-inch concrete footing. The exterior surfaces of eight-inch basement walls shall be treated with an approved water-repellent material. In all eight-inch basement walls, four-inch-by-twelve-inch pilasters shall be provided for all girders or beams. All masonry walls shall be laid in mortar consisting of one part cement, one part lime and six parts of sand.

(4) Basement walls shall extend at least six inches below the basement floor, which shall be paved with a minimum thickness of two inches of concrete, and the height of wall from the basement floor to the underside of the first floor joist shall not be less than seven feet nor more than eight feet unless the basement walls are increased in size.

(5) Basement walls shall be provided with ventilating sash or windows, the total area of which shall equal 1/50 of the combined basement area.

(6) When there is no basement under a first floor of wood construction, a clear space of not less than 18 inches from the underside of the first floor joist to the ground shall be provided, and the ground shall be adequately graded so as to drain itself of surface water.

(7) Clear, access or crawl spaces under the first floors shall be vented with protected openings having a net clear area of not less than 1/400 of the ground area of the basementless space in square feet. These openings shall be placed at both ends so as to provide the best of cross-ventilation.

(8) First floor construction that rests upon the ground shall be of concrete at least four inches thick over a waterproof vapor barrier.

C. Exterior walls. The exterior wall shall not exceed 20 feet in height from the top of the first floor joist to the wall plate for the roof joist or rafters; gable ends being permitted in addition thereto.

(1) Wood-constructed exterior walls shall consist of wood studs not less than two inches by four inches, spaced not over 16 inches on centers with the larger dimension perpendicular to the wall. The corner posts shall not be less than three two-by-fours. In one-story buildings not over 11 feet in height, the spacing of the studs may be increased to 24 inches. All studding shall be braced at all external corners of every story by the use of a one-by-four let into the outside face of studs, corner post, sill and plate. The bracing shall extend from the bottom of sill or floor line to the floor line or plate above at an angle of 45°. Such bracing may be omitted when the framing is adequately braced by the wall sheathing. The application of one-inch wooden boards, applied diagonally at 45° in opposite direction from each corner, shall be the criterion of adequate bracing.

(a) Sheathing shall be one-inch wooden boards or other approved material as per Subsection P of this section, and shall be covered with a combustible or
noncombustible weathertight veneer.

(b) Exterior wall studs shall not be spliced but shall continue through for their full height. They shall start from a sill plate not less than two inches by six inches resting upon masonry or concrete walls, and be anchored thereto by minimum diameter one-half-inch bolts at intervals not over six feet. All studs shall be capped with double plates, each at least two inches thick and of the same width as the studs, or with a single plate at least three inches thick and of the same width as the studs.

(c) The jambs and headers of all wall openings shall be framed in accordance with the requirements for framing of openings in interior load-bearing partitions of this section.

d) Wood-constructed exterior walls shall be kept at least eight inches above any adjacent ground surface.

e) In party walls, all floor joists or roof rafters shall be separated from each other by not less than four inches of solid masonry.

(f) Special permission will be given to set girders, stairholders and chimney tail joist opposite.

2) Masonry-constructed exterior walls shall not be less than eight inches of brick, hollow concrete or cinder block, or a combination thereof, of 16 inches of stone. No masonry wall shall be more in thickness than its foundation wall. No hollow units shall be in immediate contact with the floor joist, roof rafters, beams or girders. Under all bearing members there shall be at least one course of solid concrete block or three courses of brickwork. Masonry walls shall be laid in a mortar of one part cement and one part lime to six parts of sand, or its equivalent. Workmanship, bonding and laying shall be in accordance with the requirements as provided for in §105-89 of this code.

(a) No chases for plumbing pipes, heat ducts, or chases for any other purpose, shall be allowed in eight-inch masonry walls.

(b) Wood lintels for spans three feet or under may be used; otherwise, they shall be steel or reinforced concrete.

D. Veneered walls. In no case shall the veneer be considered a part of the required thickness of the wall. No wall and its veneer shall be thicker than the foundation wall thereunder. Veneers shall be attached or anchored to the one-inch sheathing of wood construction or the eight inches of masonry construction walls, by a method satisfactory to the Building Official. Anchors or attachments as required shall be of noncorrodible metal, with galvanized metal lath being used for stucco.

E. Party walls.

1) Party walls shall be constructed in accordance with the requirements for exterior masonry walls of this section, but the footing shall be increased to eight inches by 18 inches. They shall be unpierced by openings; less than 60 feet in length; and shall
support joist spans of not over 20 feet. Party walls shall extend through and above the roofs eight inches where the slope is less than 5 1/2 inches in 12 inches. In all cases, they shall be capped with metal or other approved noncombustible material.

(2) Party walls shall not be required for open or enclosed porches; provided there is no part of the building above the porch and that the building wall to which the porch is attached is masonry, with no openings aggregating more than seven feet in height by six feet in width.

(3) In party walls, all floor joist or roof rafters shall be separated from each other by not less than four inches of masonry. Special permission will be given for girders, stairheaders and chimney tails.

F. Floor and flat-roof systems.

(1) All floor planking and roof decking shall be one-inch wooden boards or other approved material as per Subsection P of this section.

(2) Joists two inches by eight inches and larger shall be laterally braced with continuous rows of bridging (minimum size one inch by three inches when of wood) at intervals not exceeding eight feet.

(3) The maximum spacing of floor joists for single- (25/32 inch actual minimum) thickness flooring shall be 16 inches on centers, and for double thickness with one layer laid diagonal, the maximum spacing shall be 24 inches. Roof joists for flat roofs shall not be spaced more than 24 inches on centers.

(4) Joist sizes for floors, flat roofs, ceiling and attic systems shall not exceed the spans tabulated in Appendix A, Minimum Property Requirements, East District, Federal Housing Administration.4

(5) Joist ends resting on masonry shall have bearing of at least four inches in length; be provided with a fire cut to a bevel of three inches in their depth; set with an airspace of 1/2 inch on their sides and ends for ventilation. When a wall plate is used in connection with joist resting upon masonry, it shall be at least two inches by six inches in size and anchored at least every six feet in an approved manner. All joist shall be spiked to such a plate.

(6) Where joist runs parallel to masonry walls, such walls shall be anchored to the floor system by metal straps, at maximum intervals of eight feet, embedded in the wall and fastened across at least three joist.

(7) In wood-constructed exterior walls, the second floor joist shall rest upon a one-by-four ledger board notched into the studding, and each joist shall be spiked to a wall stud. Roof joist shall be supported in a similar manner or rest upon a top plate and be spiked thereto. All joist parallel to a wooden wall shall be tied to the wall in a manner similar to the method used for masonry walls.

(8) Center girders or beams, when used, shall be anchored to the foundation walls; be

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4. Editor’s Note: Appendix A is on file in the Borough offices.
provided with at least six inches of bearing in their length; and designed to carry all loads imposed upon them. The live load shall be figured at 50 pounds per square foot of floor area. The joist clear span from a center girder to the outside wall shall not be over 21 feet.

(a) Joist framing into the sides of center girders shall rest upon steel angles or wooden strips at least two inches by two inches attached to the sides of the girder, or be hung therefrom in steel joist hangers. No joist shall be notched more than 1/4 of its depth, and all shall be securely fastened to the girder. Joist framing over beams and girders shall be lapped and spiked together, or butted over center of bearing. When lapped, minimum lap four inches. When butted, they shall be tied with metal straps (one-eighth-by-one-by-eighteen-inch minimum), or one-inch-thick wood ties at least two feet long. All joists shall be securely attached to the center girder.

(9) Trimmers, headers and tail joist: Tail joist over 10 feet long shall be hung to headers by metal hangers or secured by other means affording equivalent support. Headers receiving more than four tail joists shall be doubled and secured to the trimmer by steel joist hangers. Headers four feet or less in length may be single and shall be supported by metal hangers or wood-bearing strips. Trimmers shall be doubled, unless opening occurs at end of joist span and header is four feet or less in length, then trimmer may be single.

(10) Double joist shall be provided under all bearing partitions and under plaster-finished nonbearing partitions when parallel to floor joist. Additional joist shall be provided as required to support unusual loads. Joist-supporting bearing partitions running across the joist shall be increased in size and/or reduced on centers as may be required to support the additional load of the bearing partition.

(11) Cutting of floor joist not more than 1/6 of their depth for piping and duct work shall be permitted in the end third of the span only; otherwise, a header shall be installed. Holes not over 2 1/2 inches diameter may be bored through joists when their edges are not nearer than two inches to the top or bottom of the joist.

G. Pitched roofs.

(1) When the slope of a roof is three in 12, see Appendix A, Federal Housing Administration.5

(2) Hip-and-valley rafters shall be two inches more in depth than common rafters, but in no case less than cut of jack rafter. In double-pitched roofs, ridge pieces shall be provided of a depth not less than the plumb cut of the abutting rafters.

(3) Collar beams not less than one inch by six inches or two inches by four inches shall be provided, spaced not over five feet apart. When collar beams are above the lower third of the rafter, and ties are not provided at the plate line, provision shall be made for tying the lower ends of rafters to the floor or ceiling construction. If the collar beams serve as ceiling joist, they shall be of the same thickness and spacing as the

5. Editor’s Note: Appendix A is on file in the Borough offices.
rafters.

(4) Rafters shall be cut for level bearing and spiked to the wall plate.

H. Interior partitions (wood construction).

(1) Bearing partitions of wood construction shall not be used in any basement.

(a) The wooden studs shall be continuous, placed perpendicular to the wall, not less than two inches by four inches in size, and spaced not over 16 inches on centers. Not less than two by six studs shall be used when the partition is supporting joist spans over 18 feet. Studs shall be provided at the top with double plates, each at least two inches thick and of the same width as the studs. Plate members shall be lapped at corners and intersecting partitions. When plates are cut for piping or duct work, steel angles shall be installed as a tie for the plate and/or a bearing for the joist. Where the studs do not rest upon girders, beams or joist, or upon plates of partitions in a lower story, they shall have sole plates of the same dimensions as the studs. The end studs connecting to masonry walls shall be anchored with bolts or spikes approximately two feet six inches on centers.

(b) Openings shall be provided with double studs at their jambs. The inner stud of the jambs shall extend in one piece from header to bearing and shall be nailed to the outer stud. Headers for openings up to three feet six inches' span shall be two two-by-fours on edge. Larger openings shall be trussed and provided with headers as follows:

<table>
<thead>
<tr>
<th>Maximum Span</th>
<th>Headers</th>
</tr>
</thead>
<tbody>
<tr>
<td>4 feet 6 inches</td>
<td>2 two-by-sixes on edge</td>
</tr>
<tr>
<td>6 feet 0 inches</td>
<td>2 two-by-eights on edge</td>
</tr>
<tr>
<td>7 feet 6 inches</td>
<td>2 two-by-tens on edge</td>
</tr>
</tbody>
</table>

(c) Where headers support concentrated loads or are subject to other unusual loading conditions, the header shall be specially designed as per Article XI of this code.

(2) Nonbearing partitions shall not be less than two inches thick. When two inches thick, the studs shall be two-by-fours with two-by-sixes for jamb openings. In three- and four-inch partitions when the opening does not exceed three feet, single framing at openings may be used. Headers in openings over three feet in width shall be doubled. Top and sole plates not less than two inches thick shall be provided. Top plates shall be lapped at outside walls and bearing partitions.

I. Nailing and fastening of all wooden members shall be in accordance with the recommendations of accredited authorities and satisfactory to the Building Official, but in no case shall the nailing be less than that called for in Section 4088-4 of "Minimum Property Requirement," Federal Housing Administration—Form No. 2251, Revised January 1952.

J. Fire stops, to prevent the free passage of flame and gases through concealed spaces or openings in event of fire, shall be constructed in all combustible framing to the satisfaction
of the Building Official. No firestopping shall be covered or concealed until approved.

(1) The material used for firestopping shall be incombustible, or of wood not less than two inches in thickness.

(2) Exterior walls of wood frame construction shall be fire stopped at each floor level, at top story ceiling level, at the roof level in the case of flat roofs, and at the foot of roof rafters in the case of sloping roofs.

(3) Interior stud partitions shall be fire stopped at the floors and ceilings of each story. In addition, fire stops between the joist over the top plate of all bearing partitions, to prevent the horizontal passage of flame and gases, shall be provided.

(4) Joist shall be trimmed not less than two inches away from all masonry flues and chimneys. Framing relative to other sources of heat shall be in accordance with the article on chimneys and heat-producing appliances of this code. When joists run parallel to a masonry wall, the space between the wall and nearest joist shall be not less than one inch, and shall be solidly filled with masonry or approved noncombustible materials. Joist supported by a bearing partition shall be fire stopped at the partition; the firestopping shall be the full depth of the joist and the full distance between the sides of each joist.

(5) Furred masonry walls shall have the space created by the furring fire stopped at all floors and ceilings.

K. Stairs and exitways for Type F construction shall be as follows:

(1) Exterior doorways, at least two: one three feet zero inches by six feet eight inches, the other two feet eight inches by six feet eight inches, minimum sizes.

(2) Interior doorways: habitable room, two feet six inches by six feet six inches; bathroom or toilet compartment, two feet zero inches by six feet six inches; minimum sizes.

(3) Stairways: headroom, measured vertically from front edge of tread to a line parallel with stair run: main stairs, six feet eight inches; others, six feet six inches; minimum dimensions.
   (a) Width: main stairs, minimum two feet nine inches, measured clear of handrail; others, two feet six inches.
   (b) Treads: all stairs, minimum width nine inches plus one-and-one-fourth-inch nosing.
   (c) Rise: maximum height 8 1/4 inches; all riser heights in any one stairs shall be the same.
   (d) Winders: not permitted.
   (e) Landings: width not less than width of stairs. Required at top and bottom of any stairs having a door which swings toward the stairs.
   (f) Handrail: at least one on each run of stairs, either railing or wall type.
(g) Railings: around open sides of all stair walls, and on open sides of all stair runs having more than three risers.

(4) All stories having a floor area in excess of 1,800 square feet shall be provided with two stairways located with proper regard to safety of the occupants, ease of exit and satisfaction of the Building Official.

L. Rooms.

(1) The interior arrangement of rooms, particularly with respect to bedrooms, bathrooms and toilet compartments, shall be such as to provide the maximum degree of privacy obtainable. Each bedroom shall have access to a bathroom or a compartment containing a water closet and lavatory, without passing through a bedroom or other habitable room. Each habitable room shall have access to each other habitable room and to a bathroom or a compartment containing a water closet and lavatory without passing through a bedroom.

(2) No bathroom or toilet compartment shall open directly into a kitchen.

(3) Habitable rooms shall not be less than seven feet six inches clear from floor to ceiling. Such rooms shall have a minimum width of six feet in any part and a minimum clear floor area of 150 square feet for living rooms, 70 square feet for dining rooms, 160 square feet for living and dining room combinations, 50 square feet for kitchens, 100 square feet for bedrooms; however, one of two or more bedrooms may be 70 square feet. Bathrooms shall be adequate for water closet, lavatory and tub or shower.

(4) Light and ventilation shall be provided for all habitable rooms, bathrooms or toilet compartments. Every room shall have at least one window opening directly upon a street or yard. Windows shall have an aggregate glass area not less than 1/10 of the floor area served and with not less than 3/8 of the required glass area available for unobstructed ventilation. In lieu of windows, the glass area in exterior doors may be accepted for 100% of the light requirements but not more than 25% of the ventilation requirements. The minimum glass area shall be 10 square feet for habitable rooms, six square feet for bathrooms and four square feet for toilet compartments. Mechanical ventilation may be used for bathroom or toilet compartments. Such ventilation shall conform to Minimum Property Requirements, East District, Pennsylvania, Federal Housing Administration.

M. Private garages of not over two-car capacity may be attached to, or built within, a building of Type F construction; provided the floor is not less than four inches of concrete and is drained to the outside and away from the building; the exterior walls of frame construction and the ceiling of the garage area are plastered with one inch of neat gypsum plaster on wire lath; there are no openings in the interior walls of the garage, and such walls are equivalent in fire rating to a two-inch solid cement plaster on metal lath and noncombustible studding.

N. Insulation and vapor seals shall be of an approved kind in conformity with § 150-64A or B of this code.
O. Lathing and plastering shall be in conformity with § 105-94 of this code.

P. Alternate materials and methods of construction may be used for Type F construction if the material or method has been approved by the Building Committee. The Committee's decision shall be based upon written satisfactory evidence that the material, design or construction will develop the equivalent effectiveness, strength, quality and structural rigidity or stability. Also, that the fire-hazard requirements of this code shall not be exceeded and that the following minimum fire-resistance ratings shall be met: exterior walls, 3/4 of an hour; interior walls, 1/2 hour; interior ceilings, 1/4 hour.

ARTICLE IX
Means of Egress

§ 105-72. Definition.
As used in this chapter, the following terms shall have the meanings indicated:

EXITWAY — The exit doorway or doorways, or such doorways, together with connecting hallways, passageways, corridors, interior or exterior stairways, horizontal exits, bridges, ramps, balconies, escalators, elevators and fire escapes, by means of which persons may proceed safely from a room or space to a street or to an open space which provides safe access to a street. Exitways from any room may lead through other rooms of the same tenancy.

§ 105-73. Application of article.

A. New buildings. Buildings hereafter erected shall be provided with exit facilities in accordance with the requirements of this article.

B. Alterations. No building shall hereafter be altered so as to reduce the number or capacity of exits to less than required for new buildings of similar construction and occupancy. Exits hereafter installed shall conform to the requirements for exits in new buildings, except when such exits are installed to comply with a specific order of the Building Official.

C. Existing buildings. Every building heretofore erected which is not provided with exit facilities as required for new buildings and in which the existing exit facilities are inadequate for the safety of the occupants shall be provided with such means of egress as directed by the Building Official.

D. In addition to these minimum requirements, the specific requirements of this code shall be met, especially the requirements of §§ 105-40, 105-75E and the following: Not less than two means of egress shall be provided for all Class 1, Class 2 or Class 3 buildings, unless specific approval for only one means of egress has been obtained from the Building Official.

§ 105-74. Commonwealth requirements.
The requirements of the laws of Pennsylvania and the regulations of the Department of Labor and Industry adopted thereunder as to means of egress shall constitute minimum requirements for the design, construction and maintenance of exit facilities for all Class 1, Class 2, Class 3 and Class 4 buildings hereafter erected or altered in the Borough.
§ 105-75. Arrangement.

A. Means of exit shall be so located as to be readily visible, with unobstructed access thereto, and with means of egress that will not be obstructed by fire or impaired by smoke.

B. No part of a stairway, whether interior or exterior, nor a fire escape, or a hallway, corridor, vestibule, balcony or bridge serving as an exitway, shall be used for any purpose which will interfere with its value as an exitway.

C. The height of the vertical rise of stairways in Class 1, Group 2 buildings and Class 3 buildings shall not exceed eight feet between landings or intermediate platforms. In all other buildings, no stairway shall have a rise of more than 12 feet between landings or intermediate platforms, except as permitted by § 105-77.

D. In buildings more than three stories high above grade, with roofs having a pitch of not more than one in four, at least one required stairway shall continue to the roof.

E. When in the opinion of the Building Official the arrangement or requirements of § 105-74, Commonwealth requirements, of this code, are not sufficient to give the necessary protection to occupants of a building, additional means of egress or additional safeguards of construction or maintenance shall be provided as directed by the Building Official.

§ 105-76. Class 5 buildings.

The required exitway for Class 5 buildings shall be in accordance with § 105-71K, Stairs and exitways for Type F construction.

§ 105-77. Iron fire escape.

A. No iron fire escape shall hereafter be erected as a means of egress for any building, except on existing Class 4 buildings or existing Class 5 buildings converted to Class 4 buildings.

B. When erected, a fire escape shall be of the independent tower type, with stairways not less than 24 inches wide, at right angles or parallel to the building. No counterbalanced section shall be permitted. The stairways shall not pitch over 45° with the horizontal, nor rise over 14 feet without landings or platforms. Landings shall not be less than 24 inches in tread and the full width of the stairway.

C. All parts of the fire escape shall be structural steel or wrought iron, supported by foundation of concrete piers, not less than 12 inches square, and three feet in the ground.

D. The structural frame shall consist of three-by-three-by-three-eighths-inch angle posts or columns with eight-by-eight-by-one-half-inch steel base plates anchored to the foundation by three-fourths-inch bolts. The frame shall be cross-braced with two-by-two-by-one-fourth-inch steel angles as required by the Building Official, one-fourth-inch fish plates being used where the braces cross and are attached to the post.

E. Stair stringers shall not be less than six-by-one-fourth-inch steel plate. Treads shall be seven inches wide and shall consist of one-and-one-half-by-one-and-one-half-by-one-fourth-inch angles on the outside, with one equally spaced center slat of two-and-one-half-by-one-fourth-inch steel, all of which shall
be supported by a one-and-one-half-by-one-and-one-half-by-one-fourth-inch angle attached to the stringer. Landings shall be constructed of a one-and-three-fourths-by-one-and-three-fourths-by-one-fourth-inch angle iron frame with floor slats of two-by-one-fourth-inch steel, spaced not more than 2 3/4 inches center to center.

F. Landings shall be provided with suitable railing three feet high and both sides of the stairways shall be provided with railing three feet off the nose of the tread.

G. Egress to a fire escape shall be by means of a door that opens out, of fire-resistive construction for the second floor, or wooden construction for the third floor, not less than three feet wide. Any door within four feet of a fire escape shall be of fire-resistive construction. A door may be glazed with wire glass when less than 280 square inches in area.

H. Where the means of egress is direct from one apartment and used only by the occupants of that apartment, a hinged window shall be acceptable. Windows within four feet of a fire escape, or windows under a fire escape within one story thereof, shall be provided with wire glass.

I. When an iron fire escape crosses any roof and is within four feet thereof, the roof shall have or shall be made to have a fire-resistance rating of one hour.

ARTICLE X
Precaution During Building Operation

§ 105-78. General.

The provisions of this article shall apply to all construction operations in connection with the erection, alterations, repair or demolitions of buildings and structures. All provisions for safety during construction not specifically covered by this code shall be rules promulgated by the Building Official. In the issuance of such rules, he shall be guided by the various "Safety Regulations" issued by the Department of Labor and Industry, Commonwealth of Pennsylvania, and the applicable publications of the American Standards Association, Inc.

§ 105-79. Sanitation.

Toilets. Until permanent provision is made, suitable and adequate temporary toilet facilities shall be provided during the erection, addition, alteration or repair of a building.

§ 105-80. Disposal of waste.

A. Waste material and rubbish shall not be stored or allowed to accumulate within or in the immediate vicinity, but shall be disposed of or removed from the premises as rapidly as possible. Dry materials or rubbish shall be wetted down, if necessary, to lay dust or prevent being blown about.

B. Combustible waste and rubbish shall not be disposed of by burning on the premises or in the immediate vicinity but shall be removed from the premises daily.
§ 105-81. Storage of materials.

A. Definition. "Materials," for the purpose of this section, is meant to be building materials or equipment required as an integral part in the construction of any building. It does not cover waste material or rubbish.

B. Within building. Material or equipment needed in the building operation shall be stored on the property whenever possible and shall be placed so as not to overload any part of the building or create a hazardous condition.

C. Storage shed, trailer storage or construction office. The granting of a building permit shall entitle the holder thereof to apply for a temporary shed, trailer storage or construction office permit with the payment of a fifty-dollar permit fee for a six-month period that may be renewed at the option of the Borough of Norwood with the repayment of said fee and if the holder is in compliance with all other Borough of Norwood building permit requirements and all other ordinances of the Borough of Norwood. As security for restoration of the area the storage shed, trailer storage or construction office is erected thereon, the holder shall advance and post with the Borough of Norwood a two-hundred-fifty-dollar security deposit, paying no interest to the holder; the security is returned to the holder, with no interest, only upon removal of the storage shed, trailer storage or construction office, and the parcel is fully restored, graded, clean, free of debris and trash, neither damaged nor spoiled. In the event that the permit holder fails to comply with all terms and conditions of this part, the security deposit shall be forfeited and paid to the Borough of Norwood. The storage shed, trailer storage or construction office shall be erected within the property lines of the property to be altered or improved. However, no such office, shed or trailer shall be built contiguous to or within 10 feet of the property lines unless it has the sides and roof properly covered with sheet metal or other fire-resisting materials as approved by the Borough, and the total area of any such office, trailer or shed shall not exceed 1,000 square feet unless a permit is obtained as prescribed for new buildings. The storage shed, trailer storage or construction office shall not be used for any other purpose and shall be removed upon the termination of the permit or completion of the work, whichever occurs first, with the parcel fully restored, cleaned, free of debris and trash, appropriately graded and seeded. At all times, the storage shed, trailer storage or construction office must be kept in a clean and safe condition with no graffiti, damage or vandalism and with appropriate security lighting as the Borough may require. The permit holder shall be responsible for all costs and expenses associated with the removal of the trailer storage, shed or construction office, including any costs of repair and maintenance, removal, storage, restoring and grading the site, removal of trash and debris and the general cleaning and maintaining of the safety, the condition and welfare of the site. [Amended 2-23-1998 by Ord. No. 98-3]

D. Public highways. The public streets and highways of the Borough shall not be used for the storage of building materials or equipment without a permit.

E. Street permit. Application for a permit to use the streets of the Borough shall be made on a form furnished for such purpose to the Building Official, who shall issue the permit upon payment of the prescribed fee, if the application does not conflict with any other Borough ordinance.
F. Storage requirements. No materials are to be piled on any street to a greater distance than 7 1/2 feet from the curbline, and in no case shall the roadbed be reduced to such an extent as to prevent the full and unobstructed flow of traffic between the piles of material and the opposite curbline. An unobstructed gutter at least 16 inches in width must be maintained along the curb at all times. Maximum height of stored material whenever stored not to exceed six feet in height.

G. Storage safety measures. From sunset to sunrise there shall be displayed sufficient red light on all materials deposited or stored on any public street or highway, to warn pedestrians and vehicular traffic of the danger. There shall be lights displayed on each separate pile of materials or units of equipment, and where continuous piling or storage is done, there shall be an additional light at least every 20 feet.

H. Revocation. The Building Official may revoke any street permit if, in his opinion, the streets are being improperly used or danger to the public is being allowed to exist.

§ 105-82. Protection of public and workmen.

A. Scaffolds. All scaffolds, temporary stairs, ladders, floor and shaft coverings, etc., shall be constructed, supported and of sufficient width so as to insure the safety of persons working thereon or passing under or near them.

B. Sidewalk shelters.

   (1) Where buildings are erected, added to or demolished close to adjacent sidewalks, pedestrians shall be protected from injury. It may be a fence when the work is close to the ground, but when the public may be endangered by falling objects, the entire sidewalk shall be protected by an overhead shelter.

   (2) Sidewalk or pavement shelters shall have leakproof covering, be provided with electric lights, be painted, and meet all the requirements for pavement shelter as adopted by rules promulgated by the Building Committee.

   (3) No pavement shelter shall be erected until approval of the Building Official and a permit therefor has been obtained.

§ 105-83. Adjoining roofs.

When a building is to be erected above the roof of an adjoining building, protection for the roofs, including skylights, of such adjoining buildings, shall be provided for by the person responsible for the new construction. Should the owner, lessee or tenant of the adjoining building refuse permission to have the roofs and skylights of his building protected, the responsibility for necessary protection shall devolve upon the person refusing this permission.

ARTICLE XI
Engineering and Construction Requirements


A. In this article numerous references are made to a section of the "City of Philadelphia Building Code of 1949." Such reference is made by using the word "Phila" followed by a
number, which number represents the section number in the Philadelphia Code. When such reference is made, the sections referred to shall, by such reference, become a part of this code.

B. Words used in the Philadelphia Code, such as, but not limited to Chief, Fire Marshal, City of Philadelphia, Inspector, Bureau, shall mean the Building Official or the Building Committee of the Borough of Norwood, as applicable. In the Philadelphia Code where reference is made to types of construction as I, II, III, IV and V, it shall refer to the types of construction designated in this code as A, B, C, D, and E, respectively.

§ 105-85. Engineering requirements.
Phila. 1400 through Phila. 1412.

§ 105-86. Loads.
Phila. 2200 through Phila. 2227. In Phila. 2224 the "50%" referred to shall be read "40%," as per § 105-6D of this code.

§ 105-87. Fireproofing.
Phila. 2500 through Phila. 2513, except firestopping of wood in Phila 2502(h) shall be not less than two inches, nominal.

§ 105-88. Soil-bearing values and excavations.
A. Phila. 1500 through Phila. 1503, except every footing shall be carried down at least three feet below any adjoining surface exposed to freezing, unless otherwise specifically permitted by the Building Official for building of light character.

B. In all soils of less than 1,000 pounds per square foot of bearing value, suitable piles or caissons shall be provided to insure a bearing value sufficient to safely carry the load to be imposed thereon.

(1) Piles. Phila. 2300 through Phila. 2303.

(2) Caissons. Phila. 2400 through Phila. 2402.

§ 105-89. Walls (masonry or concrete) and mortars.
A. Mortars. Phila. 1614, except no lime mortar shall be permitted.

B. Walls. Phila. 1600 through Phila. 1673, except 1621, 1622, 1624 and 1653.

§ 105-90. Reinforced concrete.
A. Phila. 1700 through Phila. 1773.

B. The Building Official may, where applicable, accept the American Concrete Institute's publication (ACI-318-51) "Building Code Requirements for Reinforced Concrete" as meeting the requirements of this code.
§ 105-91. Reinforced gypsum concrete.
Phila. 1800 through Phila. 1804.

§ 105-92. Steel and iron.

§ 105-93. Timber and woodwork.
A. General.

(1) In the design of all timber construction, consideration shall be given to dimensional changes caused by seasoning. Preparation, fabrication and installation of such members and the adhesive and mechanical devices for the fastening thereof shall conform throughout to good engineering practices, satisfactory to the Building Official.

(2) Structural members, floor and roof planking shall be framed, nailed, bolted, set, anchored, tied and braced together so as to develop the strength and rigidity necessary for the purpose for which they are used. Members of floor and roof systems shall be properly fire cut, and throughout a building of timber construction adequate firestopping shall be provided. Reference is made to §§ 105-68, 105-69 and 105-71 of this code covering such matters.

B. Quality. The grading and quality of structural timber shall be in accordance with the rules and specifications promulgated by the United States Department of Agriculture.


D. Design.

(1) The National Lumber Manufacturers Association shall be acceptable as an authority on the design and construction of timber structures, and its publications, Wood Structural Design Data and National Design Specification for Stress-Grade Lumber and Its Fastenings, revised to 1948, may be used as a basis for engineering design.

(2) No washer shall be of such proportion that the compression on the wood at the face of the washer will exceed the working stresses prescribed below.

(3) If glues are used in structural arches, the glue shall be of a quality to develop the full strength of the wood; it shall not produce decomposition or deleterious chemical reaction on the wood structure and shall not be attractive to vermin. Plywood, veneers and other processed wood and wood-base materials shall be tested and conform to the applicable American Society for Testing Materials specifications.

E. Allowable stresses. Phila. 2102.

F. Periodical inspection. Within two years after erection, owners of buildings of Type C construction or buildings with wooden trusses shall have all timber joints inspected and made tight.
§ 105-94. Lathing and plastering.

Except as otherwise specifically provided in this code or by rules duly promulgated by the Building Committee, the following standard specifications approved by the American Standards Association shall be deemed to be generally good practice for lathing and plastering:

- Gypsum Plastering ASA A42.1-1950
- Portland Cement Stucco ASA A42.2-1946
- Portland Cement Plastering ASA A42.3-1946
- Interior Lathing and Furring ASA A42.4-1950

§ 105-95. Fire protection of openings.

The necessary fire protection of openings in walls, floors and roofs so as not to impair the fire-resistant ratings thereof shall comply with all of the standard requirements of the National Board of Fire Underwriters.

ARTICLE XII
Service Equipment

§ 105-96. Electrical.

A. System. All electrical wiring installed in a new or existing building and any alteration or extension made to an existing electrical wiring system shall conform to the requirements of the National Electrical Code and the safety regulations of public utilities having jurisdiction.

B. Quality. Materials, fittings, appliances, devices and other equipment listed in publications of inspected electrical equipment of the Underwriters' Laboratories, Inc., and installed in accordance with the recommendations of the written approval of those authorities, shall be accepted as meeting the requirements of this code.

C. Inspection. No electrical system shall be used until a satisfactory certificate of inspection has been obtained from the Philadelphia Suburban Underwriters' Association or other lawfully appointed body having jurisdiction over the installation of electric wiring. Evidence that such a certificate has been obtained shall be submitted to the Building Official.

§ 105-97. Emergency lighting systems.

A. The regulations of the Pennsylvania Department of Labor and Industry for the "Construction, Installation and Maintenance of Emergency Lighting Systems" shall apply to all buildings except dwellings in the Borough. In questions of doubt or controversy, the Building Official shall decide the issue.

B. In all occupied apartment buildings three or more stories in height and containing less than 30 apartments, the interior main stairs shall be illuminated by a separately fused electric circuit connected to the house electric meter. It shall be the responsibility of the owner or tenant of the building to maintain lights in these stairways from sunset to sunrise.
C. No gas or oil system of emergency lightings shall be permitted.

§ 105-98. Fire alarm system.

All new and existing buildings shall be equipped and maintained with fire alarm systems as required by, and shall conform to, the regulations of the Pennsylvania Department of Labor and Industry for "Construction, Installation and Maintenance of Fire Alarm Systems."

§ 105-99. Oil- or gas-burning equipment.

A. Burners and accessories.

(1) Domestic and industrial oil- or gas-burning systems and equipment shall be installed and maintained in strict accordance with the regulations and requirements of the National Board of Fire Underwriters, the Factory Mutual Inspection Department, or the safety regulations of public utilities having jurisdiction.

(2) Oil or gas burners, piping, tanks, automatic devices and all other accessories shall be of an approved type meeting the requirements of the Underwriters' Laboratories or the Factory Mutual Laboratories.

(3) In industrial installations, unless a competent attendant is constantly on duty in the room in which the oil or gas burner is operated, each oil or gas burner shall be equipped with automatic means of controlling the abnormal discharge of oil or gas. Before installing or remodeling any oil- or gas-burning equipment in any building other than dwellings, it shall be necessary that plans be submitted to the Building Official for approval, showing the relative position of burner, piping, tanks and pumps if used; also the elevations of the building and the lowest floor or pit, in connection with the proposed installation or alteration.

(4) Complete instructions for the operation of the oil- or gas-burning equipment shall be posted in a conspicuous place near the burner in any building, including dwellings, and maintained in a readable condition.

B. Boilers or furnaces.

(1) All furnaces or boilers in which oil or gas burners are installed shall be connected to flues having sufficient draft at all times to assure safe operation of the burner. Smoke-pipe dampers shall be so arranged as not to close off more than 80% of the area of the pipe.

(2) Where oil or gas burners are installed in furnaces originally designed for solid fuel, the ash door of the furnace shall be removed or bottom ventilation otherwise provided, to prevent the accumulation of vapors in the ash pit, unless the burner is of a type which mechanically clears the ash pit.

C. Piping.

(1) All piping shall be standard full-weight wrought-iron steel, or brass pipe with standard fittings, or approved brass or copper tubing with approved fittings; except that approved flexible metal hose may be used for reducing the effects of vibration or
where rigid connections are impractical. Pipe used for all industrial-type burners shall be not less than one-half-inch iron pipe size.

(2) All piping shall be rigidly secured in place, and, when necessary, shall be effectively treated to prevent corrosion. Pipe joints and connections, tubing fittings and connections shall be made tight. Unions requiring gaskets, and right and left couplings shall not be used in oil lines.

(3) Pipelines other than flexible metal hose or fuel pipes connected to underground tanks shall be provided with double-swing joints to allow for settlement, and proper allowance shall be made for expansion and contraction and for jarring and vibration.

D. Tanks.

(1) Oil supply tanks not exceeding 275 gallons' capacity may be located inside buildings. In exceptional cases, with the approval of the Building Official, tanks in excess of 275 gallons' capacity may be installed within the building if enclosed in a fireproof enclosure securely bonded to the floor.

(2) Unenclosed tanks shall not be placed within eight feet of any fire or flame.

(3) All inside tanks shall be securely supported by substantial noncombustible supports to prevent settling, sliding or lifting.

(4) Oil tanks in excess of 275 gallons' capacity shall be located outside of buildings underground with the top of the tank below the level of all piping connecting to the tank. In all cases, such underground tanks shall have a covering of earth at least two feet in thickness, or one foot of earth and a slab of concrete at least six inches in thickness. Any such slab shall project at least one foot beyond the tank in all directions. Where it is necessary to bury a tank beneath a building or in a cellar or basement, such a concrete slab shall be provided in every instance.

(5) Underground tanks shall be set on a firm concrete foundation with proper drainage outlets, and surrounded with well-tamped soft earth or sand and firmly weighted or anchored, if necessary, to prevent floating.

§ 105-100. Tanks for inflammable and volatile fluids.

A. State approval. No tank for the storage of oil, gasoline, naphtha or similar fluids, nor any pump drawing off, or measuring device for the distribution or dispensing of, any volatile liquid, shall hereafter be erected, installed, replaced or relocated unless the approval of the Bureau of Fire Protection of the Pennsylvania State Police has first been secured.

B. Borough approval. In addition, drawings and/or specifications of the proposed work shall be submitted to the Building Official for approval. The drawings shall show thereon:

(1) The proposed location of tanks and drawing-off device.

(2) Existing tanks, if any.

(3) Position and description of all buildings on premises.
(4) Position and description of all buildings outside of property lines within a radius of 150 feet.

(5) Streets and roadways, and slope or grade of land, and property lines.

C. The rules and regulations of the Bureau of Fire Protection of the Pennsylvania State Police shall apply to the work.

D. No tank shall be so erected, installed or buried within the legal lines of any street, roadway or thoroughfare within the Borough.

E. No dispensing or distributing device shall be so arranged as to discharge on or above any sidewalk area.

§ 105-101. Air-conditioning, warm-air heating, air cooling and ventilating systems.

A. System. The installation, erection, enlargement, repairing and maintenance of all air-duct systems, either heating, cooling or ventilating, including any combination thereof, shall be subject to the inspection and approval of the Building Official. The Building Official's decision on matters not specifically noted in this section shall be predicated on the standards promulgated by the National Board of Fire Underwriters and with the standards of accepted engineering practice as outlined in the "Heating, Ventilating, Air Conditioning Guide" published by the American Society of Heating and Ventilating Engineers.

B. Ducts.

(1) All ducts shall be constructed of approved noncombustible materials and may be of independent structure or part of the building structure.

(2) Where ducts pass through the wall, floors or partitions, the space around the duct shall be sealed with asbestos, mineral wool or other noncombustible material.

(3) Where ducts pass through concealed spaces of combustible construction or are located inside combustible partitions or walls, either the ducts or the interior surface space of such ceiling space, partition or wall shall be protected with one-fourth-inch asbestos or other approved insulating material. A clearance space of at least one inch shall be provided between the duct and all combustible materials, except that in case of a dwelling, the pipe or duct may be wrapped with one layer of twelve-pound asbestos paper.

(4) When ducts pass through the floors and serve more than one story, except in private dwellings, approved fire dampers shall be placed at all outlet and inlet openings, including branches from the main run.

(5) In the case of an attached private garage where it is necessary to run any duct through the garage portion of the building, such duct shall, in all cases, be run behind the fireproofed wall or ceiling respectively.

C. Dampers.

(1) Wherever it is necessary to install fire doors or dampers in any such system, such fire doors or dampers shall be of sheet metal not less than 16 United States gauge in
thickness.

(2) All fire doors and dampers shall be so arranged to close automatically by means of a fusible link or other heat-actuating device located where readily affected by an abnormal rise of temperature in the duct, and equipped with spring catches in order that they will remain closed. All such fire doors or dampers shall be on hinges, and all other hardware shall be of noncorrosive type.

D. Registers.

(1) Where floor registers are used in connection with a direct-fired furnace or boiler, they shall be made with or surrounded by a border of noncombustible material not less than two inches in thickness, securely set in place. The register boxes in connection with all such registers shall be made double, with an airspace of not less than four inches between, except where the warm-air passage is surrounded by a cold-air passage.

(2) Nothing in this code is intended to prohibit the use of so-called "pipeless furnaces," provided that all such furnaces are installed with the main outlet or floor register in accordance with the above subsection.

E. Fans.

(1) Wherever fans are used, either blowers or exhausters, they shall be located and arranged for convenient repairing, cleaning, inspection and lubrication. They shall be placed on substantial foundations or firmly secured to proper supports, and all exposed openings into fan housings shall be provided with metal screens or gratings.

(2) Where any such system serves more than a single room in any school, church, library, assembly hall or theater, all fans and air-handling equipment pertaining thereto shall be located in a room cut off completely from other portions of the building by construction having a fire rating of not less than two hours.

(3) In any system using recirculation and serving more than one story of any building, an approved thermostatic device with a maximum setting of 125° shall be installed in the system in the return air duct, to shut down the fan in event of the air temperature in the system becoming excessive.

§ 105-102. Standpipes.

A. Required. All buildings of 55 feet or five stories in height, hereafter erected or altered, shall be equipped with standpipes for protection against fire, as herein described.

B. System. Standpipes shall not connect with any pipe or with the Borough water supply direct, and are intended for the use of the Fire Department only, and all standpipes shall:

(1) Be not less than four inches in diameter and of such additional diameter as may be necessary to supply at least one outlet of the size and construction of the standard Borough Fire Department hose outlets, with hose valve, on each and every floor of the building. The standpipe shall extend through the roof, with an approved hose outlet or monitor nozzle attached.
(2) Be located at a point near, or in, each main stairway or stair tower of such building.

(3) Have attached at a point convenient above the sidewalk, outside of the building, suitable pumper connections with check valve of standard Fire Department size and construction so that connections may be made to such standpipe with the Borough Fire Department hose and Borough water supply, and to be clearly marked "Standpipe Connection."

(4) In addition to the Fire Department hose outlets above specified, one-and-one-half-inch hose connection with suitable valve may be required at each floor, with one-and-one-half-inch linen hose attached.

C. Approval.

(1) Plans and diagrams showing the location of standpipes, the size thereof, the number and character of outlets and valves and the character of interior water supply from tanks or pumps shall be submitted to the Building Official for approval, together with such additional plans or detailed information as he may require.

(2) When, in the opinion of the Building Official, a wet standpipe system is necessary, the water supply shall be from an elevated tank of not less than 5,000 gallons' capacity, located at an elevation above the highest hose connection, at a point to be determined by the Building Official, or from an approved fire pump of a rated capacity of not less than 500 gallons per minute.

§ 105-103. Elevators, dumbwaiters and escalators.

A. The installation, repairing and maintenance of all elevators, escalators and dumbwaiters shall conform to the regulations of the Department of Labor and Industry, Commonwealth of Pennsylvania, and "The American Standard Safety Code for Elevators, Dumbwaiters and Escalators," approved by the American Standards Association, where applicable.

B. The Building Official may require duplicate copies of all inspection reports made by the owner's or tenant's casualty or insurance company.

§ 105-104. Sprinkler systems.

A. Sprinkler systems, when installed, shall be installed in accordance with the requirements of the National Board of Fire Underwriters or the Factory Mutual Laboratories and Inspection Department.

B. Areas limited by this code may be increased 100% when automatic sprinklers are installed.

C. Automatic sprinklers may be installed in lieu of § 105-102, provided a suitable pumper connection with check valve of standard Borough Fire Department size and construction is installed in the system.

§ 105-105. Fire escapes.

A. For the purpose of this article, iron fire escapes used on the exterior of three-story apartment houses shall be considered service equipment. They shall be located and served
by exits satisfactory to the Building Official, and conform to § 105-77 of this code.

B. Before any fire escape shall be erected, drawings of the proposed work shall be submitted to the Building Official for approval.

C. All existing fire escapes shall be kept painted and maintained in good condition.

ARTICLE XIII
Chimneys and Heat-Producing Appliances

§ 105-106. General.

Heat-producing appliances and systems shall be installed in accordance with standard practices for safe installation and use without danger of overheating combustible material or construction. Appliances and systems not specifically covered in this article shall meet the approval of the Building Official, who will promulgate rules therefor based on the requirements and recommendations of Building Officials Conference of American Basic Building Code 1950.

§ 105-107. Chimneys.

A. Construction.

(1) All chimneys in every building hereafter erected or altered, and all chimneys hereafter rebuilt or altered, shall be constructed of solid brick, stone, concrete or other approved solid fireproof materials. Chimneys built of stone shall have walls not less than 12 inches thick; and cast-in-place concrete chimneys shall have walls not less than six inches thick. Brick chimneys shall have walls not less than eight inches thick.

(2) In dwellings, the thickness of chimneys used exclusively for ordinary stoves, ranges, boilers, furnaces or open fireplaces may be reduced to not less than four inches for brick or solid concrete and 10 inches for stone. In a party wall, the full thickness of the party wall must be in back of the chimney.

(3) Chimneys shall be built upon concrete or solid masonry foundations. The footing of an exterior chimney shall start below the frost line.

(4) No chimney shall be corbeled from a masonry wall more than six inches nor from a wall less than 12 inches thick.

(5) Chimneys shall extend at least three feet above the highest point at which they come in contact with a roof of the building and at least two feet higher than the highest portion of the roof within 10 feet of the chimney, provided that a chimney need not extend more than two feet above the ridge of a pitched roof.

(6) Chimneys shall be properly capped with approved noncombustible, weatherproof material.

B. Flue linings.

(1) All chimneys, unless of monolithic concrete construction, shall be lined their entire height with standard vitrified flue lining or approved firebrick. The lining shall extend at least two inches above the chimney top. No salt-glazed terra-cotta pipe shall be
used for flue linings.

(2) Flue linings shall be built in as the chimney construction is carried up, carefully bedded one on the other in mortar with close-fitting joints left smooth on the inside. All spaces between the masonry and lining shall be thoroughly filled with mortar. Cracked, broken or otherwise defective flue lining shall not be used in a chimney.

(3) Not more than two flue linings shall be placed in any one chimney, and when such chimney is in party walls there shall be at least eight inches of masonry between the flue linings.

C. Flues and vents for gas-burning equipment. Chimneys and flues as provided for in Subsections A and B of this section shall be required for all incinerators, all appliances which may be converted to the use of solid or liquid fuel, all boilers and furnaces and all other appliances producing flue gas in excess of 550° F. temperature. Suitable flues for other types of appliances may be used when approved by the Building Official and the public utility having jurisdiction.

D. Smoke test. The Building Official may require a smoke test of a chimney after the mortar has thoroughly hardened. Should the test indicate openings, they shall be made tight before making use of the chimney.

§ 105-108. Raising adjoining chimneys.

A. When required. Whenever a building is hereafter erected, enlarged or raised so that a wall along a lot line or within three feet thereof extends above the top of a chimney or smoke flue of a neighboring existing building, the owner of the building so erected, enlarged or raised shall, at his own expense, carry up, either independently or on his own building, all chimneys and smoke flues of such adjoining building which are within 10 feet of any portion of the wall extending above such chimney or flue.

B. Notice to owner. It shall be the duty of the owner of the building to be erected, enlarged or raised to notify, in writing, at least 10 days before such work is to begin, the Building Official and the owner of the chimneys and flues affected, of his intention to carry up such chimneys and flues as herein provided.

§ 105-109. Fireplaces.

A. The backs and sides of fireplaces hereafter erected shall be of approved masonry or reinforced concrete not less than eight inches in thickness. A lining of firebrick or other approved material at least two inches thick shall be provided unless the thickness is 12 inches.

B. All hearths for fireplaces shall be built of brick, stone, tile or other approved noncombustible material supported by trimmer arches of masonry concrete or iron. Such hearths and trimmer arches shall be at least four inches thick, extend at least 18 inches in front of the chimney breast and not less than 12 inches beyond each side of the fireplace opening along the chimney breast.

C. No hearth shall be permanently supported on any wood construction; provided, however,
that concrete hearths may be built on a wooden form and that a brick trimmer arch may be
turned on a wooden center against a wood trimmer, but all such forms or centers must be
removed on completion of the work.

D. No wood material or other woodwork shall be placed within five inches of the top or side
of a fireplace opening.

§ 105-110.  Metal smokestacks.

Nothing in this code shall be deemed to prohibit the creation of a steel or iron smoke pipe in
connection with any building other than a dwelling. Plans for any such smokestack shall be
submitted for approval before any work is commenced, and the construction of foundations,
methods of fastening, size and location of guys, etc., shall be clearly shown on all plans.

§ 105-111.  Smoke pipes.

A. Smoke pipes shall enter the side of chimneys through a fireclay or metal thimble or flue
ring of masonry. No smoke pipe shall pass through a floor nor through a roof unless such
roof is constructed of incombustible materials.

B. The clear distance between a smoke pipe and combustible material or construction,
including plaster or combustible base, shall be not less than 18 inches, provided that such
clearance may be reduced to nine inches when such smoke pipes are protected with not less
than one inch of asbestos or in some other approved manner, or when such combustible
material or construction is protected by sheet metal or equivalent covering placed at least
one inch from the surface to be protected and extending the full length of the smoke pipe
and not less than 1/2 the diameter of the pipe beyond it on both sides.

§ 105-112.  Heating equipment.

A. No heating equipment of any description, other than gas ranges and electric ranges, shall be
placed within 12 inches of any wood stud partition, wood-furred wall or combustible
construction, unless provided with integral insulation or suitable fire protection so that
continued or intermittent operation shall not raise the temperature of the surface of the
partition, wall or combustible construction above 250° F.

B. The location of all heating equipment shall be subject to the approval of the Building Code.

§ 105-113.  Boiler and furnace rooms.

A. Except in dwellings, all heating boilers or furnaces shall be placed in rooms separated from
other parts of the building by construction having a fire-resistance rating of not less than
one hour.

B. Boiler rooms housing boilers rated over 10 boiler horsepower and carrying more than 15
pounds' pressure shall be separated from the rest of the building by noncombustible
construction having a fire-resistance rating of not less than two hours, with door openings
protected by approved fire doors.
§ 105-114. Incinerators.

A. Incinerators in which no fuel, except a gas flame or similar means to accomplish ignition, is used for combustion, other than normal refuse, and in which the chute and smoke flues are identical, hereinafter installed in any building except a dwelling, and in which the grate area of the combustion chamber is less than nine square feet, shall have the enclosing walls of the combustion chamber constructed of clay or shale brickwork not less than four inches thick, and shall be lined with standard fireclay flue lining, or four inches of firebrick for a distance of not less than 30 feet above the roof of the combustion chamber; beyond this point, flue-enclosing walls shall consist of hard-burned brick not less than eight inches thick.

(1) All flues or stacks shall terminate in a substantially constructed spark arrestor.

(2) Service openings into the chute or flue shall be equipped with approved self-closing hoppers so constructed that the chute or flue is closed off while the hopper is being charged and that no part will project into the chute or flue. The area of the service opening shall not exceed 1/3 of the area of the chute or flue.

B. Incinerators which are in excess of nine square feet of grate area shall be fuel fired. The combustion chamber shall be constructed of not less than eight inches of clay or shale brick, lined with four inches of firebrick. The flue shall be lined with firebrick for a distance of 40 feet above the incinerator breeching. Other requirements of Subsection A above shall be required.

ARTICLE XIV
Display Signs

§ 105-115. General provisions.

A. No sign shall be erected or maintained in such manner as to prevent free access to and from any fire escape, window or door, nor shall any sign be attached in any manner to any fire escape or to any door or window giving access to a fire escape.

B. No sign shall be in any manner affixed to any pole, tree, fence, building or other structure located upon any public property or upon any public highway, except that signs may be constructed to extend over a street or sidewalk in the manner hereinafter provided.

C. No illuminated sign shall be erected until the Building Official has received a certificate of approval of the Board of Fire Underwriters for all electrical equipment and wiring on such sign, nor shall any such sign be erected unless it is designed, operated and maintained so as to create no radio or television interference.

D. Every sign and all the supports, braces, guys and anchors thereof shall be kept in repair, and every part not made of noncorroding material shall be thoroughly and properly painted at least once in every three years.

E. Every sign shall be so constructed that it will withstand a wind pressure of not less than 32 pounds per square foot of surface, exerted in a direction of flow at right angles to any surface of the sign at which the wind can bear, and will be otherwise structurally safe and shall be securely anchored or otherwise fastened, suspended or supported so as to permit no
part thereof to swing and so as not be otherwise a hazard to any person or property.

F. No sign shall be erected except those which advertise the business or profession conducted on the premises on which the sign is located; provided, however, that this restriction shall not apply to signs erected and in use at the date of the adoption of this Part 1, or signs erected under the provisions of § 105-120 hereof.

G. Except as prohibited or regulated by zoning ordinances adopted before or after the date of this Part 1, there shall be no restriction upon the length of any sign.

H. The number of square feet of area of any sign shall not exceed a figure equivalent to six times the number of lineal feet of the horizontal length at the longest point of the sign. The area of the sign shall not be construed to include the area of any brace, support or other appurtenances reasonably required for safety of maintenance.

I. This Part 1 shall be applicable to all signs erected at the date of this Part 1 or thereafter erected or maintained, except that if any sign erected before the date of approval of this Part 1 is in violation of any requirement as to dimensions or location, then the existing use may be continued until such time as the sign is removed or altered, but any substantial alteration thereof shall be construed as the erection of a new sign and thereafter such sign shall, in every respect, comply with the terms of this Part 1.

J. The term "erection" and the term "erect" shall be construed to include the maintenance, alteration, repair, reconstruction, relocation and removal of a sign, as well as the installation of a new sign.

§ 105-116. Ground signs.

A. Every sign constructed so as to be supported by uprights or braces placed in or upon the ground and not attached to any part of a building shall conform to the following regulations:

(1) No portion of the sign shall be higher than 15 feet above the mean level of the ground upon which it is placed.

(2) Every such sign shall have an open space of not less than two feet between the mean level of the ground upon which it is placed and the lower edge of the sign.

B. Every ground sign erected shall be erected with a setback from the street line not less than the minimum setback required by the Zoning Ordinance6 in effect at the date of erection of the sign; and in the event of erection of a sign upon a lot at an intersection of streets, the setback shall not be less than 25 feet.

C. If a ground sign is illuminated, the lighting equipment may not extend a distance greater than eight feet from the face of the sign and may not project more than six feet beyond the setback line established by the applicable zoning provisions. All such lighting equipment shall be at least 10 feet above the sidewalk or footway.

D. The owner and the tenant of any lot upon which a ground sign shall be erected shall

6. Editor's Note: See Ch. 300, Zoning.
maintain the sign and the premise appurtenant thereto in a clean, sanitary and inoffensive manner and free and clear of all trash, weeds and other noxious substances.

§ 105-117. Roof signs.

A. Every sign constructed so as to be supported by uprights or braces placed in or upon a roof and not attached to the ground shall conform to the following regulations:

(1) No portion of the sign shall be higher than eight feet above the highest point of the roof upon which it is placed.

(2) Every such sign shall have an open space of not less than two feet between the highest point of the roof upon which it is erected and the lower edge of the sign.

B. If a roof sign is illuminated, the lighting equipment may not extend a distance greater than eight feet from the face of the sign. All such lighting equipment shall be at least 10 feet above the sidewalk or footway.

§ 105-118. Wall signs.

A. Every sign constructed so as to be affixed to any side wall of any building and not attached to the ground shall conform to the following regulations:

(1) No portion of the sign shall extend beyond the upper edge of the wall surface against which it is placed.

(2) No such sign shall project from such side wall more than six inches.

B. In the event that the wall upon which such sign is erected shall have been erected so as to provide only the minimum setback required by the Zoning Ordinance in effect at the date of erection, then the construction of a wall sign projecting not more than six inches shall not be construed to be a violation of the setback requirement of any such ordinance.

C. If a wall sign is illuminated, the lighting equipment may not extend a distance greater than eight feet from the face of the sign and may not project more than six feet beyond the setback line established by the applicable zoning provisions. All such lighting equipment shall be at least 10 feet above the sidewalk or footway.

§ 105-119. Projecting signs.

A. Every sign constructed so as to be supported by uprights, braces, chains, cables or rods and projecting more than six inches from the face of any wall shall conform to the following regulations:

(1) No portion of the sign shall project more than eight feet above the highest point of the roof.

(2) The lower edge of every sign shall be at least 10 feet above the sidewalk or footway.

(3) No portion of any such sign shall extend over the sidewalk or footway a distance of

7. Editor's Note: See Ch. 300, Zoning.
more than eight feet.

(4) Notwithstanding any other provisions of this Part 1, no projecting sign shall exceed 40 square feet in display area.

(5) The limitations of area in § 105-115H hereof shall not apply to projecting signs constructed in accordance with this § 105-119.

B. If a projecting sign is illuminated, the lighting equipment may not extend a distance greater than two feet from the face of the sign and may not extend more than eight feet from the face of the building and shall be at least 10 feet above the sidewalk or footway.

§ 105-120. Small signs.

A. No sign having an area of eight square feet or less and a height of five feet or less from the lower edge of the sign to the upper edge of the sign shall be required to conform to any of the provisions of §§ 105-116 to 105-119, inclusive, of this Part 1, nor shall any permit fee be required for erection or inspection of such sign unless it is a projecting sign; but all other provisions of this article shall be applicable to small signs.

B. A small sign as described in Subsection A of this section may be erected and maintained to announce or advertise any subject matter not detrimental to the morals or general welfare of citizens of the Borough of Norwood, irrespective of whether or not it advertises the occupation or profession conducted upon the premises.

§ 105-121. Permits and enforcements.

A. In the event that a sign is erected for the purpose of advertising or announcing the occupation or profession conducted upon any lot or building, such sign shall be removed immediately upon termination of the use of the premises for such occupation or profession, unless the sign is forthwith changed to advertise or announce the occupation or profession thereafter pursued on the premises.

B. Before a permit is issued for the erection of any sign other than a small sign as defined in § 105-120 hereof, the owner of the premises as appears from the most recent tax duplicate, and also the tenant of the premises, if any, shall execute and deliver to the Building Official their joint and several bond to the Borough of Norwood as obligee in a penal sum equivalent to double the reasonable cost of construction thereof, conditioned for the performance of all the requirements of this article.

C. No person shall erect or maintain any sign within the Borough of Norwood without first having applied for, paid the fee for and obtained a permit for such erection and maintenance as herein provided.

D. No permit shall be issued until there has been filed with the Building Official the plan and specifications for the proposed sign, giving the location on the premises and all dimensions and all details of construction.

E. The owner or tenant shall, before any permit issues, agree in writing to indemnify and save harmless the Borough of Norwood from any and all liability for claims and damages whatsoever which may arise or result from the erection and maintenance of any sign for
which such permit is sought, and shall furnish, before the permit issues, in addition to the agreement mentioned in this section, a certificate from a responsible indemnity insurance company showing that the applicant has public liability insurance in the amount of at least $5,000 for one person in one accident and $10,000 for more than one person in one accident, and that such insurance is then in force and will cover injuries or death resulting from erection and maintenance of such sign. Such insurance shall be maintained during the entire time such sign remains in existence, and the applicant shall furnish annually to the Building Official a certificate of the insurance company providing such insurance that the coverage is being maintained.

F. The Building Official shall inspect every sign at least once per year, for which inspection there shall be charged a fee as shall be set from time to time by resolution of the Borough Council, payable by the person who maintains or operates the sign; and if such person shall refuse or neglect to pay said inspection fee, the same shall be payable by the owner of the premises upon which the sign is erected, and in default of payment, the Borough may cause a municipal lien to be filed against the premises, which remedy shall be in addition to and not exclusive of any and all provisions for enforcement contained in this Part 1. The Building Official shall be entitled to retain a portion of the fee from each inspection fee for his services in making such inspection.  

8. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

G. Fees for the following, in such amounts as shall be set from time to time by resolution of the Borough Council, shall be paid for each permit issued under the provisions of this article:  

(1) Ground signs or roof signs.  

(2) Wall signs.  

(3) Projecting signs over five square feet in area.  

(4) Projecting signs five square feet or less in area.

H. Violations: notice; removal of sign.

(1) In case any sign shall hereafter be erected in violation of any provision of this Part 1 or is found to be insecure or in danger of falling or otherwise unsafe, or in case the insurance required by this Part 1 is not maintained or the Building Official is not advised annually by the insurance company carrying such insurance that is so being maintained, or if the annual inspection fee is not paid, the Building Official shall, by registered mail, notify the owner or lessee thereof to alter such sign so as to comply with this Part 1, or to repair the sign and to secure any necessary permit therefor, or remove the sign, or to provide such insurance, furnish such certificate from the insurance company, or pay the inspection fee, as the case may be. If such order is not complied with within 10 days, the Building Official shall remove such sign at the expense of the owner or lessee thereof. The erection of any sign in violation of the terms hereof is hereby declared a public nuisance and removal as such.

9. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).
(2) If it appears that the sign is in such condition that there is imminent danger to the public, the Building Official may remove it at once, and in the meantime and until such sign is made safe and secure or removed, he may rope or cause to be roped off the sidewalk in front and immediately adjacent to the lot, building or structure on which or attached to which is said sign, and shall forthwith notify the owner of the land on which the sign is erected.

ARTICLE XV
Residential Utility and Miscellaneous Structures

§ 105-122. Permit required; applications; fees. 10

No person shall erect or construct a residential utility or miscellaneous structure without first obtaining a permit therefor from the Building Inspector. The application therefor shall be accompanied by two sets of plans or sketches showing the size, design and construction materials of the residential utility or miscellaneous structure, all of which shall be in accordance with the Building Code and other ordinances regulating construction within the Borough. Such application shall also be accompanied by a fee as set from time to time by resolution of the Borough Council.

§ 105-123. Plot plans.

All plans submitted with the application shall be accompanied by a plot plan showing the proposed location of the residential utility or miscellaneous structure on the lot.

§ 105-124. Setback.

The setback of a residential utility or miscellaneous structure shall be not less than two feet from side and rear property lines and no closer than eight feet from the main dwelling.

§ 105-125. Maximum size; concrete base required.

The maximum size of a residential utility or miscellaneous structure shall be 120 square feet in area and not more than eight feet in height to the highest point of the roof. All such residential utility or miscellaneous structures shall have a concrete base of not less than four inches in thickness, and anchored therein.

§ 105-126. Location and proximity to meters.

No residential utility or miscellaneous structure shall be located against a dwelling and shall not be placed closer than three feet from any utility meter. The enclosure of utility meters within the area of any residential utility or miscellaneous structure is hereby prohibited.

§ 105-127. Additional standards.

This Part 1 is to be read in conjunction with the Pennsylvania Uniform Construction Code as

10. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).
follows:

A. When any provision of this Part 1 is in conflict or in addition to a requirement of the Pennsylvania Uniform Construction Code, then the provisions of this Part 1 shall take precedence.

B. When the Pennsylvania Uniform Construction Code specifies a requirement not addressed by this Part 1, then said specification of the Pennsylvania Uniform Construction Code shall be considered as incorporated into this Part 1 and the person or persons proposing to construct a residential utility or miscellaneous structure shall comply with those sections of the Pennsylvania Uniform Construction Code in addition to complying with this Part 1.

§ 105-128. Violations and penalties.
The penalty for violation of this Part 1 shall be as specified in the Building Code of the Borough of Norwood.

Part 2
National Building Code of 1967

[Adopted 12-17-1969 by Ord. No. 516 (Ch. 31, Part 2, of the 1967 Codification)]

ARTICLE XVI
Adoption of Code

§ 105-129. Adoption by reference.
There is hereby adopted the National Building Code of 1967 and its amendments and supplements, as prepared by the National Board of Fire Underwriters, providing for fire limits and providing regulations for the governing of the construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance of buildings and structures.

§ 105-130. Violations and penalties.

A. Any person who shall violate any of the provisions of the code or who fails to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder or any certificate or permit issued thereunder, or who shall fail to comply with an order made by the Borough Council or by a court of competent jurisdiction, within the time fixed therein or herein, shall severally for each violation and noncompliance, respectively, be punishable, upon conviction, as indicated in Chapter 1, General Provisions, Article I, General Penalty, of this Code. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time. When not otherwise specified, each 10 days that prohibited conditions are maintained shall constitute a separate offense. [Amended 8-22-1988 by Ord. No. 2-88]

B. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.
§ 105-131. Amendments. [Added 1-28-1985 by Ord. No. 2-85]

The Borough of Norwood hereby adopts and incorporates into its existing Building Code the following sections of the BOCA Basic/National Building Code/1984, and its successors in function:

A. Section 512, relating to the physically handicapped and aged.

B. Section 2107.4, relating to use by handicapped persons.

C. Section A117.1-80 of the American National Standards Institute, Inc., relating to making buildings and facilities accessible to, and usable by, the physically handicapped, including specifications for those purposes.

Part 3
Building, Electric, Plumbing and Property Maintenance Regulations
[Adopted 5-19-1997 by Ord. No. 97-2 (Ch. 31, Part 3, of the 1967 Codification)]

ARTICLE XVII
Adoption of Standards

§ 105-132. Building standards.

The Borough of Norwood hereby adopts and incorporates into its existing building code the 1996 BOCA National Building Code. Said document, three copies of which are on file in the office of the Borough Secretary of the Borough of Norwood, Delaware County, Pennsylvania, being marked and designated as the "BOCA National Building Code, Thirteenth Edition, 1996" as published by the Building Officials and Code Administrators International, Inc., be and is hereby adopted as the building code of the Borough of Norwood, Delaware County, Pennsylvania, for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said BOCA (1996) National Building Code are hereby referred to, adopted and made a part hereof as if fully set out in this Part 3, with the additions, insertions, deletions and changes of the ordinance, if any, described herein.


The Borough of Norwood hereby adopts and incorporates into its existing building code the 2003 International Property Maintenance Code, as amended from time to time. Said Code is on file in the office of the Borough Secretary of the Borough of Norwood, Delaware County, Pennsylvania, being marked and designated as the "2003 International Property Maintenance Code," as amended from time to time, and published by the Building Officials and Code Administrators International, Inc., be and is hereby adopted as the property maintenance code of the Borough of Norwood, Delaware County, Pennsylvania, for the control of buildings and structures as herein provided, and each and all of the regulations, provisions, penalties, conditions and terms of said 2003 International Property Maintenance Code, as amended from time to time, are hereby referred to, adopted and made a part hereof as if fully set out in this Part 3, with additions, insertions, deletions and changes, if any, described by this Part 3.

§ 105-134. Electrical standards.
The Borough of Norwood hereby adopts and incorporates into its existing building code the 1996 Edition of the Electrical Code (NFPA 70-1996). Said document, three copies of which are on file in the office of the Borough Secretary, of the Borough of Norwood, Delaware County, Pennsylvania, being marked and designated as the "1996 Edition of the National Electric Code (NFPA 70-1996)" adopted by the National Fire Protection Association, Inc., on May 25 at its 1995 annual meeting and further approved by the American National Standards Institute be and is hereby adopted as the electrical code of the Borough of Norwood, Delaware County, Pennsylvania, for use in law and regulatory purposes in the interest of life and property protection; and each and all of the regulations, provisions, penalties, conditions and terms of said National Electrical Code are hereby referred to, adopted and made a part hereof as if fully set out in this Part 3, with the additions, insertions, deletions and changes, if any, described by this Part 3.

§ 105-135. Conflict with other provisions; modifications.
A. Whenever there is a conflict between any of the ordinances of the Borough of Norwood, including any of the building codes, the BOCA National Building Code, the BOCA National Property Maintenance Code, the National Electrical Code, the BOCA National Plumbing Code (now International Plumbing Code 1995) or any revisions, amendments or updates thereof, the most restrictive ordinances and regulations shall apply.

B. The Borough Council of the Borough of Norwood shall have the power to modify, by motion, any of the provisions of all codes and regulations referred to herein hereby adopt upon application, in writing, by the owner or lessee of a particular premises, or by their authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the codes aforementioned provided that the spirit of the code shall be observed, public safety secured and substantial justice done. The particulars in such modification, when granted or allowed, and the decision of the Borough Council of the Borough of Norwood thereon shall be entered upon the records of the Borough of Norwood, and signed copies shall be furnished by the Borough to the applicant.

§ 105-136. Construal of provisions.
Nothing in this Part 3 or in the building code, property maintenance code or electrical code hereby adopted shall be construed to affect any suit or proceeding pending in any court or any rights required or liability incurred or any cause or causes of action acquired or existing under any act or ordinance hereby repealed of this Part 3 nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Part 3.

§ 105-137. Violations and penalties.
A. The failure or neglect of any person, partnership, firm, association, corporation or like entity whatsoever designated by this Part 3 to be responsible thereunder to comply with any order or directive issued by the person designated by the Borough of Norwood under this Part 3 and within the time period specified pursuant to the provisions of this Part 3 shall be deemed to be in violation of this Part 3.

B. Any person, firm, corporation, association, company or like and entity, whether for profit
or not-for-profit, who shall violate any provision of this Part 3 and all codes referred to herein, shall, upon conviction thereon, be sentenced to pay a fine of not more than $1,000 and or imprisonment for a term not to exceed 90 days. Every day that a violation of any provision of this Part 3 continues shall constitute a separate offense.

§ 105-138. When effective.

The Borough Secretary shall certify the adoption of this Part 3 and cause the same to be published as required by law, and this Part 3 shall take effect and be enforced from and after its approval as required by law.
Chapter 110

BURIALS

[HISTORY: Adopted by the Borough Council of the Borough of Norwood 5-29-1894 by Ord. No. 9; amended in its entirety 6-10-1949 by Ord. No. 307 (Ch. 33 of the 1967 Codification). Subsequent amendments noted where applicable.]

§ 110-1. Burials prohibited; exception for clergy.

The Mayor and Borough Council of the Borough of Norwood have ordained that the burial or interment of deceased persons within the limits of the Borough of Norwood shall be prohibited. Provided, that a member of the clergy may be interred on the grounds immediately adjacent to the church with which he was associated.


Any person who shall cause the body of any deceased person to be buried or interred within the said limits, except as provided in § 110-1, shall be punishable, upon conviction, as indicated in Chapter 1, General Provisions, Article I, General Penalty, of this Code.
Chapter 114

BURNING, OUTDOOR

[HISTORY: Adopted by the Borough Council of the Borough of Norwood 11-28-1983 by Ord. No. 4-83 (Ch. 34 of the 1967 Codification). Amendments noted where applicable.]

GENERAL REFERENCES

Building codes — See Ch. 105.
Uniform construction codes — See Ch. 126.
Fire prevention — See Ch. 165.
Garbage and rubbish — See Ch. 174.
Solid waste — See Ch. 250.

§ 114-1. Burning prohibited.

It shall be unlawful for any person to kindle, burn or maintain any fire, whether open or contained, for the purpose of burning any trash, rubbish, refuse, trade waste, garbage, leaves and any other material which causes contamination or pollution of the air in the Borough of Norwood, and such burning is hereby declared to be a public nuisance.

§ 114-2. Definitions.

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

GARBAGE — All putrescible animal and vegetable matter resulting from the handling, preparation, cooking and consumption of food.

PERSON — Includes any individual, partnership, association, syndicate, company, firm, trust, corporation, department, bureau, agency, estate or other entity recognized by law as the subject of rights and duties.

REFUSE — Garbage, rubbish and trade waste.

RUBBISH — Solids not considered to be highly flammable or explosive, including but not limited to rags, old clothes, leather, rubber, carpets, wood, excelsior, paper, ashes and similar materials.

TRADE WASTE — All solid or liquid material or rubbish resulting from construction, building operations or the prosecution of any business, trade or industry, including but not limited to plastic products, cartons, paint, grease, oil and other petroleum products, chemicals, cinders and other forms of solid or liquid waste materials.

§ 114-3. Policy.

Air pollution from a fire, whether open or contained, is hereby declared to be detrimental to the public health, comfort, living conditions, welfare and safety of the citizens of the Borough of Norwood; therefore, it is hereby declared to be the policy of the Borough of Norwood to
§ 114-4. Exclusion for use of charcoal and gas grills.

The prohibitions contained hereinbefore shall not apply to the use of charcoal and gas grills when such use is conducted under the following conditions:

A. Such grills may be used only for the purpose of preparing and cooking food.
B. Such grills, when lit, must at all times be attended and supervised by a competent adult.
C. Such grills, when lit, must be at least eight feet away from any structure.

§ 114-5. Violations and penalties. [Amended 8-22-1988 by Ord. No. 2-88]

Any person or persons violations the provisions of this chapter shall be punishable, upon conviction, as indicated in Chapter 1, General Provisions, Article I, General Penalty, of this Code.

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1. Editor's Note: Original § 34-4, Exclusion for the burning of leaves, as amended 8-26-1991 by Ord. No. 5-91, which followed this section, was repealed 9-24-2001 by Ord. No. 2001-3.
Chapter 120
CERTIFICATES OF OCCUPANCY

[HISTORY: Adopted by the Borough Council of the Borough of Norwood 5-15-1974 by Ord. No. 570 (Ch. 35 of the 1967 Codification). Amendments noted where applicable.]

GENERAL REFERENCES
Building codes — See Ch. 105.
Uniform construction codes — See Ch. 126.
Fire prevention — See Ch. 165.
Health code — See Ch. 178.


A. No person, firm, partnership or corporation shall occupy, rent, lease, let out, permit, sell, convey or otherwise transfer or permit to be occupied or rented any apartment or dwelling unit, premises or structure used for residential, commercial or industrial purposes, hereafter created, located, erected, changed, leased, altered, converted or enlarged, wholly or partly, without first securing a certificate of occupancy therefor from the Borough of Norwood.

B. After the effective date of this ordinance, a certificate of occupancy shall be required upon the change of occupancy or change in the use of any apartment, dwelling, unit, commercial, business or industrial unit.

C. Premises to comply with regulations. In order to be eligible for a certificate of occupancy, said apartment, dwelling, structure or premises used for residential, commercial or industrial purposes, apartment house, rented or occupied dwelling or business must be in good repair, clean, sanitary, in a habitable condition and in complete compliance with all of the ordinances of the Borough of Norwood, the BOCA Basic Building, Plumbing and Existing Structure Code(s) and any amendments thereto, all published by Building Officials and Code Administrators (BOCA) International, Inc., and the laws of the Commonwealth of Pennsylvania now in existence or hereafter passed pertaining to building, plumbing, electrical, zoning, health and safety, fire or fire prevention, minimum housing standards and all regulations established pursuant to said ordinances and laws.

D. On any sale or transfer of property, the seller is responsible for the repair of public sidewalks, curbs and outside sanitary sewer vents. When curbing and sidewalks are replaced, handicapped ramps must be installed at the corners according to American National Standard specifications and the directions of the Borough of Norwood.

§ 120-2. Date due; annual renewal date.

Such permits shall be due initially as of July 1, 1974, and shall be renewed annually thereafter as

1. Editor’s Note: The referenced ordinance is Ord. No. 5-89.
of March 1 of each year.

§ 120-3. Definitions.

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

DWELLING — A building or structure, except a temporary housing, which is wholly or partly used or intended to be used for living or sleeping by human occupants.

DWELLING UNIT — A room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.

HOUSING OFFICER — The Building Inspector of the Borough of Norwood or such other person as the Borough Council may designate to serve as Housing Officer.

§ 120-4. Compliance with certain laws.

In order for a dwelling or dwelling unit to be eligible for a certificate of occupancy, it must comply with all of the requirements of the ordinances of the Borough of Norwood and must comply with all of the laws of the Commonwealth of Pennsylvania now in existence or hereafter passed pertaining to building, plumbing, electrical, health and safety, fire or fire prevention and any other law or regulation pertaining to housing standards.


The cost for each certificate of occupancy shall be, per unit, in such amount as shall be set from time to time by resolution of the Borough Council, and said fee shall be paid at the time application is made for the certificate. A certificate of occupancy will not be issued until all violations are corrected and a reinspection is completed. The fee for reinspection will be in such amount as shall be set from time to time by resolution of the Borough Council.


After the effective date of this section, any person who becomes a landlord of any parcel of real estate or any improvement on real estate or buildings located in the Borough of Norwood by agreement of sale, by deed or by other means, shall, within 30 days thereafter, report to the Building Inspector the following information:

A. A list of the dwelling units and business units owned by the landlord, located within the Borough of Norwood, whether occupied or unoccupied.

B. The address of each dwelling unit and business unit.

C. A brief description of each dwelling unit or business unit.

D. Whether or not said dwelling unit or business unit is inhabited or utilized by tenants.

2. Editor’s Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).
E. The name of the tenant or tenants utilizing the aforementioned dwelling unit or business unit, if any.


After the effective date of this section, each and every landlord of property within the Borough of Norwood shall report to the Building Inspector, on a report form to be supplied by the Building Inspector, any change in the use or occupancy of any dwelling unit or business unit owned by such landlord. The reported change shall include the name or names of the new tenants of such dwelling unit or business unit, the date when such change was effected and the forwarding address of the old tenant or tenants, if known. In the event that a dwelling unit or business unit which was utilized by a tenant becomes vacant, this change shall also be reported to the Building Inspector. All reports required by this section shall be made within 10 days after a landlord has knowledge that such a unit has had a change in occupancy or has become vacant. Thereafter, said landlord shall obtain a certificate of occupancy, as provided for hereinabove, upon occupation by a new tenant.


After the date of this section, all fees provided under Chapter 120, Certificates of Occupancy, of the Norwood Borough Code shall be amended from time to time by resolution of the Council of the Borough of Norwood.


Each application and renewal application shall state:

A. Whether the building complies with all of the provisions of the Norwood Borough Building Code, Chapter 300, Zoning, and other applicable ordinances and, if not, the basis on which noncompliance is justified.

B. Whether the use contained in the application represents any change in use from prior use.

C. The names of all occupants of the dwelling or dwelling units in question who have attained the age of 18 years, as well as the number of occupants in each unit under the age of 18 years.

§ 120-10. Certification by exterminator.

Each application and each renewal application shall be accompanied by a certificate by an exterminator, dated within 90 days of the application, that the property to be occupied is free of rodents and other vermin.


When the Housing Officer determines that there exists a violation of any provision of this chapter, he shall serve written notice of such violation to the person or persons responsible

3. Editor’s Note: See Ch. 105, Building Codes, and Ch. 126, Construction Codes, Uniform.
therefor, as hereinafter provided.

A. Such notice shall:

(1) Be put in writing.

(2) Include a statement of the reasons why it is being issued.

(3) Allow a reasonable time for the performance of any act it requires.

(4) Be served upon the owner or his agent as the case may require, provided that such notice shall be deemed to be properly served upon such person if a copy thereof is sent by registered or certified mail to his last known address or if he is served by any other method authorized or required under the laws of this state.

B. Such notice may contain an outline of remedial action which, if taken, will effect compliance with the provisions of this chapter and with rules and regulations adopted pursuant thereto.

§ 120-12. Appeal.

Any person affected by any notice which has been issued in connection with the enforcement of any provisions of this chapter or of any rule or regulation adopted pursuant thereto may request and shall be granted a hearing on the matter before the Borough Council of Norwood or a committee appointed by the Borough Council, provided that such person shall file in the office of the Housing Officer a written petition requesting such hearing and setting forth a brief statement of the grounds therefor within three days after the day the notice was served. Upon receipt of such petition the Borough Council, or its appointed committee, shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing the petitioner shall be given an opportunity to be heard and to show why such notice should be modified or withdrawn. The hearing shall be commenced not later than seven days after the day on which the petition was filed. After the hearing, the Borough Council or its appointed committee, may sustain, modify or withdraw the notice of the violation on the basis of the findings of the hearing and shall give the petitioner written notice thereof. Such proceedings shall be summarized in writing and shall become a matter of public record in the office of the Housing Officer. Such record shall also include a copy of every notice or order issued in connection with the matter. If the appointed committee hears the petitioner and makes a decision which the petitioner rejects, the petitioner shall have the right to appeal to the entire Borough Council within five days of receiving the notice asking the entire Borough Council to hear the case and make the ruling. Any person aggrieved by the decision of the Borough Council may seek relief therefrom in any court of competent jurisdiction, as provided by the laws of this state.

§ 120-13. Notice to become order.

Any notice served pursuant to § 120-11 of this chapter shall automatically become an order if a written petition is not filed in the office of the Housing Officer within three days after such notice is filed.

Whenever the Housing Officer finds that there exists any violation of this chapter which creates an emergency requiring immediate correction to protect the health or safety of any occupant of a dwelling or the public, he may issue an order reciting the existence of such an emergency and requiring that such action be taken as he deems necessary to meet the emergency. Notwithstanding the other provisions of this chapter, such order shall be effective immediately, but upon petition to the Borough Council shall be afforded a hearing as soon as possible. After such hearing, depending upon the findings of the Council as to whether the provisions of this chapter and of the rules and regulations adopted pursuant thereto have been complied with, the Housing Officer shall continue such order in effect, modify it or revoke it.


Whenever the Housing Officer finds that a dwelling constitutes a serious hazard to the health or safety of the occupants or to the public because it is dilapidated, unsanitary, vermin-infested, rodent-infested or lacking in basic facilities and equipment required by this chapter, he shall designate such dwelling as unfit for human habitation. Such designation shall be posted on the dwelling and shall specify the reason for such a finding. A notice of violation shall also be served in accordance with the provisions of § 120-11. Any dwelling so designated shall be vacated within a reasonable time as specified by the Housing Officer and shall not again be used for human habitation until the hazard or violation has been eliminated or corrected, and the Housing Officer has removed the designation and given written approval for occupancy. A report of any such closings must immediately be filed with the Borough Council.

§ 120-16. Abatement by Borough; costs.

If a violation has not been corrected within the time designated for such compliance and the Borough Council finds that the continuation of such violation constitutes a public nuisance or hazard, it may order the correction of such violation, using Borough funds or Borough personnel to accomplish such corrections, and may charge the cost thereof to the violator. It may collect such cost by lien and/or otherwise as may be authorized by the laws of this state.

§ 120-17. Inspections; right of entry.

The Housing Officer or his agents are hereby authorized and directed to make inspections of the conditions of rental dwellings and dwelling units located in the Borough of Norwood. Upon display of proper identification, the inspector is authorized to enter, examine and survey such units and premises on weekdays between 9:00 a.m. and 4:00 p.m., or at such other time as may be necessary in an emergency, or as mutually agreed upon by the occupant and the Housing Officer or one of his agents. Every occupant of a rental dwelling or dwelling unit shall grant to the owner or his agents or employees, free access to it at reasonable times for the purpose of making repairs or alterations, or exterminating service, to effect compliance with this chapter.


Any person who violates any provision of this chapter, or any provision of any rule or regulation adopted by the Borough Council pursuant to authority granted by this chapter, or fails to correct in a reasonable time the defects for which the dwelling or dwellings have been cited, or who permits a dwelling or dwelling unit to be occupied, or continue to be occupied, without a current
valid permit, shall, upon conviction before a Magisterial District Judge of competent jurisdiction, be punishable as indicated in Chapter 1, General Provisions, Article 1, General Penalty, of this Code.
Chapter 126

CONSTRUCTION CODES, UNIFORM


GENERAL REFERENCES

Planning Commission — See Ch. 43.
Building codes — See Ch. 105.
Plumbing; oil burners — See Ch. 225.
Swimming pools — See Ch. 264.
Zoning — See Ch. 300.

§ 126-1. Election to administer and enforce.

This municipality hereby elects to administer and enforce the provisions of the Pennsylvania Construction Code Act, Act 45 of 1999, 35 P.S. §§ 7210.101 through 210.1103, as amended from time to time, and its regulations.

§ 126-2. Adoption and incorporation of standards.

The Uniform Construction Code, contained in 34 Pa. Code, Chapters 401 through 405, as amended from time to time, is hereby adopted and incorporated herein by reference as the municipal building code of this municipality.

§ 126-3. Administration and enforcement methods.

Administration and enforcement of the code within this municipality shall be undertaken in any of the following ways as determined by the governing body of this municipality from time to time by resolution:

A. By the designation of an employee of the municipality to serve as the municipal code official to act on behalf of the municipality.

B. By the retention of one or more construction code officials or third-party agencies to act on behalf of the municipality.

C. By agreement with one or more other municipalities for the joint administration and enforcement of this Act through an intermunicipal agreement.

D. By entering into a contract with another municipality for the administration and enforcement of this Act on behalf of this municipality.

E. By entering into an agreement with the Pennsylvania Department of Labor and Industry for plan review, inspections and enforcement of structures other than one-family or two-family dwelling units and utility and miscellaneous use structures.
§ 126-4.  Board of Appeals.

A Board of Appeals shall be established by resolution of the governing body of this municipality in conformity with the requirements of the relevant provisions of the code, as amended from time to time, and for the purposes set forth therein. If at any time enforcement and administration is undertaken jointly with one or more other municipalities, said Board of Appeals shall be established by joint action of the participating municipalities.

§ 126-5.  Effect on other regulations.

A. All building code ordinances or portions of ordinances which were adopted by this municipality on or before July 1, 1999, and which equal or exceed the requirements of the code shall continue in full force and effect until such time as such provisions fail to equal or exceed the minimum requirements of the code, as amended from time to time.

B. All building code ordinances or portions of ordinances which are in effect as of the effective date of this chapter and whose requirements are less than the minimum requirements of the code are hereby amended to conform with the comparable provisions of the code.

C. All relevant ordinances, regulations and policies of this municipality not governed by the code shall remain in full force and effect.

§ 126-6.  Fees.

Fees assessable by the municipality for the administration and enforcement undertaken pursuant to this chapter and the code shall be established by the governing body by resolution from time to time.

§ 126-7.  Effective date.

This chapter shall be effective as of April 9, 2004.
Chapter 135

CURFEW

[HISTORY: Adopted by the Borough Council of the Borough of Norwood 7-8-1964 by Ord. No. 460 (Ch. 38 of the 1967 Codification). Amendments noted where applicable.]

GENERAL REFERENCES

Peace and good order — See Ch. 215.

§ 135-1. Hours; warning. [Amended 10-17-1973 by Ord. No. 558]

It shall be unlawful for any minor under the age of 18 years (such person being defined for the purposes of this chapter as "children") to be or to remain in or upon any of the streets, parks, public buildings, places of amusement and entertainment or other public places in the Borough of Norwood between the hours of 9:00 p.m. and 6:00 a.m., prevailing time, on each and every day of the week, unless such minor is accompanied by his or her parent, guardian or other adult person having the care and custody of the minor or unless the minor is upon an emergency errand of legitimate business directed by his or her parent, guardian or other adult person having the care and custody of the minor. As a warning, a whistle or siren, to be known as the curfew whistle, shall be sounded at 8:45 p.m. every night, after which all children shall be required to be at home or out of the streets, parks, public buildings, places of amusement and entertainment or other public places in the Borough of Norwood, except as herein provided.

§ 135-2. Congregation of children in groups.

It shall be unlawful for groups of two or more children to congregate on streets, parks, public buildings, places of amusement or public places in the Borough of Norwood, at any time, if they are causing or tending to cause any danger, discomfort or annoyance to the inhabitants of the Borough or users of the Borough thoroughfares, public parks and public places, and such unlawful activity shall include loafing, corner lounging, fighting, use of profane or indecent language, offensive or insulting remarks, the making of unnecessary noise, and any word, act or conduct which tends toward the destruction of good morals, and any word, act or conduct which tends to interfere with any other person or persons in pursuit of peace, happiness and contentment.

§ 135-3. Responsibility of parent or guardian.

It shall be unlawful for any parent, guardian or other person having the legal care or custody of any child, ward or other person under the age of 18 years to allow or permit any such child, ward or other person under the age of 18 years, while in such said legal custody, to violate the provisions of § 135-1 of this chapter.

§ 135-1. Penalties for violation of congregation provisions. [Amended 8-22-1988 by Ord. No. 2-88]

It shall be unlawful for the parents, guardians or other person having the legal custody of a child under 18 years of age to permit or allow such child to violate § 135-2 of this chapter. If such parents, guardians or other persons permit such child to violate § 135-2, then, upon conviction thereof before the Mayor or a Magisterial District Judge, such parent, guardian or other person shall be punishable, upon conviction, as indicated in Chapter 1, General Provisions, Article I, General Penalty, of this Code. Each violation of the provisions of this chapter shall constitute a separate offense. Any person who aids or abets the violation of the provisions of this chapter by a minor and/or his parent, guardian or other adult person having the care and custody of the said minor shall likewise be guilty of a violation of this chapter, and, upon conviction thereof before

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1. Editor’s Note: See 42 Pa.C.S.A. § 6302.
the Mayor or a Magisterial District Judge, be liable for the payment of the fine and costs as herein provided, and in default of the payment thereof, shall undergo imprisonment for not more than five days.

§ 135-6.  Discretion used in determining age.

The police officers of the Borough, in taking children into custody under this chapter, shall use their discretion in determining the age and in doubtful cases may require positive proof, and until such proof is furnished, the officer's judgment shall prevail.
Chapter 140

DUMP, PUBLIC

[HISTORY: Adopted by the Borough Council of the Borough of Norwood 2-11-1955 by Ord. No. 347 (Ch. 42 of the 1967 Codification). Amendments noted where applicable.]

GENERAL REFERENCES

Garbage and rubbish — See Ch. 174.
Health code — See Ch. 178.
Landfill, sanitary — See Ch. 185.
Solid waste — See Ch. 250.
Zoning — See Ch. 300.

§ 140-1. Dump established.
A Norwood Borough dump known as "Norwood Borough Dumping Area" is hereby established at the southern boundary of the Borough of Norwood adjacent to the Muckinipates Creek on property of the Borough of Norwood beyond the usable land of the Norwood Recreation Park, said dumping area to be for the disposal of rubbish, trash and similar material by the residents of the Borough of Norwood.

§ 140-2. Use of other dump or area prohibited.
The use or maintenance of any other dump or dumping area within the Borough of Norwood is prohibited and declared to be a detriment to public health and a nuisance.

§ 140-3. Use subject to rules and regulations.
The use of the Norwood Borough Dumping Area as defined in § 140-1 hereof shall be subject to rules and regulations as established by the Highway Committee of the Borough.

§ 140-4. Additional restrictions. [Added 5-13-1959 by Ord. No. 377]
In addition to any rules and regulations established by the Building and Sanitation Committee of the Borough of Norwood under § 140-3 hereof, the following restrictions relating to the use of said dumping area are hereby provided:

A. The use of said dumping area by individual residents or business establishments of the Borough of Norwood shall be between the hours of 8:00 a.m. and 4:30 p.m. Saturday only, or at such other times as fixed by the Building and Sanitation Committee and posted at the dump, and it shall be a violation of this chapter for individuals or business houses to use said dumping area at any other time.

B. All rubbish to be deposited in said dumping area shall be deposited only in those areas as designated by signs erected by the Borough of Norwood. Any dumping of rubbish in the adjacent park, grass areas and roadways shall be considered a violation of this chapter.
C. The setting of fires at any time in said dumping area shall be considered a violation of this chapter.

§ 140-5. Violations and penalties. [Amended 8-22-1988 by Ord. No. 2-88]

Anyone violating this chapter or the rules and regulations established by the Highway Committee for the use of said dumping area shall be punishable, upon conviction, as indicated in Chapter 1, General Provisions, Article I, General Penalty, of this Code.
Chapter 146

ENTERTAINMENT, PUBLIC

[HISTORY: Adopted by the Borough Council of the Borough of Norwood as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Noise — See Ch. 199.
Peace and good order — See Ch. 215.

ARTICLE I

Theatrical Exhibits, Concerts and Shows
[Adopted 10-8-1903 by Ord. No. 90 (Ch. 82 of the 1967 Codification)]

§ 146-1. License required.

No public theatrical or other exhibition nor any public concert, circus or show of any kind shall be given or held within the limits of the Borough of Norwood unless a license therefor shall first be obtained from the Borough Secretary/Manager as hereinafter provided.

§ 146-2. Application; fees.

A. Said license shall be granted only upon application made therefor in writing, signed by the owner or the lessee of the premises on which the said exhibitions, concert, circus or show is to be given or held, and setting forth the nature and character thereof, the approval of said application by the Mayor.

B. Fees.

(1) Upon the issue of the said license, there shall be paid to the Borough Secretary/Manager for the use of the Borough fees in such amounts as shall be set from time to time by resolution of the Borough Council, for:¹

(a) Theatrical; circus.
(b) Medicine shows; concerts.
(c) Merry-go-round and like shows.

(2) Provided, however, that no fee shall be charged in the case of entertainments or concerts held or given by or under the auspices of any church, school, fraternal or charitable organization.

§ 146-3. Revocation or annulment of licenses. [Amended 12-17-1969 by Ord. No. 518]

¹ Editor's Note: Amended at time of adoption of Code (see Ch. I, General Provisions, Art. II).
Whenever it shall appear to the Police Chief that any such exhibition, concert, circus or show proposed to be given or held in the said Borough of Norwood is unlawful or immoral or otherwise hurtful to the community, it shall be his duty to revoke or annul any license issued therefor.

§ 146-4. Enforcement. [Amended 12-17-1969 by Ord. No. 518]

It shall be the duty of the Police Chief to prevent the giving or holding of any public exhibitions, concerts, circus or shows for which no license has been obtained as hereinbefore provided, or the license for which shall have been revoked or annulled, and to that end he shall have authority to close the premises on which said exhibition, concert, circus or show is proposed to be given or held, and to prevent the entrance of auditors or spectators.

§ 146-5. Violations and penalties. [Amended 8-22-1988 by Ord. No. 2-88]

Every person taking part in any exhibitions, concert, circus or show for which no license has been issued, as above provided, or the license for which has been revoked, shall be punishable, upon conviction, as indicated in Chapter 1, General Provisions, Article I, General Penalty, of this Code.
Chapter 154

FENCES

[HISTORY: Adopted by the Borough Council of the Borough of Norwood 11-17-1976 by Ord. No. 587 (Ch. 44 of the 1967 Codification). Amendments noted where applicable.]

GENERAL REFERENCES

Building codes — See Ch. 105.
Uniform construction codes — See Ch. 126.
Streets and sidewalks — See Ch. 260.
Trees — See Ch. 282.
Zoning — See Ch. 300.

§ 154-1. Definitions.

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

FENCE — Any structure, regardless of composition, except living fences, that is erected or maintained for the purpose of enclosing a piece of land or to divide a piece of land into distinct portions.

FRONT YARD — Applies to that portion of the yard in front of the rear building line of any building. All corner properties adjacent to a public street, alley or highway shall also be considered as a front yard for purposes of this chapter. However, this definition shall specifically not apply for purposes of swimming pool protection.

HEIGHT — The distance measured from the existing grade to the top of the fence.

LIVING FENCE — Any fence or hedge composed of live materials.

§ 154-2. Approval required.

No fence, wall or other type of construction shall be erected without first being approved by the Building Inspector.

§ 154-3. Issuance of permit.

Any person or persons, corporation, firm or association intending to erect a fence shall, before any work is commenced, make application to the Building Inspector on a form provided by the Building Inspector. Said application shall be accompanied by a plan or sketch showing the proposed location of any fence, the materials proposed to be used therein which must be in accordance with this chapter and any other pertinent ordinance regulating construction within the Borough and be accompanied by a permit fee as hereinafter set forth. Upon approval by the Building Inspector, a permit shall be issued which will be in effect for a period of six months after the date thereon. Said permit shall be available on the job during the progress of the work so that it may be inspected by proper Borough officials.
§ 154-4. Living fence exceptions.

Living fences are subject to all of the provisions of this chapter except they shall be exempt from the permit provisions of this chapter. In addition, no living fence shall be placed nearer than two feet to any sidewalk in existence, any prospective sidewalk or party line. Living fences must be maintained in a neatly trimmed condition and shall not interfere with visibility on corner lots.

§ 154-5. Applicability to residential areas.

The permit provisions of this chapter shall apply to fences in the residential zones in the Borough of Norwood and shall also include multiple dwellings. The provisions shall, however, not be applicable to commercial property. No fence shall be erected in the applicable zones of the Borough of Norwood in excess of the height limitations as set forth herein.

§ 154-6. Height limitations.

A. Rear yards. No fence shall be more than six feet in height at the rear of homes and buildings and shall not extend forward of the rear building line of any existing or proposed dwelling.

B. Front yards. No fence shall be higher than 42 inches in any front yard.

§ 154-7. Location restrictions.

Any fence erected under this chapter shall be placed at least six inches back from any property line. Any fence erected in a front yard shall be placed at least one foot back from the sidewalk. Living fences shall be placed in accordance with § 154-4 of this chapter.


A. Any fence, wall or similar structure as well as shrubbery which unduly cuts off light or air which may cause a nuisance, a fire hazard or a dangerous condition is hereby expressly prohibited. Further, no fence shall be erected in a front yard in a residential zone or along a public right-of-way unless the fence is uniformly less than 50% solid.

B. The following fences and fencing materials are specifically prohibited:

   (1) Barbed wire.
   (2) Short pointed fences.
   (3) Canvas fences.
   (4) Cloth fences.
   (5) Electrically charged fences.
   (6) Poultry fences.
   (7) Turkey wire.
   (8) Temporary fences such as snow fences.
(9) Expandable fences and collapsible fences, except during construction of a building.

C. All chain link fences erected shall be erected with the closed loop at the top of the fence.

D. No fence shall be multicolored.

E. All entrances or gates shall open onto the property.

F. All fences or walls must be erected within the property line and none shall be erected so as to encroach upon a public right-of-way or interfere with vehicular or pedestrian traffic or interfere with visibility on corner lots.


The Borough Building Inspector shall have the authority to direct, in writing, the removal, trimming or modification of any shrubs, bushes, plants, trees, flowers or other vegetation, fence, wall, hedge or other structure on private or public property wherever the same shall interfere with adequate visibility for operators of motor vehicles at street intersections or curbs. Any person who shall refuse or neglect to comply with the written direction of the Borough Building Inspector shall be guilty of violation of this chapter and shall be subject to its penalties. If the property owner feels aggrieved by any decision of the Building Inspector, he shall have a right of appeal to the Borough Council, provided said appeal is accomplished in writing within 10 days of the written notification from the Building Inspector. Said appeal shall be filed with the Borough Secretary.


The fees to be charged by the Building Inspector for permits issued under this chapter shall be as set from time to time by resolution of the Borough Council.


Any person, firm or corporation or his or her or its agent, servant, workman or employee violating any of the provisions of this chapter shall be punishable, upon conviction, as indicated in Chapter 1, General Provisions, Article I, General Penalty, of this Code.

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).
Chapter 158

FIREARMS AND FIREWORKS

[HISTORY: Adopted by the Borough Council of the Borough of Norwood as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Noise — See Ch. 199.
Peace and good order — See Ch. 215.

ARTICLE I

Fireworks Regulation

[Adopted 5-11-1927 by Ord. No. 215 (Ch. 45, Art. III, of the 1967 Codification)]

§ 158-1. Use or distribution restricted.

The Mayor and the Borough Council of the Borough of Norwood do ordain that it shall be unlawful for any person, persons, firms or corporations to use, distribute or cause to be distributed, ignited, fired or otherwise set in action within the limits of the Borough of Norwood any fireworks, firecrackers, caps, blank cartridges, torpedoes, pistols, canes, cannons, sparklers, rockets, roman candles, fire balloons or other firecrackers or substances of any combination whatsoever, designed or intended for pyrotechnic display, except between the hours of 6:00 p.m., July 3, and 12:00 midnight, July 4. When any part of the above period of observance falls on Sunday, the period shall begin at 12:01 a.m. the following Monday and shall continue until 12:00 midnight the same day.

§ 158-2. Possession; license required.

It shall be unlawful for any person, persons, firm or corporation to have in their possession, for the purpose of sale, display, sell, distribute or otherwise dispose of any fireworks or other substances to be used for pyrotechnic display, mentioned more fully in § 158-1, before first obtaining a license from the Borough Council. Said license for the current calendar year shall set forth the size and kind of fireworks, the sale of which is restricted or prohibited, also other conditions under which the sale of any and all fireworks may be made.


Any violation of § 158-1 of this article shall be punishable, upon conviction, as indicated in Chapter 1, General Provisions, Article I, General Penalty, of this Code. Any person, persons, firms or corporations making sale of any fireworks referred to in § 158-2, without first obtaining a license or by failing to comply with the conditions set forth in the license, shall be punishable, upon conviction, as indicated in Chapter 1, General Provisions, Article I, General Penalty, of this Code, and the license of any offender shall be revoked.

ARTICLE II
§ 158-4. Sale, storage prohibited.

It shall be unlawful and it is hereby prohibited for any person, persons, firms or corporations to store, sell, offer or expose for sale or have in their possession with intent to sell or with intent to use, or to use, within the limits of the Borough of Norwood, any air rifle, air gun, air pistol, spring gun or any implement which impels with force a pellet of any kind.

§ 158-5. Seizure authorized.

The Department of Police is hereby authorized to seize, remove and destroy any air rifle, air gun, air pistol, spring gun or any implement which impels with force a pellet of any kind, which shall be used or discharged within the Borough of Norwood, or which shall be held and possessed in violation of this article.


Any person or persons violations the provisions of this article shall be punishable, upon conviction, as indicated in Chapter 1, General Provisions, Article I, General Penalty, of this Code.

ARTICLE III
Discharge of Firearms
[Adopted 4-9-1954 by Ord. No. 342 (Ch. 45, Art. I, of the 1967 Codification)]

§ 158-7. Discharge prohibited.

It shall be unlawful and it is hereby prohibited for any person to discharge any firearm or implement which impels with force any pellet in the Borough of Norwood.


The Department of Police is hereby authorized to seize, remove and destroy any firearm discharged or implement which impels with force any pellet in the Borough of Norwood.


Any person or persons violations the provisions of this article shall be punishable, upon conviction, as indicated in Chapter 1, General Provisions, Article I, General Penalty, of this Code.

§ 158-10. Applicability; exceptions.

The provisions of this article shall not apply to the duly constituted public authorities or to persons discharging a firearm in the protection of life and property in accordance with law.
Chapter 165

FIRE PREVENTION

[HISTORY: Adopted by the Borough Council of the Borough of Norwood as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Building codes — See Ch. 105.
Outdoor burning — See Ch. 114.
Certificates of occupancy — See Ch. 120.
Uniform construction codes — See Ch. 126.

ARTICLE I

Fire Prevention Code

[Adopted 9-21-1966 by Ord. No. 481 (Ch. 46 of the 1967 Codification)]

§ 165-1. Adoption by reference.

There is hereby adopted by the Borough of Norwood for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the Fire Prevention Code, recommended by the National Board of Fire Underwriters, being particularly the 1960 Edition thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended, of which code not less than three copies have been and now are filed in the office of the Secretary of the Borough of Norwood, and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this article shall take effect, the provisions thereof shall be controlling within the limits of the Borough of Norwood.

§ 165-2. Enforcement of Code.

The code hereby adopted shall be enforced by the Borough Council and the Chief of the Fire Department.

§ 165-3. Definitions.

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

MUNICIPALITY — Wherever used in the code hereby adopted, it shall be held to mean the Borough of Norwood.


The Borough Council shall have power to modify any of the provisions of the code hereby adopted upon application in writing by the owner or lessee or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured and substantial justice done. The
particulars of such modification when granted or allowed, and the decision of the Borough Council thereon, shall be entered upon the records of the Borough, and a signed copy shall be furnished the applicant.

§ 165-5. Violations and penalties.

A. Any person who shall violate any of the provisions of the code or who fails to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder or any certificate or permit issued thereunder, or who shall fail to comply with such an order by the Borough Council or by a court of competent jurisdiction within the time fixed herein, shall severally for each violation and noncompliance respectively, be punishable, upon conviction, as indicated in Chapter 1, General Provisions, Article I, General Penalty, of this Code. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each 10 days that prohibited conditions are maintained shall constitute a separate offense. [Amended 8-22-1988 by Ord. No. 2-88]

B. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

ARTICLE II
Smoke and Heat Detectors
[Adopted 3-19-1980 by Ord. No. 612 (Ch. 73A of the 1967 Codification)]

§ 165-6. Real property.

Every owner of real property within the Borough shall install and maintain at least one smoke- or heat-detecting device that is approved by the Underwriters' Laboratories and/or the National Board of Fire Underwriters in every building used for human habitation as hereinafter described.

§ 165-7. Rental units.

Every owner of an apartment or other rental unit within the Borough shall install and maintain at least one smoke- or heat-detecting device, as provided in § 165-6 herein, in each such rental unit. The device shall be installed either at the termination of the present lease for said unit or by September 1, 1980, whichever date shall first occur.

§ 165-8. Property used for business or commercial purposes.

Every owner of real property within the Borough used for business or commercial purposes shall install and maintain at least one approved smoke- or heat-detecting device as provided in § 165-6 herein, such installation to occur on or before September 1, 1980.


Every owner of every new building constructed within the Borough after the date of enactment of this article shall install and maintain at least one smoke- or heat-detecting device as provided
in § 165-6 herein prior to occupancy of said building.

§ 165-10.  Inspection after notice.

The Fire Marshal of the Borough of Norwood and/or the Building Inspector of the Borough of Norwood may inspect the installation of the smoke- or heat-detecting device required by this article after due and timely notice of not less than 24 hours has been delivered to the property owner.


Any person or persons violations the provisions of this article shall be punishable, upon conviction, as indicated in Chapter 1, General Provisions, Article I, General Penalty, of this Code.

§ 165-12.  Disclaimer of liability.

The Borough disclaims any liability or responsibility to any property owner for failure by said owner to install or maintain a smoke- or heat-detecting device as provided in § 165-6 herein; and the Borough further disclaims any liability or responsibility for any personal injury or property damage that may occur by reason of either failure to install said smoke- and/or heat-detecting device or malfunction of said smoke- and/or heat-detecting device.

§ 165-13.  Effective date.

This article shall become effective and enforced as of the first day of May 1980.
Chapter 170
FLOOD DAMAGE PREVENTION


GENERAL REFERENCES
Building codes — See Ch. 105.
Uniform construction codes — See Ch. 126.
Zoning — See Ch. 300.

ARTICLE I
Statutory Authorization; General Provisions

§ 170-1. Statutory authorization.
The Legislature of the Commonwealth of Pennsylvania has, by the passage of the Pennsylvania Floodplain Management Act of 1978, delegated the responsibility to local governmental units to adopt floodplain management regulations to promote public health, safety, and the general welfare of its citizenry. Therefore, the Council of the Norwood Borough does hereby order as follows.

§ 170-2. Intent.
The intent of this chapter is to:
A. Promote the general health, welfare, and safety of the community.
B. Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.
C. Minimize danger to public health by protecting water supply and natural drainage.
D. Reduce financial burdens imposed on the community, its governmental units, and its residents, by preventing excessive development in areas subject to flooding.
E. Comply with federal and state floodplain management requirements.

§ 170-3. Applicability.
A. It shall be unlawful for any person, partnership, business or corporation to undertake, or cause to be undertaken, any construction or development anywhere within the Borough of Norwood unless a permit has been obtained from the Floodplain Administrator.
B. A permit shall not be required for minor repairs to existing buildings or structures.

§ 170-4. Abrogation and greater restrictions.
This chapter supersedes any other conflicting provisions which may be in effect in identified floodplain areas. However, any other ordinance provisions shall remain in full force and effect to the extent that those provisions are more restrictive. If there is any conflict between any of the provisions of this chapter, the more restrictive shall apply.

§ 170-5. Warning and disclaimer of liability.
A. The degree of flood protection sought by the provisions of this chapter is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur or flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This chapter does not imply that areas outside any identified floodplain areas or that land uses permitted within such areas will be free from flooding or flood damages.
B. This chapter shall not create liability on the part of the Borough of Norwood or any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

ARTICLE II
Administration

§ 170-6. Designation of Floodplain Administrator.
The Borough Engineer is hereby appointed to administer and enforce this chapter and is referred to herein as the "Floodplain Administrator."

§ 170-7. Permits required.
A permit shall be required before any construction or development is undertaken within any area of the Borough of Norwood.

§ 170-8. Duties and responsibilities of Floodplain Administrator.
A. The Floodplain Administrator shall issue a permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances.
B. Prior to the issuance of any permit, the Floodplain Administrator shall review the application for the permit to determine if all other necessary government permits required by state and federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended); and the U.S. Clean Water Act, Section 404, 33, U.S.C. § 1344. No permit shall be issued until this determination has been made.

1. Editor's Note: See 35 P.S. § 750.1 et seq.
2. Editor's Note: See 32 P.S. § 693.1 et seq.
3. Editor's Note: See 35 P.S. § 691.1 et seq.
C. In the case of existing structures, prior to the issuance of any permit, the Floodplain Administrator shall review the history of repairs to the subject building, so that any repetitive loss issues can be addressed before the permit is issued.

D. During the construction period, the Floodplain Administrator or other authorized official shall inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable municipal laws and ordinances. He/she shall make as many inspections during and upon completion of the work as are necessary.

E. In the discharge of his/her duties, the Floodplain Administrator shall have the authority to enter any building, structure, premises or development in the identified floodplain area, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this chapter.

F. In the event the Floodplain Administrator discovers that the work does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the Floodplain Administrator shall revoke the permit and report such fact to Council for whatever action it considers necessary.

G. The Floodplain Administrator shall maintain all records associated with the requirements of this chapter including, but not limited to, permitting, inspection and enforcement.

H. The Floodplain Administrator shall consider the requirements of the 34 Pa. Code and the 2006 IBC and the 2006 IRC or latest revisions thereof.

§ 170-9. Application procedures and requirements.

A. Application for such a permit shall be made, in writing, to the Floodplain Administrator on forms supplied by the Borough of Norwood. Such application shall contain the following:

1. Name and address of applicant.
2. Name and address of owner of land on which proposed construction is to occur.
3. Name and address of contractor.
4. Site location including address.
5. Listing of other permits required.
6. Brief description of proposed work and estimated cost, including a breakout of flood-related cost and the market value of the building before the flood damage occurred where appropriate.
7. A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures.

B. If any proposed construction or development is located entirely or partially within any identified floodplain area, applicants for permits shall provide all the necessary information in sufficient detail and clarity to enable the Floodplain Administrator to determine that:

1. All such proposals are consistent with the need to minimize flood damage and
conform with the requirements of this and all other applicable codes and ordinances.

(2) All utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage.

(3) Adequate drainage is provided so as to reduce exposure to flood hazards.

(4) Structures will be anchored to prevent floatation, collapse, or lateral movement.

(5) Building materials are flood-resistant.

(6) Appropriate practices that minimize flood damage have been used.

(7) Electrical, heating, ventilation, plumbing, air-conditioning equipment, and other service facilities have been designed and/or located to prevent water entry or accumulation.

C. Applicants shall file the following minimum information plus any other pertinent information as may be required by the Floodplain Administrator to make the above determination:

(1) A completed permit application form.

(2) A plan of the entire site, clearly and legibly drawn at a scale of one inch being equal to 100 feet or less, showing the following:
   (a) North arrow, scale, and date;
   (b) Topographic contour lines, if available;
   (c) The location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision and development;
   (d) The location of all existing streets, drives, and other accessways; and
   (e) The location of any existing bodies of water or watercourses, identified floodplain areas, and, if available, information pertaining to the floodway, and the flow of water including direction and velocities.

(3) Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:
   (a) The proposed lowest floor elevation of any proposed building based upon North American Vertical Datum of 1988;
   (b) The elevation of the base flood;
   (c) Supplemental information as may be necessary under 34 Pa. Code, the 2006 IBC or the 2006 IRC.

(4) The following data and documentation:
   (a) If available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a base flood elevation.
(b) Detailed information concerning any proposed floodproofing measures and corresponding elevations.

(c) Documentation, certified by a registered professional engineer or architect, to show that the cumulative effect of any proposed development within an Special Floodplain Area (See § 170-18B) when combined with all other existing and anticipated development, will not increase the base flood elevation more than one foot at any point.

(d) A document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the pressures, velocities, impact and uplift forces associated with the base flood elevation. Such statement shall include a description of the type and extent of floodproofing measures which have been incorporated into the design of the structure and/or the development.

(e) Detailed information needed to determine compliance with § 170-23F, Storage, and § 170-24, Development which may endanger human life, including:

[1] The amount, location and purpose of any materials or substances referred to in §§ 170-23F and 170-24 which are intended to be used, produced, stored or otherwise maintained on site.

[2] A description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in § 170-24 during a base flood.

(f) The appropriate component of the Department of Environmental Protection's Planning Module for Land Development.

(g) Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection, to implement and maintain erosion and sedimentation control.

(5) Applications for permits shall be accompanied by a fee, payable to the municipality based upon the estimated cost of the proposed construction as determined by the Floodplain Administration.

§ 170-10. Review by County Conservation District.

A copy of all applications and plans for any proposed construction or development in any identified floodplain area to be considered for approval shall be submitted by the Floodplain Administrator to the County Conservation District for review and comment prior to the issuance of a permit. The recommendations of the Conservation District shall be considered by the Floodplain Administrator for possible incorporation into the proposed plan.

§ 170-11. Review of application by others.

A copy of all plans and applications for any proposed construction or development in any identified floodplain area to be considered for approval may be submitted by the Floodplain Administrator to any other appropriate agencies and/or individuals (e.g., planning commission,
municipal engineer, etc.) for review and comment.

§ 170-12. Changes.

After the issuance of a permit by the Floodplain Administrator, no changes of any kind shall be made to the application, permit or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Floodplain Administrator. Requests for any such change shall be in writing, and shall be submitted by the applicant to Floodplain Administrator for consideration.


In addition to the permit, the Floodplain Administrator shall issue a placard which shall be displayed on the premises during the time construction is in progress. This placard shall show the number of the permit, the date of its issuance and be signed by the Floodplain Administrator.


A. Work on the proposed construction and/or development shall begin within 180 days after the date of issuance and shall be completed within 12 months after the date of issuance of the permit or the permit shall expire unless a time extension is granted, in writing, by the Floodplain Administrator. Construction and/or development shall be considered to have started with the preparation of land, land clearing, grading, filling, excavation of basement, footings, piers, or foundations, erection of temporary forms, the installation of piling under proposed subsurface footings, or the installation of sewer, gas and water pipes, or electrical or other service lines from the street.

B. Time extensions shall be granted only if a written request is submitted by the applicant which sets forth sufficient and reasonable cause for the Floodplain Administrator to approve such a request.4


A. Notices. Whenever the Floodplain Administrator or other authorized municipal representative determines that there are reasonable grounds to believe that there has been a violation of any provisions of this chapter, or of any regulations adopted pursuant thereto, the Floodplain Administrator shall give notice of such alleged violation as hereinafter provided. Such notice shall:

(1) Be in writing;

(2) Include a statement of the reasons for its issuance;

(3) Allow a reasonable time not to exceed a period of 30 days for the performance of any act it requires;

(4) Be served upon the property owner or his agent as the case may require; provided, however, that such notice or order shall be deemed to have been properly served upon

4. Editor’s Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).
such owner or agent when a copy thereof has been served with such notice by any other method authorized or required by the laws of this state;

(5) Contain an outline of remedial action which, if taken, will effect compliance with the provisions of this chapter.

B. Penalties. Any person who fails to comply with any or all of the requirements or provisions of this chapter or who fails or refuses to comply with any notice, order of direction of the Floodplain Administrator or any other authorized employee of the municipality shall be guilty of an misdemeanor and upon conviction shall pay a fine to the Borough of Norwood of not less than $25 nor more than $600 plus costs of prosecution. In addition to the above penalties, all other actions are hereby reserved including an action in equity for the proper enforcement of this chapter. The imposition of a fine or penalty for any violation of, or noncompliance with, this chapter shall not excuse the violation or noncompliance or permit it to continue and all such persons shall be required to correct or remedy such violations and noncompliance within a reasonable time. Any development initiated or any structure or building constructed, reconstructed, enlarged, altered, or relocated, in noncompliance with this chapter may be declared by the Council to be a public nuisance and abatable as such.

§ 170-16. Appeals.
A. Any person aggrieved by any action or decision of the Floodplain Administrator concerning the administration of the provisions of this chapter, may appeal to Council. Such appeal must be filed, in writing, within 30 days after the decision, determination or action of the Floodplain Administrator.
B. Upon receipt of such appeal, the Council shall set a time and place, within not less than 10 or not more than 30 days, for the purpose of considering the appeal. Notice of the time and place at which the appeal will be considered shall be given to all parties.
C. Any person aggrieved by any decision of the Council may seek relief there from by appeal to court, as provided by the laws of this state, including the Pennsylvania Floodplain Management Act.5

ARTICLE III
Identification of Floodplain Areas

§ 170-17. Identification.
A. The identified floodplain area shall be any areas of Borough of Norwood classified as special flood hazard areas (SFHAs) in the Flood Insurance Study (FIS) and the accompanying Flood Insurance Rate Maps (FIRMs) dated November 18, 2009 and issued by the Federal Emergency Management Agency (FEMA) or the most recent revision thereof, including all digital data developed as part of the Flood Insurance Study.
B. The above referenced FIS and FIRMs, and any subsequent revisions and amendments are hereby adopted by Borough of Norwood and declared to be a part of this chapter.

5. Editor's Note: See 32 P.S. § 679.101 et seq.
§ 170-18. Description and special requirements of identified floodplain areas.

The identified floodplain area shall consist of the following specific areas:

A. Floodway area.

(1) Description. The area identified as Floodway in the FIS which represents the channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation by more than one foot at any point. This term shall also include floodway areas which have been identified in other available studies or sources of information for those special floodplain areas where no floodway has been identified in the FIS.

(2) Special requirements:
   (a) Any encroachment that would cause any increase in flood heights shall be prohibited.
   (b) No new construction or development shall be allowed, unless a permit is obtained from the Department of Environmental Protection Regional Office.

B. Special floodplain area.

(1) Description. The areas identified as Zones AE and A1-30 in the FIS which are subject to inundation by the one-percent-annual chance flood event determined by detailed methods and have base flood elevations (BFEs) shown.

(2) Special requirements:
   (a) No new construction or development shall be located within the area measured 50 feet landward from the top-of-bank of any watercourse, unless a permit is obtained from the Department of Environmental Protection Regional Office.
   (b) In Special Floodplain Areas without a designated floodway, no new development shall be permitted unless it can be demonstrated that the cumulative effect of all past and projected development will not increase the BFE by more than one foot.

C. Approximate floodplain area.

(1) Description. The areas identified as Zone A in the FIS which are subject to inundation by the one-percent-annual-chance flood event determined using approximate methodologies. Because detailed hydraulic analyses have not been performed, no BFEs or flood depths are shown.

(2) Special requirements:
   (a) No new construction or development shall be located within the area measured 50 feet landward from the top-of-bank of any watercourse, unless a permit is obtained from the Department of Environmental Protection Regional Office.
   (b) When available, information from other federal, state, and other acceptable sources shall be used to determine the BFE, as well as a floodway area, if
possible. When no other information is available, the BFE shall be determined by using a point on the boundary of the identified floodplain area which is nearest the construction site in question.

(3) In lieu of the above, the municipality may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Borough of Norwood.

D. Shallow flooding area.

(1) Description. The areas identified as Zones AO and AH in the FIS. These areas are subject to inundation by one-percent-annual-chance shallow flooding where average depths are between one foot and three feet.

(2) Special requirements. Establish drainage paths to guide floodwaters around and away from structures on slopes.


The identified floodplain area may be revised or modified by the Council where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change, approval must be obtained from the FEMA. Additionally, as soon as practicable, but not later than six months after the date such information becomes available, a community shall notify the FEMA of the changes by submitting technical or scientific data.

§ 170-20. Boundary disputes.

Should a dispute concerning any identified floodplain boundary arise, an initial determination shall be made by the Borough of Norwood Planning Commission and any party aggrieved by this decision or determination may appeal to the Council. The burden of proof shall be on the appellant.

ARTICLE IV
Technical Provisions


A. Alteration or relocation of watercourse.

(1) No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the municipality, and until all required permits or approvals have been first obtained from the Department of Environmental Protection Regional Office.

(2) No encroachment, alteration, or improvement of any kind shall be made to any
watercourse unless it can be shown that the activity will not reduce or impede the flood-carrying capacity of the watercourse in any way.

(3) In addition, the FEMA and Pennsylvania Department of Community and Economic Development shall be notified prior to any alteration or relocation of any watercourse.

B. Submit technical or scientific data to FEMA for a Letter of Map Revision (LOMR) within six months of the completion of any new construction, development, or other activity resulting in changes in the BFE.

C. Any new construction, development, uses or activities allowed within any identified floodplain area shall be undertaken in strict compliance with the provisions contained in this chapter and any other applicable codes, ordinances and regulations.

§ 170-22. Elevation and floodproofing requirements.

A. Residential structures.

(1) In AE, A1-30, and AH Zones, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation. The design and construction standards and specifications contained in the 2006 International Building Code (IBC) and in the 2006 International Residential Code (IRC) or the most recent revisions thereof and ASCE 24 and 34 Pa. Code (Chapters 401-405, as amended) shall be utilized.

(2) In AO Zones, any new construction or substantial improvement shall have the lowest floor (including basement) at or above the highest adjacent grade at least as high as the depth number specified on the FIRM.

B. Nonresidential structures.

(1) In AE, A1-30 and AH Zones, any new construction or substantial improvement of a nonresidential structure shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation, or be designed and constructed so that the space enclosed below the regulatory flood elevation:

(a) Is floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water; and

(b) Has structural components with the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy:

(2) In AO Zones, any new construction or substantial improvement shall have their lowest floor elevated or completely floodproofed above the highest adjacent grade to at least as high as the depth number specified on the FIRM.

(3) Any nonresidential structure, or part thereof, made watertight below the regulatory flood elevation shall be floodproofed in accordance with the WI or W2 space classification standards contained in the publication entitled "Flood-Proofing Regulations" published by the U.S. Army Corps of Engineers (June 1972, as amended March 1992) or with some other equivalent standard. All plans and specifications for
such floodproofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above-referenced standards.

C. Space below the lowest floor.

(1) Fully enclosed space below the lowest floor (excluding basements) which will be used solely for the parking of a vehicle, building access, or incidental storage in an area other than a basement, shall be designed and constructed to allow for the automatic entry and exit of floodwaters for the purpose of equalizing hydrostatic forces on exterior walls. The term "fully enclosed space" also includes crawl spaces.

(2) Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:
   
   (a) A minimum of two openings having a net total area of not less than one square inch for every square foot of enclosed space.

   (b) The bottom of all openings shall be no higher than one foot above grade.

   (c) Openings may be equipped with screens, louvers, etc. or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

D. Accessory structures. Structures accessory to a principal building need not be elevated or floodproofed to remain dry, but shall comply, at a minimum, with the following requirements:

(1) The structure shall not be designed or used for human habitation, but shall be limited to the parking of vehicles, or to the storage of tools, material, and equipment related to the principal use or activity.

(2) Floor area shall not exceed 100 square feet.

(3) The structure will have a low damage potential.

(4) The structure will be located on the site so as to cause the least obstruction to the flow of floodwaters.

(5) Power lines, wiring, and outlets will be elevated to the regulatory flood elevation.

(6) Permanently affixed utility equipment and appliances such as furnaces, heaters, washers, dryers, etc. are prohibited.

(7) Sanitary facilities are prohibited.

(8) The structure shall be adequately anchored to prevent flotation or movement and shall be designed to automatically provide for the entry and exit of floodwater for the purpose of equalizing hydrostatic forces on the walls. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:

   (a) A minimum of two openings having a net total area of not less than one square inch for every square foot of enclosed space.
(b) The bottom of all openings shall be no higher than one foot above grade.

(c) Openings may be equipped with screens, louvers, etc. or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

§ 170-23. Design and construction standards.

The following minimum standards shall apply for all construction and development proposed within any identified floodplain area:

A. Fill. If fill is used, it shall:

   (1) Extend laterally at least 15 feet beyond the building line from all points;

   (2) Consist of soil or small rock materials only; sanitary landfills shall not be permitted;

   (3) Be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling;

   (4) Be no steeper than one vertical foot to two horizontal feet unless substantiated data justifying steeper slopes are submitted to and approved by the Floodplain Administrator; and

   (5) Be used to the extent to which it does not adversely affect adjacent properties.

B. Drainage facilities. Storm drainage facilities shall be designed to convey the flow of stormwater runoff in a safe and efficient manner. The system shall insure proper drainage along streets, and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.

C. Water and sanitary sewer facilities and systems.

   (1) All new or replacement water supply and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of floodwaters.

   (2) Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into floodwaters.

   (3) No part of any on-site sewage system shall be located within any identified floodplain area except in strict compliance with all state and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.

   (4) The design and construction provisions of the UCC and FEMA #348, Protecting Building Utilities From Flood Damages and The International Private Sewage Disposal Code, shall be utilized.

D. Other utilities. All other utilities such as gas lines, electrical and telephone systems shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.

E. Streets. The finished elevation of all new streets shall be no more than one foot below the
regulatory flood elevation.

F. Storage. All materials that are buoyant, flammable, explosive, or in times of flooding, could be injurious to human, animal, or plant life, and not listed in § 170-24, Development which may endanger human life, shall be stored at or above the regulatory flood elevation and/or floodproofed to the maximum extent possible.

G. Placement of buildings and structures. All buildings and structures shall be designed, located, and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of floodwater.

H. Anchoring.
   (1) All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.
   (2) All air ducts, large pipes, storage tanks, and other similar objects or components located below the regulatory flood elevation shall be securely anchored or affixed to prevent flotation.

I. Floors, walls and ceilings.
   (1) Wood flooring used at or below the regulatory flood elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain without causing structural damage to the building.
   (2) Plywood used at or below the regulatory flood elevation shall be of a "marine" or "water-resistant" variety.
   (3) Walls and ceilings at or below the regulatory flood elevation shall be designed and constructed of materials that are water-resistant and will withstand inundation.
   (4) Windows, doors, and other components at or below the regulatory flood elevation shall be made of metal or other water-resistant material.

J. Paints and adhesives.
   (1) Paints and other finished used at or below the regulatory flood elevation shall be of marine or water-resistant quality.
   (2) Adhesives used at or below the regulatory flood elevation shall be of a marine or water-resistant variety.
   (3) All wooden components (doors, trim, cabinets, etc.) shall be finished with a marine or water-resistant paint or other finishing material.

K. Electrical components.
   (1) Electrical distribution panels shall be at least three feet above the base flood elevation.
   (2) Separate electrical circuits shall serve lower levels and shall be dropped from above.

L. Equipment. Water heaters, furnaces, air-conditioning and ventilating units, and other
electrical, mechanical or utility equipment or apparatus shall not be located below the regulatory flood elevation.

M. Fuel supply systems. All gas and oil supply systems shall be designed to prevent the infiltration of floodwaters into the system and discharges from the system into floodwaters. Additional provisions shall be made for the drainage of these systems in the event that floodwater infiltration occurs.

N. Uniform construction code coordination. The standards and specifications contained 34 Pa. Code (Chapters 401-405), as amended, and not limited to the following provisions shall apply to the above and other sections and subsections of this chapter, to the extent that they are more restrictive and/or supplement the requirements of this chapter.

(1) International Building Code (IBC) 2006 or the latest edition thereof: Secs. 801, 1202, 1403, 1603, 1605, 1612, 3402, and Appendix G.


§ 170-24. Development which may endanger human life.

A. In accordance with the Pennsylvania Floodplain Management Act, and the regulations adopted by the Department of Community and Economic Development as required by the Act, any new or substantially improved structure which will be used for the production or storage of any of the following dangerous materials or substances; or will be used for any activity requiring the maintenance of a supply of more than 550 gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises; or will involve the production, storage, or use of any amount of radioactive substances; shall be subject to the provisions of this section, in addition to all other applicable provisions. The following list of materials and substances are considered dangerous to human life:

(1) Acetone.
(2) Ammonia.
(3) Benzene.
(4) Calcium carbide.
(5) Carbon disulfide.
(6) Celluloid.
(7) Chlorine.
(8) Hydrochloric acid.
(9) Hydrocyanic acid.
(10) Magnesium.
(11) Nitric acid and oxides of nitrogen.
(12) Petroleum products (gasoline, fuel oil, etc.).
(13) Phosphorus.
(14) Potassium.
(15) Sodium.
(16) Sulphur and sulphur products.
(17) Pesticides (including insecticides, fungicides, and rodenticides).
(18) Radioactive substances, insofar as such substances are not otherwise regulated.

B. Within any floodway area, any structure of the kind described in Subsection A, above, shall be prohibited.

C. Within any floodplain area, any new or substantially improved structure of the kind described in Subsection A, above, shall be prohibited within the area measured 50 feet landward from the top-of-bank of any watercourse.

§ 170-25. Special requirements for subdivisions.

All subdivision proposals and development proposals containing at least 50 lots or at least five acres, whichever is the lesser, in flood hazard areas where base flood elevation data are not available, shall be supported by hydrologic and hydraulic engineering analyses that determine base flood elevations and floodway information. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA for a Conditional Letter of Map Revision or Letter of Map Revision. Submittal requirements and processing fees shall be the responsibility of the applicant.

§ 170-26. Special requirements for manufactured homes.

A. Within any FW (Floodway Area), manufactured homes shall be prohibited.

B. Within Approximate Floodplain or Special Floodplain Area, manufactured homes shall be prohibited within the area measured 50 feet landward from the top-of-bank of any watercourse.

C. Where permitted within any floodplain area, all manufactured homes, and any improvements thereto, shall be:
   (1) Placed on a permanent foundation.
   (2) Elevated so that the lowest floor of the manufactured home is at least 1 1/2 feet above base flood elevation.
   (3) Anchored to resist flotation, collapse, or lateral movement.

D. Installation of manufactured homes shall be done in accordance with the manufacturers' installation instructions as provided by the manufacturer. Where the applicant cannot provide the above information, the requirements of Appendix E of the 2006 International Residential Building Code or the U.S. Department of Housing and Urban Development's
E. Consideration shall be given to the installation requirements of the 2006 IBC, and the 2006 IRC or the most recent revisions thereto and 34 Pa. Code, as amended, where appropriate and/or applicable to units where the manufacturers' standards for anchoring cannot be provided or were not established for the unit(s)' proposed installation.

§ 170-27. Special requirements for recreational vehicles.

Recreational vehicles in Zones A1-30, AH and AE must either:
A. Be on the site for fewer than 180 consecutive days;
B. Be fully licensed and ready for highway use; or
C. Meet the permit requirements for manufactured homes in § 170-26.

ARTICLE V
Prohibited Activities


In accordance with the administrative regulations promulgated by the Department of Community and Economic Development to implement the Pennsylvania Floodplain Management Act, the following activities shall be prohibited within any identified floodplain area:
A. The commencement of any of the following activities; or the construction enlargement, or expansion of any structure used, or intended to be used, for any of the following activities:
   (1) Hospitals.
   (2) Nursing homes.
   (3) Jails or prisons.
B. The commencement of, or any construction of, a new manufactured home park or manufactured home subdivision, or substantial improvement to an existing manufactured home park or manufactured home subdivision.

ARTICLE VI
Existing Structures in Identified Floodplain Areas

§ 170-29. Existing structures.

The provisions of this chapter do not require any changes or improvements to be made to lawfully existing structures. However, when an improvement is made to any existing structure, the provisions of § 170-30 shall apply.

§ 170-30. Improvements.
A. The following provisions shall apply whenever any improvement is made to an existing structure located within any identified floodplain area:
B. No expansion or enlargement of an existing structure shall be allowed within any floodway area that would cause any increase in the elevation of the base flood elevation.

C. No expansion or enlargement of an existing structure shall be allowed within any Special Floodplain Area that would, together with all other existing and anticipated development, increase the BFE more than one foot at any point.

D. Any modification, alteration, reconstruction, or improvement, of any kind to an existing structure, to an extent or amount of 50% or more of its market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this chapter.

E. The above activity shall also address the requirements of the 34 Pa. Code, as amended, and the 2006 IBC and the 2006 IRC.

F. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of less than 50% of its market value, shall be elevated and/or floodproofed to the greatest extent possible.

G. Any modification, alteration, reconstruction, or improvement of any kind that meets the definition of "repetitive loss" shall be undertaken only in full compliance with the provisions of this chapter.

ARTICLE VII

Variances

If compliance with any of the requirements of this chapter would result in an exceptional hardship to a prospective builder, developer or landowner, the Borough of Norwood may, upon request, grant relief from the strict application of the requirements.

§ 170-32. Variance procedures and conditions.
A. Requests for variances shall be considered by the Borough of Norwood in accordance with the procedures contained in § 170-16 and the following:

B. No variance shall be granted for any construction, development, use, or activity within any floodway area that would cause any increase in the BFE.

C. No variance shall be granted for any construction, development, use, or activity within any Special Floodplain Area that would, together with all other existing and anticipated development, increase the BFE more than one foot at any point.

D. Except for a possible modification of the regulatory flood elevation requirement involved, no variance shall be granted for any of the other requirements pertaining specifically to development regulated by special permit (Article VI) or to Development which may endanger human life (§ 170-24).

E. If granted, a variance shall involve only the least modification necessary to provide relief.

F. In granting any variance, the Borough of Norwood shall attach whatever reasonable
conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare, and to achieve the objectives of this chapter.

G. Whenever a variance is granted, the Borough of Norwood shall notify the applicant in writing that:

1. The granting of the variance may result in increased premium rates for flood insurance.

2. Such variances may increase the risks to life and property.

H. In reviewing any request for a variance, the Borough of Norwood shall consider, at a minimum, the following:

1. That there is good and sufficient cause.

2. That failure to grant the variance would result in exceptional hardship to the applicant.

3. That the granting of the variance will:

   a. Neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense;

   b. Nor create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable state or local ordinances and regulations.

I. A complete record of all variance requests and related actions shall be maintained by the Borough of Norwood. In addition, a report of all variances granted during the year shall be included in the annual report to FEMA.

J. Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the 1% annual chance flood.

ARTICLE VIII
Terminology

§ 170-33. Word usage.

Unless specifically defined below, words and phrases used in this chapter shall be interpreted so as to give this chapter its most reasonable application.

§ 170-34. Definitions.

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

ACCESSORY USE OR STRUCTURE — A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

BASE FLOOD — A flood which has a one-percent chance of being equaled or exceeded in any given year (also called the "one-hundred-year flood").

BASE FLOOD ELEVATION (BFE) — The elevation shown on the Flood Insurance Rate Map (FIRM) for Zones AE, AH, A1-30 that indicates the water surface elevation resulting from a
flood that has a one-percent or greater chance of being equaled or exceeded in any given year.

BASEMENT — Any area of the building having its floor below ground level on all sides.

BUILDING — A combination of materials to form a permanent structure having walls and a roof. Included shall be all manufactured homes and trailers to be used for human habitation.

DEVELOPMENT — Any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of manufactured homes; streets, and other paving; utilities; filling, grading and excavation; mining; dredging; drilling operations; storage of equipment or materials; and the subdivision of land.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION — A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION — The preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FLOOD — A temporary inundation of normally dry land areas.

FLOOD INSURANCE RATE MAP (FIRM) — The official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY (FIS) — The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

FLOODPLAIN AREA — A relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.

FLOODPROOFING — Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY — The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

HIGHEST ADJACENT GRADE — The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURES — Any structure that is:

A. Listed individually in the National Register of Historic Places (a listing maintained by the
Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

C. Individually listed on a state inventory of historic places in states which have been approved by the Secretary of the Interior; or

D. Individually listed on a local inventory of historic places in communities with historic preservation that have been certified either:
   (1) By an approved state program as determined by the Secretary of the Interior; or
   (2) Directly by the Secretary of the Interior in states without approved programs.

LOWEST FLOOR — The lowest floor of the lowest fully enclosed area (including basement). An unfinished, flood-resistant partially enclosed area, used solely for parking of vehicles, building access, and incidental storage, in an area other than a basement area is not considered the lowest floor of a building, provided that such space is not designed and built so that the structure is in violation of the applicable nonelevation design requirements of this chapter.

MANUFACTURED HOME — A structure, transportable in one or more sections, which is built on a permanent chassis, and is designed for use with or without a permanent foundation when attached to the required utilities. The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days.

MANUFACTURED HOME PARK OR SUBDIVISION — A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MINOR REPAIR — The replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exitway requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, oil, waste, vent, or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

NEW CONSTRUCTION — Structures for which the start of construction commenced on or after April 27, 1982 (Ordinance 3-82) and includes any subsequent improvements thereto.

NEW MANUFACTURED HOME PARK OR SUBDIVISION — A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

PERSON — An individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.
RECREATIONAL VEHICLE — A vehicle which is:
A. Built on a single chassis;
B. Not more than 400 square feet, measured at the largest horizontal projections;
C. Designed to be self-propelled or permanently towable by a light-duty truck;
D. Not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

REGULATORY FLOOD ELEVATION — The base flood elevation (BFE) plus a freeboard safety factor of 1 1/2 feet.

REPETITIVE LOSS — Flood-related damages sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25% of the market value of the structure before the damages occurred.

SPECIAL FLOOD HAZARD AREA (SFHA) — An area in the floodplain subject to a 1% or greater chance of flooding in any given year. It is shown on the FIRM as Zone A, AO, A1-A30, AE, A99, or, AH.

START OF CONSTRUCTION — Includes substantial improvement and other proposed new development and means the date the permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The "actual start" means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufacture home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE — A walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

SUBDIVISION — The division or redivision of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs, or devisees, transfer of ownership or building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

SUBSTANTIAL DAMAGE — Damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% or more of the market value of the structure before the damage occurred.
SUBSTANTIAL IMPROVEMENT — Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage or "repetitive loss" regardless of the actual repair work performed. The term does not, however, include either:

A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

B. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

UNIFORM CONSTRUCTION CODE (UCC) — The statewide building code adopted by the Pennsylvania General Assembly in 1999 applicable to new construction in all municipalities whether administered by the municipality, a third party or the Department of Labor and Industry. Applicable to residential and commercial buildings, the Code adopted The International Residential Code (IRC) and the International Building Code (IBC), by reference, as the construction standard applicable with the state floodplain construction. For coordination purposes, references to the above are made specifically to various sections of the IRC and the IBC.

VIOLATION — The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in § 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

Editor's Note: References are to the Floodplain Management Act; see 32 P.S. § 679.101 et seq.
Chapter 174

GARBAGE AND RUBBISH

[HISTORY: Adopted by the Borough Council of the Borough of Norwood as indicated in article histories. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Outdoor burning — See Ch. 114.
Public dump — See Ch. 140.
Sanitary landfill — See Ch. 185.
Solid waste — See Ch. 250.

ARTICLE I

Collection and Transportation

[Adopted 9-12-1912 by Ord. No. 151 (Ch. 48, Art. II, of the 1967 Codification)]

§ 174-1. Rules approved.

The rules appertaining to the collection and transportation of garbage adopted July 10, 1912, by the Norwood Board of Health as outlined below, be and are hereby approved.

§ 174-2. Enumeration of rules.

A. No garbage shall be kept in or on any premises or transported over any of the highways or alleys of the Borough except in watertight and covered receptacles or wagons.

B. No person, firm or corporation shall gather or collect garbage in this Borough unless a permit shall first have been secured from the Board of Health, which permit shall be issued for the calendar year or part of a year ending December 31.

C. No permit shall be issued to any person, firm or corporation until a bond in the sum of $100, conditioned on the faithful compliance with all ordinances and sanitary rules and regulations of the Borough, shall first have been filed with the Secretary of the Board of Health, provided that the Board of Health may exempt from filing a bond any collector with whom the Borough shall have entered into a contract for the collection of garbage for an agreed sum of money, which sum of money shall be subject by the terms of the contract to deductions for any derelictions.

D. There shall be displayed in letters two inches high on both sides of all wagons used in the collection of garbage the name and address of the person, firm or corporation to whom the permit for the collection of garbage has been granted.


Any person or persons violations the provisions of this article shall be punishable, upon conviction, as indicated in Chapter 1, General Provisions, Article I, General Penalty, of this Code.
ARTICLE II
Accumulation and Storage
[Adopted 10-12-1951 by Ord. No. 322 (Ch. 48, Art. I, of the 1967 Codification)]
§ 174-4.  Accumulations prohibited.
Hereafter, it shall be unlawful to accumulate garbage or rubbish upon private properties within the Borough of Norwood, which accumulations of garbage and rubbish be and are hereby prohibited.

§ 174-5.  Separate containers for garbage.
Hereafter, it shall be unlawful to place garbage for removal in the same container with rubbish, ashes, trash or any other matter or thing.

§ 174-6.  Inadequate containers.
Hereafter, it shall be unlawful to place rubbish, ashes, trash or any other material for removal in any inadequate or fragile container which will readily break.

§ 174-7.  Metal containers required for garbage.
Hereafter, it shall be unlawful to place garbage in other than metal containers with covers.

If any person, firm or corporation shall accumulate garbage and/or rubbish upon private property within the Borough of Norwood, such person shall be guilty of a violation of this article; providing, however, that placing garbage and/or rubbish for removal shall not be construed to be an accumulation. If any person, firm or corporation shall continue to accumulate garbage and/or rubbish upon private property within the Borough of Norwood after written notice to cease such accumulations and to remove the same, then each additional day that such garbage and/or rubbish shall not be removed shall constitute an additional violation of this article. Notice shall be given to such person, firm or corporation by personal service, if possible, or by registered mail if the person, firm or corporation does not reside within the Borough, or by putting said notice upon the most public part of the premises, if notice cannot be served personally or by registered mail.

Any accumulations of garbage or rubbish shall be reported to Borough Council, and if Borough Council shall find as a fact after receiving said report that a nuisance exists, Borough Council may declare the same to be a public nuisance and to require the Mayor to enter said property, together with such workmen, tools, appliances and equipment as shall be necessary to abate said nuisance, and it shall be the duty of the Mayor to abate said nuisance. The cost of the collection of the abatement of said nuisance, together with a penalty of 10% of such cost, and together with an attorney's commission of 5%, not to exceed $20, may be collected in the manner provided by law for the collection of municipal claims or by action of assumpsit, or the Borough may seek relief by bill in equity.

Any person or persons violations the provisions of this article shall be punishable, upon conviction, as indicated in Chapter 1, General Provisions, Article I, General Penalty, of this Code.

ARTICLE III
Newspapers
[Adopted 2-25-1985 by Ord. No. 4-85 (Ch. 48, Art. III, of the 1967 Codification)]


The following words and phrases shall have the meanings respectively assigned to them by this section:

NEWSPAPER — Includes paper of the type commonly referred to as "newsprint" and distributed at stated intervals, usually daily or weekly, having printed thereon news and opinions and containing advertisements and other matters of public interest. Magazines and periodicals, as well as all other paper products of any nature, are not considered "newspaper."

RECYCLABLES — Material having an economic value in the secondary materials market. The following materials have such economic value: aluminum cans and articles, bimetal cans, glass containers, corrugated paper (cardboard and paper boxes), magazines, computer printout paper, computer tab cards, office paper, steel cans, newspaper, paper products not chemically coated.

§ 174-12. Establishment of program.

There is hereby established a recycling program for the mandatory separating of recyclables from garbage and rubbish in the Borough of Norwood.


Newspapers shall be kept separate from other refuse and shall be collected by the Borough or under subcontract by its designated agent. Individual household units shall separate and prepare for collection these materials in the following manner: newspapers shall be tied both across and lengthwise in easy-to-manage bundles or placed in paper bags and kept dry. These materials shall be placed either at the curbside to be collected at times designated by the Borough or placed in recycling shelters at any time.


A. From the time of placement of recyclables at the curb or in recycling shelters for collection, in accordance with the terms hereof, items shall be and become the property of the Borough of Norwood or its authorized agent. It shall be a violation of this article for any person unauthorized by the Borough to collect or pick up or cause to be collected or picked up any such items. Any and each such collection in violation hereof from one or more locations shall constitute a separate and distinct offense punishable as hereinafter provided.

B. It shall be unlawful for a person to collect, remove or dispose of solid waste which contains newspaper combined with other forms of solid waste.
C. The Borough Council, or its agent, is empowered to designate the day(s) of the month on which recyclables shall be collected, removed and disposed of from a particular area.


Any person or persons violations the provisions of this chapter shall be punishable, upon conviction, as indicated in Chapter 1, General Provisions, Article I, General Penalty, of this Code. No enforcement of this article shall be made until two months from the effective date hereof. Furthermore, the Borough or its employees may refuse to pick up or otherwise collect rubbish from any residence if such rubbish is found to contain recyclables required to be separately segregated by this article.


Any resident may donate or sell used newspapers to any person, partnership or corporation, whether operating for profit or not for profit. Said person, partnership or corporation may not, however, under any circumstances pick up said newspapers from the curbside in the Borough of Norwood.

ARTICLE IV
Solid Waste Disposal
[Adopted 10-26-1987 by Ord. No. 5-87 (Ch. 48, Art. IV, of the 1967 Codification)]

§ 174-17. Definitions; word usage.

A. The following terms have the following meanings in this article:

COLLECTOR — Any person collecting or transporting municipal solid waste for owners or occupants of property in the municipality, including the municipality itself if it undertakes the collection of municipal solid waste directly, and any business or institution within the municipality which generates municipal solid waste and uses its own employees and equipment for the collection and transport of the waste.

CONTRACTOR — One or more contractors with whom the county or the Delaware County Solid Waste Authority (hereinafter referred to as "Authority") contracts for construction and operation of the proposed resource recovery plant and plants or other solid waste facilities.

MUNICIPAL SOLID WASTE — Any garbage, refuse, industrial lunchroom or office waste and other materials, including solid or semisolid material generated in residential, municipal, commercial or institutional establishments and from community activities, and other solid waste which is within the definition of "municipal solid waste" as set forth in the Act\(^1\) and which the county, Authority or contractor by its ordinance or regulations, is willing to accept at the plant, but excluding:

1. Any liquid waste or sludge.
2. All wastes which are defined by existing or future federal or state law or regulations as hazardous waste or industrial residual waste.

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\(^1\) Editor's Note: "The Act" refers to the Pennsylvania Solid Waste Management Act; see 35 P.S. § 6018.101 et seq.
(3) Any waste which may be marketable and which is intentionally segregated for purposes of recycling.

(4) Materials specifically excluded under applicable county ordinances.

MUNICIPALITY — The Borough of Norwood.

PERSON — Any individual, partnership, association, corporation or governmental entity, with the exception of the county, the Authority or its designated contractor.

PLANT — The energy and/or material recovery facility or facilities, transfer station or solid waste plants owned by the county or Authority or the contractor, including all associated property and equipment.

SOLID WASTE FACILITY — Any site owned and operated by the county, the Authority or its designated contractor for the purpose of transfer, processing or disposal of municipal solid waste, including landfills, resource recovery plants and transfer stations.

B. Certain terms used herein are also defined in the recitals hereto.²


It is hereby declared to be unlawful and a public nuisance for any person to accumulate upon any property in this municipality any municipal solid waste or to dispose of it except in accordance with this article and other applicable laws, ordinances or regulations.

§ 174-19. Operation of plant by county and/or contractor.

The municipality has been advised by the county that the Solid Waste Plan proposes to provide for a plant or plants which will be operated efficiently and economically by the contractor and/or by the county and in accordance with all applicable laws and regulations and also that the contractor and/or the county will impose reasonable charges, which will be uniform among all classes of users of the plant or plants.


Except as it pertains to municipal solid waste collected directly by this municipality, all collectors of municipal solid waste generated within the municipality shall be licensed by the municipality and shall be responsible for collecting municipal solid waste from properties in the municipality pursuant to a contract between them and the municipality and/or contracts between them and the owners or occupants of properties.


All collectors shall deliver and dispose of all municipal solid waste collected within the municipality at the solid waste facility designated by the county, subject to such reasonable regulations for the operation thereof as may be established by the county and/or contractor.

² Editor's Note: The preamble to this legislation provided that "Act" refers the Pennsylvania Solid Waste Management Act of 1980, as amended, 35 P.S. § 6018.101 et seq.; "County Plan" refers to the Delaware County Solid Waste Management Plan of 1985; and "county" refers to the Delaware County, Delaware County Solid Waste Authority and/or the Authority's contractor.
Delivery and disposal at any other place shall be a violation of this article and cause for revocation of the collector's license, except in special circumstances approved in advance by the municipality and the county and/or contractor. All collectors shall comply in their operation with all applicable laws, ordinances and regulations pertaining to the collection and transportation of municipal solid waste.

§ 174-22. Private dumps, transfer stations and landfills prohibited.

No person shall use or permit to be used any property owned or occupied by him within the municipality as a public or private dump, transfer station or landfill for municipal solid waste, whether generated within the municipality or elsewhere, without the express written approval of the municipality.


Any person or persons violations the provisions of this chapter shall be punishable, upon conviction, as indicated in Chapter 1, General Provisions, Article 1, General Penalty, of this Code. Each day's continuance of a violation of this article as well as each truckload of illegally delivered trash shall constitute a separate offense.


In addition to the remedies provided in § 250-23 herein, any continued violation of this article or other applicable law which shall constitute a nuisance in fact or which, in the opinion of the governing body of this municipality, shall constitute a nuisance may be abated by proceeding against the violator in a court of equity for relief.


The collection of municipal solid waste in the municipality and the disposal thereof shall be subject to such further reasonable rules and regulations as may from time to time be promulgated by the governing body of the municipality, including, but without limitation, regulations as to the form of license application, the amount of fee to be charged for said licenses and the terms of the licenses and license issuance procedures; provided, however, that no such rules or regulations shall be contrary to the provisions of this article, the County Solid Waste Plan or applicable law.


The municipality reserves the right to amend this article or repeal it at any time; provided, however, that the requirement for use of the designated solid waste facility for disposal of municipal solid waste from the municipality shall not be amended or repealed without the prior express written approval of the county during the term of the contract between the county, or Authority, and contractor providing for the construction and operation of the plant, which contract shall have a term of 25 years. For the purposes of securing the contractor's financing, such requirement shall be deemed to be a contract between the county, the contractor and the municipality, which the municipality, subject to the terms of the joint cooperation agreement set forth below, agrees to enforce so that the municipal solid waste from the municipality will be available to provide a source of energy for the plant. If the municipality is not now a collector
but in the future it becomes a collector, it agrees to deliver all municipal solid waste so collected to the plant.


A. The municipality agrees to deliver or cause to be delivered during the term of this agreement all municipal solid waste, as defined herein, generated within the municipality for disposal at a facility designated by the county.

B. The county agrees to accept for disposal all such municipal solid waste described in Subsection A above upon completion and commencement of operation of the plant in accordance with a contract, containing terms satisfactory to the county, with the contractor providing for construction and operation of the plant.

C. The term of this agreement shall be for a period of 25 years, and said term shall commence on the date when the county advises the municipality that the plant is operational. The municipality, at its option, may terminate this agreement with 30 days' written notice to the county in the event that the municipality will incur substantial costs over and above the costs generally accepted by other municipalities in delivering municipal solid waste to the county during the term of this agreement, provided that the municipality has first obtained final approval from the Department of Environmental Protection for its own plan under the Act or an approval from the Department for a modification that brings the municipality under another plan that has already obtained final approval. It is understood, however, that, upon any such termination of this agreement by the municipality, the county, the Authority and/or the county's contractor shall be relieved of any responsibility to accept and dispose of municipal solid waste generated within the municipality. It is further understood that any such termination of this agreement by the municipality shall constitute a repeal, whether express or implied, of § 250-28 of this article.

D. The county shall hold harmless and defend the municipality from any suit, claim or action challenging the legality of this article against the municipality. In the event that any such suit, claim or action is brought against the municipality, the municipality shall authorize the county, through its designated legal counsel, to defend against the same, and the municipality shall cooperate with the county in said defense and shall give the County Solicitor notice of any such suit, claim or action within five days of the municipality's receiving notice thereof.


A. The Department of Environmental Protection has recommended that the requirements of the Solid Waste Management Act can best be accomplished on a countywide basis.

B. The municipality, for formal resolution dated April 23, 1984, authorized the county to prepare the Solid Waste Management Plan on the municipality's behalf.

C. The county, through the staff of its Public Works Department, its Planning Commission and Charles M. Harris and Associates, Inc., Consulting Engineers, prepared a ten-year plan for solid waste management.

D. The appropriate municipal officials of this municipality have reviewed the findings and
recommendations of the plan as it affects this municipality, have found the plan acceptable and have recommended that the plan be adopted.

E. The municipality, accordingly, hereby accepts and adopts the solid waste management study prepared by the county as the ten-year plan for solid waste management required by the Act.

F. The county is hereby authorized to submit the plan to the Department of Environmental Protection for final approval on behalf of the municipality.

§ 174-29. Restriction on disposal.

Notwithstanding the foregoing, this municipality shall have neither the right nor the obligation to dispose of its municipal solid waste at the plant which is contemplated under this article until said plant is constructed and fully operational.
Chapter 178

HEALTH CODE

[HISTORY: Adopted by the Borough Council of the Borough of Norwood 1-18-1957 by Ord. No. 360 (Ch. 51 of the 1967 Codification). Amendments noted where applicable.]

GENERAL REFERENCES

Animals — See Ch. 90.
Burials — See Ch. 110.
Public dump — See Ch. 140.
Sanitary landfill — See Ch. 185.
Solid waste — See Ch. 250.

ARTICLE I
Board of Health

§ 178-1. Composition, appointment, terms of office. [Amended 4-16-1980 by Ord. No. 613]

A Board of Health is hereby constituted to consist of five members, one of whom shall be a registered physician appointed from time to time by the Borough Council. The term of each appointment shall be for five years, except appointments to fill vacancies, which shall be for the unexpired term of such vacancy. The first member to be appointed shall be for five years, and the original terms for the other four members shall be four, three, two and one years, respectively, and then every year thereafter a member shall be appointed for five years. The expiration date of offices will be the first day of February.

§ 178-2. Officers.

A. The Board of Health shall elect a President and a Secretary-Treasurer.

B. The Board of Health shall, with the approval of the Borough Council, appoint a Health Officer, who shall perform such duties from time to time assigned to him by the Board and shall receive such compensation as shall be fixed by the Board from time to time.

C. The Borough Council will appoint a Plumbing Inspector and one assistant. The Board of Health shall submit recommendations for these positions.

§ 178-3. Quorum.

A majority of the members shall constitute a quorum for all meetings.

ARTICLE II
Abatement of Public Nuisances

§ 178-4. Applicability; definition.

A. Any and every person who creates, continues or maintains any place or condition detrimental to health, adjudged by the Board of Health to constitute a nuisance, shall be
deemed guilty of a violation of this chapter and shall be liable for the expense of the abatement and remedy thereof and be subject to the penalty prescribed for violation of any of the provisions herein.

B. Nuisances, within the meaning hereof, shall include, without being limited to, pools of stagnant water, faulty water drains, faulty sewers, dead animals, discharge of laundry and kitchen wastes onto streets and alleys, cesspools, privy vaults, stables, accumulations of filth, garbage and rubbish discharge of industrial wastes or raw sewage into streams, noxious weeds, dense smoke, noxious fumes from industrial plants, stockyards, slaughterhouses, pigsties, use of a common drinking cup, use of a common towel and barking dogs.

§ 178-5. Rules and regulations: adoption, enforcement.

The Board of Health is hereby authorized and empowered to make and adopt such rules and regulations as it may deem proper and necessary for the better protection of public health and the maintenance of cleanliness and sanitary conditions within the Borough and for the enforcement of this chapter.


All buildings or other structures used for human or animal habitation shall conform to the following standards:

A. All yards, lawns, courts and private driveways shall be kept free from accumulation of rubbish, which shall include any discarded material, animal, vegetable or mineral, and from vermin and rodent infestation.

B. Each basement or cellar shall be kept in such physical conditions as to prevent accumulations of water and of impure air, and shall at all times be fully ventilated and kept free from accumulation of rubbish, which shall include any discarded material, whether animal, vegetable or mineral, and from all vermin and rodent infestation.

C. Every dwelling and every dwelling unit shall be weatherproof and capable of being adequately heated, and the heating equipment in every dwelling or dwelling unit shall be maintained in good order and repair.

D. All apparatus, implements or devices used for heating purposes or for the cooking of food shall be maintained in good order and repair.

E. The floors and walls of every dwelling and every dwelling unit shall be kept free from dampness.

F. Every habitable room in a dwelling or dwelling unit shall contain a window or windows opening directly to the outside air, and the total area of such window or windows shall not be less than 10% of the floor area of such room. All window sash shall be glazed and provided with suitable hardware so that such window or windows open to the extent of not less than 5% of the floor area of such room.

G. No room in any basement or cellar shall be occupied as a habitable room unless:
(1) The clear inner height is at least eight feet;

(2) The uppermost four feet of the required clear inner height is above the average outside ground level;

(3) The floors and walls are water- and dampproof in accordance with an approved method, if in contact with earth. Such waterproofing shall be between the floor or wall finish and the ground.

H. No room shall be used for sleeping purposes unless there are at least 400 cubic feet of airspace and 50 square feet of floor space for each person over the age of 12 years, and at least 200 cubic feet of airspace and 30 square feet of floor space for each child under the age of 12 years occupying such room. No room used for sleeping purposes shall have a floor area of less than 60 square feet.

I. The occupancy of any dwelling unit having more than one habitable room shall not exceed an average of 1 1/2 persons per habitable room. For the purpose of this regulation, any child under one year of age shall not be counted, and any child more than one year of age but under 12 years of age shall be deemed to be 1/2 person.

J. In every dwelling unit containing two or more rooms, there shall be running water and at least one sink connected to the public sewer or to an approved sewage disposal system.

K. There shall be at least one water closet for each 15 persons or fraction thereof occupying a dwelling, which water closet shall be within and accessible from within the building, and there shall be one such toilet or water closet on each floor of the dwelling which is occupied as an apartment.

L. All plumbing, water closets and other plumbing fixtures in every dwelling or dwelling unit shall be maintained in good order and repair and in accordance with the requirements of the Plumbing Code of the Borough of Norwood, of this chapter and all regulations thereunder.

M. Every toilet and every bathroom in a dwelling shall be provided with adequate light and ventilation.

N. Every dwelling and every dwelling unit shall be provided with such receptacles to contain all garbage, rubbish and ashes as may be necessary, and all such receptacles shall at all times be maintained in good order and repair. Receptacles for garbage shall be made of metal, watertight and provided with tight covers.

O. There shall be for each dwelling unit a separate access either to a hallway, landing, stairway or street.

P. All courts, yards or other areas on the premises of every dwelling shall be graded and drained so as to prevent accumulation of water or waste.

Q. Every dwelling unit shall be provided with a separate toilet or water closet.

Editor's Note: See Ch. 225, Plumbing; Oil Burners.
ARTICLE III
Rabies

§ 178-7. Duty to report in case of bite or injury.

It shall be the duty of any person who has knowledge that a dog or other animal has bitten or injured any person in the Borough of Norwood to immediately report the facts and the whereabouts of such dog or other animal, if known, to the Board of Health or to the Police Department, and it shall be the duty of the owner of every such dog or other animal to immediately confine it in such manner as will prevent it from running at large. Upon receipt of such report, the Board of Health or the Police Department shall advise the owner as to the procedure to be followed with respect to the further confinement and examination of the dog or other animal.

§ 178-8. Procedure to be followed by owner.

It shall be the duty of the owner of any dog or other animal which has bitten or injured any person in the Borough of Norwood to follow the procedure set forth below:

A. The dog or other animal shall be confined by the owner for an observation period of 14 days from the date the bite occurred, at the home of the owner or at some other location selected by him, under the supervision of a duly licensed veterinarian, in such manner as will prevent it from escaping or running at large.

B. Immediately upon being placed in confinement, the dog or other animal shall be examined by a duly licensed veterinarian employed by the owner. A written report of the results of such examination shall be submitted by the owner or the veterinarian within 24 hours to the Board of Health.

C. If at any time during said fourteen-day observation period the dog or other animal develops symptoms indicative of rabies, such fact shall be communicated at once to the Board of Health and the dog or other animal shall immediately be removed to a veterinary hospital acceptable to the Board of Health.

D. At the end of said fourteen-day observation period, the dog or other animal shall again be examined by a duly licensed veterinarian employed by the owner, and a written report of the results of such examination shall be submitted by the owner or the veterinarian within 24 hours to the Board of Health. If the second report reveals no symptoms indicative of rabies, the owner may obtain from the Police Department the hospital receipt for the dog or other animal and it may then be released from confinement.

E. If at any time after the dog or other animal is placed in the hospital it develops rabies, it shall be disposed of in such manner as the Board of Health shall direct.

§ 178-9. Duty to report exposure or infection.

It shall be the duty of any person who has knowledge that a dog or other animal in the Borough of Norwood has been bitten or otherwise injured by or been exposed to or been in contact with a
dog or other animal infected with or suspected of being infected with rabies, to immediately report the facts and the whereabouts of such dog or other animal, if known, to the Board of Health or to the Police Department.

§ 178-10. Duty to report infected animals.

It shall be the duty of any person who has knowledge that a dog or other animal in the Borough of Norwood is infected with or suspected of being infected with rabies, to immediately report the facts and whereabouts of such dog or other animal, if known, to the Board of Health or the Police Department. The provisions of § 178-8 hereof shall forthwith be applied to such dog or other animal.


All expenses connected with the confinement and examination of any dog or other animal pursuant to the rules and regulations herein contained shall be paid by the owner of such dog or other animal.

ARTICLE IV
Communicable Diseases

§ 178-12. Definitions; incorporation of regulations. [Amended 7-8-1959 by Ord. No. 380]

The definitions and regulations for communicable diseases shall be as set forth in the "Regulations of Communicable and Non-Communicable Diseases," as now or hereafter adopted or published by the Department of Health of the Commonwealth of Pennsylvania, which regulations are incorporated herein as though set forth in full.

ARTICLE V
Foodstuffs


No meat, fish, bird, fowl, fruit, vegetable, milk or other article of human food not being healthy, fresh, sound, wholesome, fit and safe for such use, nor any animal or fish or any part thereof that died by disease, shall be brought within this Borough or offered or held for sale as food anywhere in said Borough.

ARTICLE VI
Milk


It shall be unlawful for any person to sell, offer for sale or deliver for sale or consumption within the Borough of Norwood, milk or its fluid derivatives, except in accordance with the requirements and subject to the conditions prescribed in the Act of Assembly of the Commonwealth of Pennsylvania, approved July 2, 1935, P.L. 589, its amendments and supplements, and except in accordance with regulations of the Advisory Health Board of the Commonwealth of Pennsylvania.
§ 178-15.  Sale; permit required; exceptions.

No person shall sell milk in the Borough of Norwood, Delaware County, Pennsylvania, without a permit issued by the Board of Health of said Borough, nor otherwise than in accordance with the terms of such permit and with the regulations of the Board of Health in said Borough.

A. Each person desiring to obtain a permit to sell milk shall make application therefor on a form to be furnished by the Board of Health of Norwood, Pennsylvania, and said application shall be accompanied by the affidavit given by the applicant or any authorized representative of the applicant, stating the quantity of milk, if any, sold and distributed in the Borough of Norwood by the applicant during the previous or preceding year. Each permit to sell milk shall be valid for one year or portion thereof, commencing the first day of January or thereafter and expiring on December 31 of the year of issuance. Each person receiving a permit to sell milk shall put into the treasury of the Borough of Norwood, Pennsylvania, each year, as an inspection and laboratory fee, in an amount as shall be set from time to time by resolution of the Borough Council.4

B. This section shall not apply to persons in of hotels, soda fountains, boardinghouses or other places where milk is served, when milk is to be consumed on the premises thereof and is purchased from one already in lawful possession of a permit to sell milk, nor shall it apply to persons selling or delivering milk direct from a dairy farm to a milk plant.


Milk shall be delivered in bottles unless otherwise stated in the permit to sell milk.

§ 178-17.  Raw milk; bacteriological standards for all milk.

A. The sale of raw milk, other than certified raw milk, in the Borough of Norwood, is hereby prohibited.

B. Milk sold, offered for sale or delivered for sale or consumption within the Borough of Norwood, Pennsylvania, shall meet the following bacteriological requirements:

1. "Raw milk" shall give a standard plate count of not more than 50,000 per cubic centimeter, or give a direct microscopic count of not more than 200,000 per cubic centimeter, prior to delivery to consumer.

2. "Milk for pasteurization" shall give a standard plate count of not more than 300,000 per cubic centimeter prior to pasteurization.

3. "Pasteurized milk" shall give a standard plate count of not more than 50,000 per cubic centimeter prior to delivery to the consumer.

4. Editor’s Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).
§ 178-18. Dated caps or tabs.
Milk sold, offered for sale or distributed for consumption within the Borough of Norwood, Pennsylvania, shall contain caps or tabs on each bottle showing the date on which such milk was pasteurized, and it shall be unlawful to sell, offer for sale or distribute for consumption such milk at any time after 48 hours from the pasteurization date.

The Board of Health of Norwood, Pennsylvania, shall cause to be examined for communicable disease at least semiannually, and more often if found necessary, all persons employed in or about the barns or milk houses who may in any manner come in contact with raw milk on the farm on which such milk is produced or in any place where raw milk is exposed or placed in containers.
A. The medical examination shall be at the expense of the applicant for, or the holder of, the permit to sell milk.
B. Those found free from communicable disease shall be furnished a health certificate by the Board of Health of Norwood, Pennsylvania, in accordance with the regulations of that Board.
C. Those found to be afflicted with a communicable disease shall be refused employment on any farm or in any milk plant where raw or pasteurized milk is produced or handled.

§ 178-20. Sampling by Board of Health.
Any member, officer or agent of the Board of Health of Norwood, Pennsylvania, is hereby authorized to take samples of milk from any building, farm or vehicle for the purpose of inspecting, testing or analyzing such milk, upon the payment thereof at the usual market rate when payment is demanded.

§ 178-21. Display of permits; duplicates. 5
Certified duplicate copies of such permits shall be displayed in every distribution plant, truck or wagon from which milk is sold within the Borough of Norwood, Pennsylvania, and such permit shall be displayed in such a manner as to be visible to any officer, agent or member of the Board seeking to inspect the same. Such certified duplicate copies shall be furnished to the applicant upon a payment for each copy, in such amount as shall be set from time to time by resolution of the Borough Council.

The Board of Health of Norwood, Pennsylvania, is hereby charged with the enforcement of the provisions of this chapter. It is further authorized to make such regulations from time to time to execute the provisions of this chapter.

5. Editor's Note: Amended at time of adoption of Code (see Ch. I, General Provisions, Art. II).
ARTICLE VII
Public Eating and/or Drinking Places

§ 178-23. Regulations of commonwealth.

It shall be unlawful for any person or persons, firm or corporation to conduct and operate within this Borough any public eating and/or drinking places unless the same shall comply with the provisions of the Act of Assembly of the Commonwealth of Pennsylvania, May 23, 1945 (P.L. 926), entitled "For the Protection of the Public Health by Regulating the Conduct and Operation of Public Eating and Drinking Places Within This Commonwealth; Requiring Their Licensing; Imposing Certain Duties on the Department of Health of this Commonwealth and on the Local Health Authorities and Providing Penalties."6


It shall be the duty of the Health Officer, acting through the Board of Health, to have an inspection made of all public eating and/or drinking places at least once a year, and more often if he deems it necessary, for the purpose of determining whether said eating and/or drinking places comply with the requirements of the aforementioned Act.


If, after inspection as herein provided, a public eating and/or drinking place is found to comply with the provisions of this chapter and has had the necessary physical examination made and health certificate filed with the Board of Health on the forms provided, said Board shall issue a certificate of compliance to the controller of said eating and/or drinking place. The Board of Health is hereby authorized to charge an annual inspection fee in such amount as shall be set from time to time by resolution of the Borough Council, payable when the application for such inspection is filed. In the event that any eating or drinking place does not pass inspection and it is necessary for the Board of Health to order corrective measures to be taken, such eating or drinking place shall pay a reinspection fee in such amount as shall be set from time to time by resolution of the Borough Council for each reinspection to be made by the Board of Health. All certificates issued shall be for one year or any part thereof and shall expire on March 31 of each year and shall not be transferable. All moneys received in payment on the costs of inspection shall be paid to the Board of Health. Fees shall charged for the following, in such amounts as shall be set from time to time by resolution of the Borough Council:

A. Registration, each year.
B. For filing of plans for each house in which new work and alterations are performed.
C. Alterations or additions (permit fee).
D. In case of notification for inspection and work is not ready (additional).
E. For the renewing or repairing of a drain line outside of the foundation.

6. Editor's Note: Said Act was repealed 11-23-2010 by P.L. 1039, No. 106.
7. Editor's Note: Amended at time of adoption of Code (see Ch. I, General Provisions, Art. II).
F. Permit for each new house or each new apartment unit, in each case not more than five fixtures.

G. Each additional new fixture.

H. Automatic gas water heater.

I. For the inspection of each apartment unit.


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

EMPLOYEE — Includes cook, waiter, kitchen help, chambermaid, house servant or other employee of any kind in a public eating or drinking place who, in any manner whatever, handles or comes into contact with any food or drink served to or provided for the public, and the proprietor or any member of the proprietor's family who handles said food or drink.

LICENSE — A grant to a licensee to conduct a restaurant or eating place as defined in this chapter.

PROPRIETOR — Any person, partnership, association or corporation conducting or operating within this commonwealth a public eating or drinking place.

PUBLIC EATING OR DRINKING PLACE — Any place within this Borough where food or drink is served to or provided for the public, with or without; provided, however, that nothing herein contained shall apply to dining cars operated by a railroad company in interstate commerce.

§ 178-27. Inspections of place of frozen milk-product sales.

It shall be the duty of the Health Officer, acting through the Board of Health, to have an inspection made of all public eating and/or drinking places and all places in the Borough selling bulk ice cream, sherbet, frozen custard and similar products for consumption off the premises, at least once a year and more often if he deems it necessary, for the purpose of determining whether said eating and/or drinking places or places selling ice cream in bulk, sherbet, frozen custard or other products comply with the requirements of the aforementioned Act.


All physical examinations made in compliance with Act of Assembly, May 29, 1915 (P.L. 642), Section 1, as amended by Act of Assembly of May 5, 1921 (P.L. 347), Section 1, shall be made by doctors of medicine registered in the Commonwealth of Pennsylvania who shall have previously registered their signature with the Board of Health and who shall further agree to comply with any further rules and regulations which may be adopted by the Board of Health.

§ 178-29. Regulations of Borough.

The Board of Health is hereby empowered to make such additional rules and regulations governing the conduct of public eating and/or drinking places in this Borough not inconsistent
with this chapter and/or the Act of May 23, 1945 (P.L. 926). 8

ARTICLE VIII
Food Handlers


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

EMPLOYEE — As used hereinafter in this article, shall include any person who in any manner whatever, while engaged in the sale or preparation for sale to the public within the Borough of Norwood, handles or comes into contact with baked products, fruit syrup, butter, oleomargarine, imitation butter, cheese, candy, coffee, eggs, ice cream, meat, meat products, poultry, game, fish, lard, oysters, clams and sausage, and the proprietor or any members of the proprietor's family who handles said food.

PROPRIETOR — As used hereinafter in this article, any person, partnership, association or corporation engaged in the sale or preparation for sale to the public within the Borough of Norwood for certain types of food and food products as hereinafter enumerated.


No proprietor shall employ, as defined in § 178-30 of this article, any person who is suffering from trachoma, active tuberculosis of the lungs, open skin tuberculosis, syphilis, gonorrhea, open external cancer, barber's itch, or who is a typhoid fever carrier or a carrier of other intestinal infections or of diphtheria.


Every employee shall obtain a certificate from a registered doctor of medicine, certifying that such person is free from any of the diseases mentioned in § 178-31 of this article; and no person shall be employed or permitted to work as aforesaid without having first obtained such a certificate. Said certificate or certificates shall be filed with the Board of Health within five days from the date of said medical examination. Said certificate or certificates shall be valid for a period of six months and may be revoked at any time prior thereto if the condition of such person warrants it.

§ 178-33. Physical examination.

All physical examinations made in compliance with this article shall be made by doctors of medicine registered in the Commonwealth of Pennsylvania who shall have previously registered their signature with the Board of Health and who shall further agree to comply with any further rules and regulations which may be adopted by the Board of Health.

§ 178-34. Inspections.

It shall be the duty of the Health Officer, acting through the Board of Health, to have inspections

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8. Editor's Note: Said Act was repealed 11-23-2010 by P.L. 1039, No. 106.
made at least once every six months of all places where food is sold and prepared for sale for human consumption, for the purpose of determining whether compliance has been made with requirements of §§ 178-31, 178-32 and 178-33 of this article.

§ 178-35. Board regulations.

The Board of Health is hereby empowered to make such regulations from time to time as are necessary governing the physical requirements of employees.

ARTICLE IX
Body Piercing and Tattoo Parlors


For the purpose of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

BODY PIERCING — The creation, by mechanical, electrical or manual means, of holes through any portion of the human anatomy, for the purpose or purposes, inter alia, of inserting jewelry, ornaments or other visible materials or decorations, whether or not the holes are or are intended to be covered by clothing or other materials. This definition shall not apply to medical doctors or doctors of veterinary medicine in performance of their professional duties.

DEPARTMENT — The Norwood Borough Health Department.

HEALTH OFFICER — The Health Officer of the Norwood Borough Health Department or his/her designated representative.

NORWOOD BOROUGH BOARD OF HEALTH — The Board of Health of Norwood Borough, Delaware County, Pennsylvania.

OPERATOR — Any individual, firm, company, corporation or association that owns or operates an establishment where tattooing or body piercing is performed and any individual who performs or practices the art of tattooing or body piercing on another person.

TATTOO, TATTOOED, TATTOOING — Refers to any method of placing designs, letters, scrolls, figures, symbols or any other marks upon or under the skin of a human with ink or any other substance, resulting in the coloration of the skin by the aid of needles or any other instrument designed to touch or puncture the skin. This definition shall not apply to medical doctors or doctors of veterinary medicine in performance of their professional duties.

§ 178-37. License requirements.

A. Required. It shall be unlawful for any person to engage in the business of operating a tattoo or body-piercing establishment without first obtaining a license to engage in such business, in accordance with the provisions of this article and unless abiding by the provisions hereof.

B. Application. Applicants for a license under this article shall submit to the Department a written application containing such data as required by the Norwood Borough Board of
Health.

C. Fee; expiration. Each applicant, before being granted a license, shall pay a fee of $50 per year or portion thereof. Each license shall expire on December 31 of the year in which such license is issued.

D. Display. The license provided for in this article shall be posted conspicuously at the location where the applicant conducts the tattooing or body piercing.

E. Transferability. If the licensee moves his or her tattooing or body-piercing business to another location within the Borough of Norwood, the license may be transferred to such new location upon application to the Department giving the street and number of the new location. The new location shall first be approved by the Department in the same manner as provided elsewhere in this article. However, a license is not transferable to any operator other than the applicant.

§ 178-38. Inspections.

A. The application for license shall be referred to the Department. The Department shall inspect the proposed location to determine if it complies with the health and sanitary provisions of this article.

B. The Health Officer may conduct periodic inspections, without prior notice to the operator of the tattoo or body-piercing establishment, of any tattooing or body-piercing establishment for the purpose of determining whether or not said establishment and the person performing the art of tattooing and body piercing therein are in compliance with all applicable health provisions contained within this article. It shall be unlawful for any person or operator of a tattooing or body-piercing establishment to willfully prevent or restrain the Health Officer from entering any licensed establishment where tattooing or body piercing is being performed for the purpose of inspecting said premises after proper identification is presented to the operator.


Every person who operates a tattooing and/or body-piercing establishment shall comply with the following requirements:

A. The room in which tattooing and/or body piercing is done shall have an area of not less than 100 square feet. The walls, floors and ceilings shall have an impervious, smooth, washable surface and shall be painted or finished in a light color. Carpeting is prohibited in tattooing and body piercing area(s) and toilet room(s).

B. A toilet shall be located in the establishment and shall be accessible at all times the tattooing and/or body-piercing establishment is open for business. The lavatories shall be supplied with hot and cold running water, soap and single-use towels provided in approved dispensers, and shall be located in all toilet rooms and in each room where tattooing and/or body piercing is performed.

C. All tables and other equipment shall be constructed of easily cleanable material, shall be painted or finished in a light color, with a smooth, washable finish, and shall be separated
from waiting customers or observers by a panel at least four feet high.

D. The entire premises and equipment shall be maintained in a clean, sanitary condition and in good repair.

E. The operator shall scrub his/her hands thoroughly with soap and water before starting to tattoo or body pierce; the hands shall be dried with individual, single-use towels. Sterile surgical gloves (or the equivalent) shall be worn by the operator when tattooing or body piercing. Gloves shall be used only once and then disposed of in a manner as prescribed by the Department.

F. Safety razors with a new, single-service blade for each customer or patron, or a straight-edge razor, may be used and shall be thoroughly cleaned and sterilized, as required by the Health Officer, before use on each customer or person.

G. The area to be tattooed or body pierced shall first be thoroughly scrubbed with an antiseptic soap for a minimum of two minutes, and the cleaning material shall be deposited in an easily cleanable, covered waste container, provided in the tattooing or body-piercing area.

H. Only petroleum jelly (or its equivalent) in collapsible metal or plastic tubes (or their equivalent), as approved by the Health Officer, shall be used on the area to be tattooed or body pierced, and it shall be applied with sterile gauze.

I. The use of styptic pencils, alum blocks or other solid styptics to check the flow of blood is prohibited.

J. Operators of tattooing and/or body-piercing establishments shall complete a course, approved by the Norwood Borough Board of Health, on the control of and prevention of blood-borne diseases prior to opening for business. Existing licensed tattooing and/or body-piercing establishments shall have three months after the effective date of this amendment to comply.

K. Single-service or individual containers of dye or ink shall be used for each patron, and the container therefor shall be discarded immediately after completing work on a patron. Any dye in which the needles were dipped shall not be used on another person. Excess dye or ink shall be removed from the skin with an individual, sterile sponge or a disposable paper tissue, which shall be used on one person and then immediately discarded. After completing work on any person, the tattooed or body-pierced area shall be washed with sterile gauze, saturated with an antiseptic soap solution approved by the Health Officer, or a 70% alcohol solution. The tattooed or body-pierced area shall be allowed to dry.

L. No tattooing and/or body-piercing establishment may attempt to remove a tattoo or body piercing from any person or allow such a procedure to take place on its premises.

M. No holder of a license hereunder, or the servant or employee of such holder, shall tattoo or body pierce any person under the age of 18 years without first obtaining a written parental authorization. All parental authorizations shall be maintained on file and be available for inspection for a period of seven years. Proof of age will be required of all patrons.

N. Animals shall not be permitted in the tattooing and/or body-piercing establishment, except where permitted by state law.
O. All clean and ready-to-use needles and instruments shall be kept in a closed glass or metal case or storage cabinet while not in use. Such cabinet shall be maintained in a sanitary manner at all times.

P. A steam sterilizer (autoclave) shall be provided for sterilizing reusable needles and similar instruments before use on any customer, person or patron. Sterilization of equipment shall be accomplished by exposure to live steam for at least 30 minutes at the minimum pressure of 15 pounds per square inch, and a minimum temperature of 240° F. The autoclave shall be provided with a thermometer reading +2° accuracy, and an accurate steam pressure gauge. Alternate sterilizing procedures may only be used when specifically approved by the Health Officer.

Q. The needles and instruments required to be sterilized shall be so used, handled and temporarily placed during tattooing and/or body piercing so that they not be contaminated. Animals are not to be tattooed and/or body pierced with any of the instruments used in tattooing and/or body piercing customers.

R. No person, customer or patron having any skin infection or other disease of the skin or any communicable disease shall be tattooed and/or body pierced. All infections resulting from the practice of tattooing and/or body piercing which become known to the operator shall promptly be reported to the Health Officer by the person owning or operating the tattooing and/or body-piercing establishment.

S. All pigments, dyes, colors, etc., used in tattooing or body piercing shall be sterile and free from bacteria, virus particles and noxious agents and substances.

T. All bandages and surgical dressings used in connection with the tattooing and/or body piercing of a person shall be sterile.

U. In order to carry out the intent of this article, the Norwood Borough Board of Health may promulgate, from time to time, rules and regulations pertaining to the requirements of sanitation, cleanliness, adequacy of facilities, equipment and operation of a tattooing and/or body-piercing establishment consistent with this article.

§ 178-40. Suspension and revocation of license.

A. A tattooing and/or body-piercing establishment license may be suspended or revoked by the Health Department upon the occurrence of any of the following events:

(1) The application for such license contained a false statement(s).

(2) The operator has violated the provisions of this article.

(3) The operator is convicted and pleads guilty or nolo contendere to an offense listed under the Pennsylvania Crimes Code relating to the conduct of business in the tattooing and/or body-piercing establishment.

B. The Health Officer shall serve the tattooing and/or body-piercing establishment with written notice of said suspension or revocation, specifying the reasons therefor, before said suspension or revocation shall become effective. Said notice shall be placed in a conspicuous location on the premises, in a location where it can be reasonably viewed by
all patrons of the establishment. Service of said notice shall be deemed effective if delivered to the person in apparent of the tattooing and/or body-piercing establishment.

C. The tattooing and/or body-piercing establishment shall have the right to a hearing on said suspension or revocation, which hearing shall be held before the Board of Health within 10 days after the service of the notice of such suspension or revocation, whether or not the suspension or revocation was effective immediately. The Board of Health shall uphold, reverse or modify such suspension or revocation.

§ 178-41. Violations and penalties.

In addition to the revocation and suspension of any license, as provided in this article, any operator or other person who shall violate any provision of this article shall, upon conviction, be subject to a fine of not less than $100 nor more than $600 and costs of the action. In default of payment of such fine and costs, such person may be sentenced and committed to the county prison for a period not exceeding 30 days. Each day that a violation exists shall constitute a separate violation.

ARTICLE X
Miscellaneous

§ 178-42. Burial of dead animals.

No dead animal weighing more than 50 pounds shall be buried within the limits of this Borough.

§ 178-43. Dog quarantine.

Where in the opinion of the Board of Health it is deemed necessary for the safety of the public, a quarantine against all dogs may be declared by the Board and such quarantine shall be for not more than 90 days from the date of declaration, and whenever such quarantine shall be declared, all dogs found unmuzzled, unless securely chained or penned up, may be killed by any police or health officer or constable.

§ 178-44. Reports of violations.

All police officers and constables are hereby enjoined, and all citizens are respectfully requested, to give information in writing to the Board of Health of any violation of this chapter and of all rules and regulations promulgated under the authority thereof, so that the sanitary laws providing for the cleanliness and health of the Borough may be fully executed and offenders promptly punished.


All property owners, their agents and tenants and occupants shall be jointly and severally responsible for the cleanliness and sanitary conditions in and about property owned or occupied and for the compliance with this chapter and all rules and regulations made hereunder.

§ 178-46. Power of Board of Health to enforce.

The Board of Health shall have the right to make and enforce all rules and regulations which it
deems necessary and proper to enforce the terms of this chapter and to efficiently provide for the complete execution of all of the provisions of this chapter or any part thereof.

§ 178-47.  Dwelling units.

A dwelling unit, as the words are used in this chapter, shall be defined as a separate suite of rooms designed for and occupied by one family living separate and apart from other families in the same building.

ARTICLE XI

Fees

§ 178-48.  Schedule to be adopted; collection, disposition.

The Board of Health is hereby authorized and empowered to make and adopt, and change from time to time, a schedule of fees, not inconsistent with the provisions of this chapter, for the issuance or renewal of licenses and permits, and upon approval thereof by resolution of Council, to collect such fees and pay them over to the Treasurer of the Board of Health.

ARTICLE XII

Penalties and Enforcement


In the event of any violation of the provisions of Article II hereof, notice shall be given by the Borough Secretary or by the Secretary of the Board of Health or by the Plumbing Inspector, or by any Borough official, by handing a notice to any adult found in of the premises and by posting a notice upon the premises. Such notice shall direct the owner of the premises to abate the nuisance or the violation of this chapter and to conform to the provisions of this chapter within 30 days after the posting of such notice. A copy of said notice shall be sent by registered mail to the owner or owners of the premises, to the address at which tax bills are sent according to the most recent tax duplicate.

§ 178-50.  Cost of abatement to become lien; interest.

In the event of failure to comply with the directions in the notice required under § 179-49 of this article, the Borough may cause the nuisance to be abated, or may make or may cause to be made any changes necessary to effect compliance with the terms of this chapter and the cost thereof jointly and severally to all owners of the premises served by such installation, and in the event of failure to pay the amount of said cost within six months from the date of such notice, the Borough may cause a lien to be filed against said premises for the amount of such cost, together with a penalty of 10%, with interest at the rate of 6% of the cost per annum, from the date of completion of the work, and may effect collection of the amount of such liens in the manner provided by law for the collection of municipal liens.


For each separate offense against or violation of the provisions of Article II or Article IV of this
chapter, the person committing such violation or the occupant of the premises upon which a violation is committed shall be punishable, upon conviction, as indicated in Chapter 1, General Provisions, Article I, General Penalty, of this Code. For each separate offense against or violation of the provisions of Article II of this chapter, the owner as well as the occupant shall be punishable, upon conviction, as indicated in Chapter 1, General Provisions, Article I, General Penalty, of this Code.


In the event of any violations of the provisions of Articles V through VIII of this chapter by the employers or persons handling food, the proprietor and the employee, or either of them, shall be punishable, upon conviction, as indicated in Chapter 1, General Provisions, Article I, General Penalty, of this Code.


In the event of any violations of the provisions of Articles V through VIII of this chapter by any person or persons, association, partnership or corporation conducting a public eating and/or drinking place, or by a transient vendor or peddler of foodstuffs or beverages, or any violation of any provisions of Articles V through VIII of this chapter concerning the sale, storage or use of milk or other foodstuffs, the violator shall be punishable, upon conviction, as indicated in Chapter 1, General Provisions, Article I, General Penalty, of this Code.


Any person violating or failing or refusing to comply with any of the provisions of Article III of this chapter shall be punishable, upon conviction, as indicated in Chapter 1, General Provisions, Article I, General Penalty, of this Code.

§ 178-55. Imprisonment in default of payment.

In default of payment of any fine levied under the provisions of this chapter and any costs charged to any defendant, such offender shall be sentenced to be confined in the county jail for a period of not more than 30 days.

§ 178-56. Each day's violation as separate offense.

Each day of failure to comply with the terms of this chapter shall be considered a separate offense.

§ 178-57. Right of Borough to proceed for relief.

In the event that any owner or owners or occupant of any premises within the Borough of Norwood shall fail to comply with the requirements of this chapter, the Borough shall have the right to proceed against such owner or owners, their agents, the tenants or the occupant of any premises, for relief in any court of law or equity to prevent such unlawful use, construction or maintenance of the premises of such owner, and to prevent the occupancy of any building, structure or land, or to prevent any illegal act, conduct, business or use, in or about such
§ 178-58. Liability for violations.

For any and every violations of the provisions of this chapter, any lessee or tenant of an entire building or entire premises where such violation has been committed or shall exist, and the general agent, architect, building contractor or any other person who knowingly commits, takes part or assists in any such violation, shall be liable to the same penalties and subjected to the same proceedings and remedies as the owner or owners thereof.

§ 178-59. Cumulative fines, remedies.

The several remedies, penalties, fines, procedures and other relief hereinabove prescribed shall be cumulative, and the exercise of any one of them shall not prevent the Borough from enforcing any or all of the others.

ARTICLE XIII
When Effective

§ 178-60. Effective date.

The provisions of this chapter shall become effective this 18th day of January 1957.
Chapter 185

LANDFILL, SANITARY

[HISTORY: Adopted by the Borough Council of the Borough of Norwood 7-13-1960 by Ord. No. 399 (Ch. 54 of the 1967 Codification). Amendments noted where applicable.]

GENERAL REFERENCES

Public dump — See Ch. 140.
Garbage and rubbish — See Ch. 174.
Solid waste — See Ch. 250.

§ 185-1. Definition.

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

SANITARY LANDFILL OPERATION — A type of refuse disposal in which refuse is so handled at disposal site by depositing, compacting and covering as to avoid occurrence or creation of fire, smoke, odor, rodent or arthropod harborage and breeding, or general nuisance control. There shall be no dumping or landfilling in the Borough other than sanitary landfill except in compliance with Ordinance No. 3471 as amended, which established a Norwood Borough Dumping Area.

§ 185-2. Permit required to operate landfill; cost; renewals. [Amended 10-12-1960 by Ord. No. 4042]

No individual, association of individuals, partnership or corporation shall operate or permit the operation of a landfill unless he has obtained a permit to do so from the Secretary of the Borough of Norwood. The cost of such permit shall be determined from time to time by resolution of the Borough Council, in order to defray the necessary expense for the Borough of supervising the operation of a landfill. If the permittee complies with all requirements of this chapter, his permit shall be renewed annually so long as a site for operation is available.

§ 185-3. Engineering plan to be submitted.

Before the issuance of any permit by the Borough Secretary, the applicant must submit to the Borough Council, and obtain the approval thereof, a detailed engineering plan and report which shall contain at least the following:

A. Complete boundary of property.
B. Contours every two feet, present and as proposed on completion.
C. Type of soil.

1. Editor's Note: See Ch. 140, Dump, Public.
2. Editor's Note: Amended at time of adoption of Code (see Ch. I, General Provisions, Art. II).
D. Present drainage.
E. Direction of prevailing winds. This must be established from the Weather Bureau reports covering the period of one year prior to plan date. This data shall be attached as a typewritten tabulation accompanying the plan.
F. The point at which operation is expected to start and direction in which it will progress.
G. Cross section showing depth of trench to be used and side from which dumping will occur. If area or ramp method is used, a diagram must show the progression in the area to be covered.
H. Height of side slope of completed fill and cross-section sand gravel ditch surrounding fill.
I. A separate plan showing what roads will be used by trucks hauling to the site.

§ 185-4. Data to be submitted.
In addition to the plan and report as set forth in § 185-3 hereinabove, applicant shall also submit the following data:
A. List of type of equipment anticipated to be used.
B. List of standby equipment that will be kept at the site to prevent delay of covering because of breakdowns or peak loads.
C. Complete data on frequency and weight of various axle loadings expected on public streets or roads leading to the site. If present roads are not of sufficient thickness to carry these loadings over the period of time of operation of landfill, a plan shall be submitted showing what improvements are proposed to these roads by the private owner prior to starting the operation and after operation is completed.
D. Method of dust control proposed in addition to water spraying.
E. The maintenance program proposed after landfill operation is completed. The Borough must be assured of prompt repair of cracks, depressions and erosions of side slopes as well as the surface.
F. Number of water pumps and fire-fighting equipment to be maintained on the location.

§ 185-5. Issuance of permit fee; performance bond. [Amended 12-14-1960 by Ord. No. 405]
Upon approval of the plans and data required in §§ 185-3 and 185-4 hereinabove, Borough Council shall authorize the Secretary to issue a permit to the applicant after payment of the permit fee and after applicant has lodged with the Borough Council a performance bond in sufficient sum to be determined by the Borough Solicitor, to whom said bond shall be submitted for approval.

§ 185-6. Rules and regulations for operation of landfill.
Upon compliance with all of the requirements set forth hereinabove, applicant must then proceed to operate the landfill. Applicant must operate said landfill in strict accordance with the plans and
data approved by the Borough Council and shall also comply with the following rules and regulations for the actual operation itself:

A. Exposed refuse must be completely covered as soon as possible and both the surface and the face of the fill must be covered with a minimum of six inches of earth at the end of each day to make a closed cell of each day's deposit. [Amended 1-11-1961 by Ord. No. 410]

B. Waste building material, concrete or other bulky refuse must be buried deep in the fill to destroy rat harborage.

C. Sufficient movable snow fence must be maintained to control blowing paper and to keep residents off the access roads within the area of the landfill operation.

D. Surface-water pools that develop must be drained, filled and treated to prevent mosquito production and odors.

E. No refuse shall be permitted to float into open water.

F. Covered trucks only will be permitted to haul to the landfill. [Amended 11-8-1961 by Ord. No. 424]

G. Dumping of refuse must be terminated by 6:00 p.m. each day. Work at the site must not commence before 7:00 a.m. No operation will be permitted on Sundays. [Amended 1-8-1961 by Ord. No. 424]

H. No scavengers will be permitted.

I. No wearing apparel, bedding or other refuse from any place where a highly infectious or contagious disease has prevailed, nor any explosive substance, no poisons aside from those necessary to combat insects and rodents, no offals or fecal matter and no garbage, may be deposited in the landfill.

J. No radioactive materials, acids or caustics may be deposited in the landfill.

K. All large and bulky materials, such as automobile bodies and other refuse of that nature, shall have special preparation to reduce their bulk prior to deposit in the landfill.

L. The landfill operator shall maintain complete rodent and arthropod control by use of extermination processes.

M. No fires shall be permitted on the landfill operation.

§ 185-7. **Violations and penalties.** [Amended 8-22-1988 by Ord. No. 2-88]

Any person or persons violations the provisions of this chapter shall be punishable, upon conviction, as indicated in Chapter 1, General Provisions, Article I, General Penalty, of this Code.

§ 185-8. **Revocation of permit.**

Any person or persons, partnership or corporation who shall violate any conditions of this chapter shall thereupon lose his rights to continue to operate the landfill and his permit shall be revoked until said violation has ceased or been eliminated.
Chapter 189

MECHANICAL DEVICES, LICENSING OF


GENERAL REFERENCES

Health code — See Ch. 178.

§ 189-1. Definitions.
A. Words defined. As used in this chapter, the following terms shall have the meaning indicated:

MECHANICAL DEVICE — Any device which, upon insertion of a coin, token, plate or disc, may be operated for use as a game, entertainment or amusement, whether or not registering a score, and shall mean a vending machine for the dispensing of food, soda, candy, cigarettes, and shall include any such device, whether a permanent or temporary installation, either inside or outside of a building; except that the term above defined shall not include any jukebox or similar instrument operated solely for the emission of music, nor shall the term include any gambling device or any mechanism which has been judicially determined to be a gambling device, and no mechanical device shall be permitted that dispenses its contents in a bottle or other breakable material.

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

B. Word usage. In this chapter, the singular shall include the plural and the masculine shall include the feminine and the neuter.

§ 189-2. License required.
From and after the effective date of this chapter, no person may at any time have in his possession, at any place within the Borough of Norwood, any mechanical device, without first having procured a license therefor from the Borough Secretary.

§ 189-3. Application for license; investigation; age restriction.

Any person desiring to procure a license for a mechanical device shall apply therefor in writing to the Borough Secretary. Such application shall set forth the name of the applicant, the address at which such device is to be located and the number and character of devices to be installed at such address for use thereon. Such information shall be furnished over the signature of the applicant and shall be made under oath or affirmation. No license shall be granted until a period of 10 days shall have elapsed from the date of application, during which time the Secretary may, at his or her discretion, investigate the facts set forth in the application. Any person granted a license for a mechanical device shall not permit the operation thereof by any person under the
§ 189-4. Gambling devices prohibited.

Nothing in this chapter shall be in any way construed to authorize, license or permit any gambling device whatsoever, or any machine or mechanism that has been judicially determined to be a gambling device or in any way contrary to law or that may be contrary to any future law of the Commonwealth of Pennsylvania.

§ 189-5. Issuance of license; exchange of machines.

Following the waiting period provided in § 189-3 of this chapter, and upon payment by the applicant of the license fee in an amount as shall be set from time to time by resolution of the Borough Council for every mechanical device sought to be licensed, a license shall be issued by the Secretary to the applicant. Such license shall be valid for the entire calendar year for which it is issued and shall expire following the last day of such calendar year. Provided, such license shall authorize the installation or location and use, upon the premises specified therein, of the number of mechanical devices for which the aforesaid license fee shall have been paid, but nothing herein shall prohibit the change or exchange of such mechanical devices, so long as the total number of such devices installed or located in and about such premises shall not at any time exceed the number set forth in the original application. Whenever the total number of such devices in or about any premises shall exceed the total for which the license was granted, application shall be made for a license for such additional number and the fee shall be paid therefor.

§ 189-6. Renewal of license.

Prior to the expiration date of any license issued under this chapter, the holder of such license shall apply to the Secretary for a license for the following year. The same provisions shall govern the issuance of such license as are set forth in the preceding sections of this chapter.


The Borough Police at the direction of Borough Council shall make periodical inspections of mechanical devices licensed under this chapter.

§ 189-8. Display of license; revocation. [Amended 12-17-1969 by Ord. No. 517]

Any license issued under this chapter shall be exhibited at any time on request of any police officer. Borough Council may revoke any license issued hereunder when it deems such revocation to be necessary for the benefit or protection of the public health, safety, general welfare or morals.

§ 189-9. Inspection by Board of Health.  

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

2. Editor's Note: See also Ch. 178, Health Code.
The Board of Health or the Health Officer is authorized to make inspection of any device that dispenses food, candy, soda, cigarettes, etc., in order to preserve the health of the community and to see that all applicable health laws are complied with by the owners or operators of any such mechanical device.

§ 189-10. Violations and penalties. [Amended 8-22-1988 by Ord. No. 2-88]

Any person or persons violations the provisions of this chapter shall be punishable, upon conviction, as indicated in Chapter 1, General Provisions, Article I, General Penalty, of this Code. Provided, each day's continuance of a violation of any of the provisions of this chapter shall constitute a separate offense. The license for any mechanical device will be on a calendar-year basis.
Chapter 196

MUNICIPAL CLAIMS AND CERTIFICATIONS

[HISTORY: Adopted by the Borough Council of the Borough of Norwood as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Municipal and Tax Claims
[Adopted 3-3-1902 by Ord. No. 75 (Ch. 5, Art. I, of the 1967 Codification)]

§ 196-1. Filing: duty of Borough Solicitor.

It shall be the duty of the Borough Solicitor to sign and file in the proper court all municipal and tax claims when duly certified to him by the Mayor or the Tax Collector.

ARTICLE II
Real Estate Tax Certifications
[Adopted 1-25-1993 by Ord. No. 1-93 (Ch. 5, Art. II, of the 1967 Codification)]

§ 196-2. Fee. 1

From and after the passage of this article, all persons or entities, including but not limited to title, insurance companies, title abstract companies, attorneys and others engaged in the business or practice of holding real estate settlements and/or closings, who contact the Borough of Norwood Tax Collector or its agent for the purpose of obtaining a certification as to the status of real estate taxes for real property situated within the Borough of Norwood shall be required, in consideration for the providing of such a service, to pay to the Tax Collector of the Borough of Norwood a fee in such amount as shall be set from time to time by resolution of the Borough Council.

§ 196-3. Failure to pay fee; legal remedies.

Upon failure of any person or entity as set forth above, to whom tax certification information has been provided, to make payment as required by this article, the Borough of Norwood or the Tax Collector of the Borough of Norwood shall have the right and power to proceed with all legal remedies available to it to effectuate collection of the tax certification fee. If legal action is required to effectuate such collection, the person or entity to whom the tax certification information has been provided shall be responsible for the payment of court costs and attorneys' fees incurred by the Tax Collector and the Borough of Norwood.

ARTICLE III
Sewer Rental and Trash Collection Fee Certifications
[Adopted 1-25-1993 by Ord. No. 2-93 (Ch. 5, Art. III, of the 1967 Codification)]

1. Editor's Note: Amended at time of adoption of Code (see Ch. I, General Provisions, Art. II).
§ 196-4. Fee.  

From and after the passage of this article, all persons or entities, including but not limited to title insurance companies, title abstract companies, attorneys and other engaged in the business or practice of holding real estate settlements and/or closings, who contact the Borough of Norwood or its agent for the purpose of obtaining a certification as to the status of sewer rental fee and/or trash collection fee for real property situated within the Borough of Norwood shall be required, in consideration for the providing of such a service, to pay to the Borough of Norwood a fee in such amount as shall be set from time to time by resolution of the Borough Council.

§ 196-5. Failure to pay fee; legal remedies.

Upon failure of any person or entity as set forth above, to whom sewer rental and trash collection fee information has been provided, to make payment as required by this article, the Borough of Norwood shall have the right and power to proceed with all legal remedies available to it to effectuate collection of the certification fee. If legal action is required to effectuate such collection, the person or entity to whom the certification information has been provided shall be responsible for payment of court costs and attorney's fees incurred by the Borough of Norwood.

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).
Chapter 199

NOISE


GENERAL REFERENCES
Animals — See Ch. 90.
Firearms and fireworks — See Ch. 158.
Peace and good order — See Ch. 215.

§ 199-1. Definitions.
The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise:

COMMERCIAL AREA — A group of commercial facilities and the abutting public rights-of-way and public spaces.

COMMERCIAL FACILITY — Any premises, property or facility involving traffic in goods or furnishing of services for sale or profit including, but not limited to:
A. Banking and other financial institutions.
B. Dining establishments.
C. Establishments for providing retail services.
D. Establishments for providing wholesale services.
E. Establishments for recreation and entertainment.
F. Office buildings.
G. Transportation.
H. Warehouses.

CONSTRUCTION — Any site preparation, assembly, erection, repair, alteration or similar action but excluding demolition of buildings or structures.

DECIBEL (dBA) — The practical unit of measurement for sound pressure level (SPL); the number of decibels of a measured sound source is equal to 20 multiplied by the logarithm to the base 10 of the ratio of the sound pressure of the measured sound to the sound pressure of the threshold of hearing (20 micropascals).

DEMOLITION — Any dismantling, intentional destruction or removal of buildings or structures.

EMERGENCY — Any occurrence or set of circumstances involving actual or imminent physical
trauma or property damage which demands immediate attention.

EMERGENCY SIGNALING DEVICE — Any audible warning device, such as a gong, whistle or siren or any air horn or similar device.

EMERGENCY WORK — Any work or action necessary to deliver essential services including, but not limited to, repairing water, gas, electric, telephone, sewer facilities, or public transportation facilities, removing fallen trees on public rights-of-way, or abating life-threatening conditions.

INDUSTRIAL FACILITY — Any activity and its related premises, property, facilities or equipment involving the fabrication, manufacture or production of durable or nondurable goods.

MOTOR VEHICLE — Any vehicle that is propelled or drawn on land by an engine or motor.

MUFFLER — A sound-dissipative device or system for abating the sound of escaping gases of an internal combustion engine.

MULTIDWELLING UNIT — Any building wherein there are two or more dwelling units.

NOISE — Any sounds of such level and duration as to be or tend to be injurious to human health or welfare, or which would unreasonably interfere with the enjoyment of life or property throughout the Borough or in any portion thereof, but excludes all aspects of the employer-employee relationship concerning health and safety hazards within the confines of a place of employment.

NOISE DISTURBANCE — Any sound that:
A. Endangers the safety or health of any person.
B. Disturbs a reasonable person of normal sensitivities.
C. Endangers personal or real property.

PERSON — Any individual, corporation, company, association, society, firm, partnership, joint stock company, the Borough or any political subdivision, agency or instrumentality of the Borough.

PUBLIC RIGHT-OF-WAY — Any street, avenue, boulevard, road, highway, sidewalk or alley that is leased, owned or controlled by a government entity.

PUBLIC SPACE — Any real property or structures thereon that are owned, leased or controlled by a government entity.

REAL PROPERTY LINE — Either:
A. The imaginary line including its vertical extension that separates one parcel of real property from another; or
B. The vertical and horizontal boundaries of a dwelling unit that is one in a multidwelling unit building.

RESIDENTIAL AREA — A group of residential properties and the abutting public rights-of-way and public spaces.
RESIDENTIAL PROPERTY — Property used for human habitation including, but not limited to:

A. Private property used for human habitation.
B. Commercial living accommodations and commercial property used for human habitation.
C. Recreational and entertainment property used for human habitation.
D. Community service property used for human habitation.

SOUND LEVEL — The SPL measured in decibels with a sound level meter set for A-weighting which models human hearing sensitivity; SPL is expressed in dBA units.

SOUND LEVEL METER — An instrument used to measure sound levels which conforms to Type 1 or Type 2 standards as specified by ANSI standard S1.4-1971.

WEEKDAY — Any day, Monday through Friday, that is not a legal holiday.

§ 199-2. Sound measurement procedures.

Noise shall be measured by a sound-level meter of standard design and quality and having characteristics established as the industry standard for such equipment.

§ 199-3. Maximum permissible sound levels.

A. No person shall cause, suffer, allow or permit the operation of any sound source on a particular category of property or any public space or right-of-way in such a manner as to create a sound level that exceeds the particular sound level limits set forth in Table 1 when measured at or within the real property line of the receiving property except as provided in Subsection A(1).

(1) When measuring noise within a dwelling unit of a multidwelling unit building, all exterior doors and windows shall be closed and the measurements shall be taken in the center of the room.

<table>
<thead>
<tr>
<th>Source Property Category</th>
<th>Receiving Property Category</th>
<th>7:00 a.m. to 10:00 p.m.</th>
<th>10:00 p.m. to 7:00 a.m.</th>
<th>All Times</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>55</td>
<td>50</td>
<td>65</td>
<td></td>
</tr>
<tr>
<td>Commercial</td>
<td>65</td>
<td>50</td>
<td>65</td>
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<tr>
<td>Industrial</td>
<td>65</td>
<td>50</td>
<td>65</td>
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</tbody>
</table>

B. The following are exempt from the sound level limits of Table 1:

(1) Noise from emergency-signaling devices.

(2) Noise from an exterior burglar alarm of any building or motor vehicle, provided such burglar alarm shall terminate its operation within 10 minutes after it has been activated.
(3) Noise from domestic power tools, lawn mowers and agricultural equipment when operated with a muffler between the hours of 8:00 a.m. and 8:00 p.m. on weekdays and between 8:00 a.m. and 8:00 p.m. on weekends and legal holidays, provided they produce less than 85 dBA at or within any real property line of a residential property.

(4) Sound from church bells and church chimes when a part of a religious observance or service.

(5) Noise from construction activity, provided all motorized equipment used in such activity is equipped with functioning mufflers.

(6) Noise from snow blowers, snow throwers and snow plows when operated with a muffler for the purpose of snow removal.

(7) Impulsive sounds: less than 40 decibels.

C. Notwithstanding any other term, condition or provision in this section, it is hereby declared to be a nuisance and shall be unlawful for any person, firm or business entity to make, cause, suffer or permit to be made or caused upon any property owned, occupied or controlled by him or her or it upon any land, street, alley or thoroughfare in the Borough of Norwood any excessive noise or sound by means of vehicles, machinery or equipment (including sound-amplification equipment), or musical instruments, including drums and other percussion instruments, or by any other means or methods which cause annoyance, disturbance or discomfort to any person in the vicinity or which are so harsh, prolonged, unnatural or unusual in their use, time and place so as to occasion discomfort and/or a nuisance to the lives, health, peace and comfort of the inhabitants of the Borough of Norwood or any number of residents thereof. For purposes of this section, it shall be a sufficient measure of proof that the noise caused an annoyance, disturbance or discomfort to any person or persons in the vicinity, without regard to the decibel level of such noise, measured or unmeasured, at or beyond the property line. The Borough official investigating such claim may, in his or her discretion, issue a warning for a violation of this section. If the complaint is received from a residential property owner located adjacent to a commercial use, the Borough official must conclude that a reasonable person would find the noise a nuisance in order to cite under this section. Such noises shall constitute a public nuisance and shall be punishable as provided under this chapter.

§ 199-4. Prohibited acts.

No person shall cause, suffer, allow or permit the following acts:

A. Operating, playing or permitting the operation or playing of any radio, television, phonograph or similar device that reproduced or amplifies sound in such a manner as to create a noise disturbance for any person other than the operator of the device.

B. Playing musical instruments, including drums and other percussion instruments, in such a manner as to create a noise disturbance across a residential real property line.

C. Using or operating of any loudspeaker, public address system or similar device between the hours of 10:00 p.m. and 8:00 a.m. in the following day, such that the sound therefrom creates a noise disturbance across a residential real property line.
D. Owning, possessing or harboring any pet animal or pet bird that frequently or for continued duration makes sounds that create a noise disturbance across a residential real property line.

E. Loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials, liquids, garbage cans, refuse or similar objects or the pneumatic or pumped loading or unloading of bulk materials in liquid, gaseous, powder or pellet form or the compacting of refuse by persons engaged in the business of scavenging or garbage collection, whether private or municipal, between the hours of 9:00 p.m. and 6:00 a.m. the following day when the latter is a weekday and between the hours of 9:00 p.m. and 6:00 a.m. the following day when the latter is a legal holiday or a weekend day except by permit, when the sound therefrom creates a noise disturbance across a residential property line.

F. Operating or permitting the operation of any motor vehicle whose manufacturer's gross weight is in excess of 10,000 pounds, or any auxiliary equipment attached to such a vehicle, for a period of longer than five minutes in any hour while the vehicle is stationary, for reasons other than traffic congestion or emergency work, on a public right-of-way or public space within 150 feet of a residential area between the hours of 8:00 p.m. and 7:00 a.m. of the following day.

G. Operating or permitting the operation of any tools or equipment used in construction, drilling, earthmoving, excavating or demolition work between the hours of 6:00 p.m. and 7:00 a.m. the following day on weekdays or at any time on such weekends or legal holidays; provided, such equipment is equipped with a functioning muffler except for emergency work, or when the sound level does not exceed any applicable limit specified in Table 1.

§ 199-5. Exceptions.

A. The provisions of this chapter shall not apply to:
   (1) The emission of sound for the purpose of alerting persons to the existence of an emergency.
   (2) The emission of sound in the performance of emergency work.
   (3) The emission of sound in situations within the jurisdiction of the Federal Occupational Safety and Health Act.

B. Noise from Borough-sponsored or approved celebrations or events shall be exempt from the provisions of this chapter.

§ 199-6. Enforcement; violations and penalties.

A. Violation of any provision of this chapter shall be cause for a summons to be issued by the designated Borough official.

B. Abatement orders.
   (1) In lieu of issuing a summons, the designated Borough official may issue an order requiring abatement of any sound source alleged to be in violation of this chapter.
within a reasonable period of time and according to guidelines which the Borough
official may prescribe.

(2) An abatement order shall not be issued if any person willfully or knowingly violates
any provision of this chapter.

C. Penalties. Any person who violates any provision of this chapter shall be issued a citation
and, upon conviction of a summary offense by a court of competent jurisdiction, shall be
subject to a penalty of no less than $300 nor greater than $1,000 and any and all court
costs. If the violation is continuous in nature, each day any person is in violation of this
chapter shall constitute a separate offense.

D. No provision of this chapter shall be construed to impair any common law or statutory
cause of action, or legal remedy therefrom, of any person for injury or damage arising from
any violation of this chapter or from other law.
Chapter 202

NUISANCE PROPERTIES


GENERAL REFERENCES

Noise — See Ch. 199.
Peace and good order — See Ch. 215.

§ 202-1. Definitions.

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

DISORDERLY PROPERTY — Any house, room, apartment or premises where frequent requests for police services for noise, assaults, batteries, drinking of intoxicating beverages, illegal drug use and/or sale, loitering, gaming or other behavior prohibited in the Norwood Borough Code.

FREQUENT REQUEST FOR POLICE SERVICES — More than three police responses to the same property within any preceding sixty-day period.

§ 202-2. Prohibition against maintenance of disorderly property.

It shall be unlawful for any property owner, occupier, lessee or tenant to maintain, keep, lease, permit or to allow a disorderly property, room, apartment or other premises to exist within the Borough of Norwood.


Any such disorderly house, room, apartment or other property or any part thereof causing or intending to cause interference with or be disruptive to the peace and well-being of the surrounding neighborhood and/or greater community, or which may cause or tend to cause any danger to any persons or property shall be declared to be a public nuisance.


After the third police response, as defined above, the Chief of Police shall, within five days, notify the occupier or resident of the property and owner thereof, in writing, by either certified mail, posting or personal service, of the Borough's intent to initiate charges with the Magisterial District Judge and further to allow the occupier or resident of said property and its owner an additional five-day period, commencing on the date of service, to notify the Police Chief in writing of said occupier, resident or owner's desire to meet with the Police Chief in an attempt to rectify conditions and/or violations to be cited. Upon timely receipt of such notification, the Police Chief shall meet as quickly as practical with the property occupier, resident and/or owner.
within five days thereof in an attempt to reach an accommodation on the pending violations. Should the parties fail to meet within a reasonable period of time or be unable to meet an accommodation satisfactory to the Borough, the Chief of Police shall immediately proceed forthwith to initiate charges for violation of this ordinance before the Magisterial District Judge.

§ 202-5. Violations and penalties.

A. Any person, firm or corporation or legal entity owning, operating, maintaining, or patronizing a disorderly property within the Borough of Norwood shall, upon summary conviction, be liable to pay a fine of no more than $1,000, plus the cost of prosecution for each offense, shall be incarcerated for a term not exceeding 90 days.

B. Upon conviction under the terms of this article, the Borough of Norwood may immediately revoke the use and occupancy and/or inspection permit of any property found to be a disorderly property.

C. Continuation of a violation(s) of this article after the date of notification by the Chief of Police to remedy the violation(s) as set forth herein above shall constitute for each day the violation continues a separate and distinct violation.
Chapter 206

NUMBERING OF BUILDINGS

[HISTORY: Adopted by the Borough Council of the Borough of Norwood 4-23-2001 by Ord. No. 2001-1 (Ch. 58 of the 1967 Codification). Amendments noted where applicable.]

GENERAL REFERENCES

Building codes — See Ch. 105.
Uniform construction codes — See Ch. 126.

§ 206-1. Findings and purpose.
The Borough Council of the Borough of Norwood recognizes the importance of emergency vehicles, including police, fire and ambulance, being able to quickly and accurately identify houses, buildings and other structures where the involvement of those emergency vehicles is necessary. The Borough of Norwood further recognizes that, in many instances, those structures do not display numbers; or, where numbers are displayed, they are often too small or obliterated to be seen from the nearest street. Therefore, Borough Council of the Borough of Norwood hereby declares that, for the health, safety and well-being of the people of Norwood, it is absolutely necessary that a system be developed for guaranteeing that houses and other structures are properly identified, and prescribing penalties for the failure of the person responsible for that building to comply with the terms of this chapter.

§ 206-2. Building numbers required.
Commencing June 1, 2001, and on all days thereafter, every house, apartment, business establishment, and all other buildings and structures, whether occupied or not, shall have clearly displayed on the outside of the structure the number assigned to, or utilized by, the owner/occupants/lessees/responsible parties of that structure. Unless specifically authorized by the Borough of Norwood, in writing, the number shall be the same as the street number or other identification used by the United States Postal Service for delivery of mail or packages to that building.

§ 206-3. Placement; material; size; color.
The number shall be placed in a conspicuous place on or over each front door, on the front transom bar, front transom glass or front show window, over or on either side of the entrance; the number to be of paint, metal or enamel, at least four inches in height; the color of the numbers to be in contrast to the immediate background; and placed so as to be in full view and visible from the opposite side of the street.

§ 206-4. Covering numbers prohibited; renumbering.
It shall be unlawful to cover any house or structure number with any sign, drapery or other obstruction tending to conceal such number; and all old numbers shall be removed from any
house, building or other structure when a new number has been assigned and/or when directed by the Borough Engineer. The Borough Engineer is hereby authorized to require the numbering and renumbering of any house, building or other structure in accordance with this chapter.

§ 206-5. Compliance required for certificate of occupancy.

Compliance with the terms of this chapter is hereby declared to be a prerequisite for the Borough of Norwood issuing a certificate of occupancy for any building that is being sold, transferred or otherwise disposed of. The Building Inspector/Code Enforcement Officer/Borough Engineer is/are hereby prohibited from issuing a certificate of occupancy for any building not in compliance with the terms of this chapter.

§ 206-6. Violations and penalties; notice.

Any person, firm, corporation or other entity in control of the building/structure who shall violate any provision of this chapter shall, upon conviction thereof, be sentenced to pay a fine of not more than $25 for the first conviction, $50 for the second conviction and $100 for the third and each subsequent conviction, plus costs; provided, however, that before the first citation is issued, the offending party shall be given written notice to comply with the terms of this chapter within 15 days of the date of this notice. In the case of continuing violations, no citation shall be issued less than 15 days from the date of the previous citation, the Borough Council believing that this fifteen-day "grace period" is sufficient for the owner/occupier of the structure to comply with the terms of this chapter.
Chapter 210

PARKS AND RECREATION AREAS

[HISTORY: Adopted by the Borough Council of the Borough of Norwood 9-14-1960 by Ord. No. 402 (Ch. 60 of the 1967 Codification). Amendments noted where applicable.]

GENERAL REFERENCES

Animals — See Ch. 90.
Peace and good order — See Ch. 215.

§ 210-1. Short title; definition.
This chapter shall be known and may be cited as the "Park Ordinance." Wherever in this chapter the term "park" is used, it shall be deemed to include playgrounds and recreation areas.

§ 210-2. Park hours. [Added 11-21-1973 by Ord. No. 560]
No person shall enter the park or park areas between the hours of 9:00 p.m. and 6:00 a.m. during the months of May to October, inclusive, nor between the hours of 6:00 p.m. and 6:00 a.m. during the months of November to April, inclusive, nor shall any person already in the park or park areas remain therein between said stated hours. However, this chapter shall not prohibit the presence of any person attending a scheduled function registered with, and approved by, the Parks Committee of the Borough Council, nor the presence of persons engaged in tennis or other sports for which a lighted area is provided.

No dogs, whether on a leash or not, shall be permitted in the park or park areas at any time.

§ 210-4. Use of seats and benches.
No person shall stand or lie on a table, bench or seat.

§ 210-5. Use of toilet facilities.
No person shall enter a toilet set apart for the use of the opposite sex.

§ 210-6. Intoxication prohibited.
No intoxicated person shall be permitted in a park.

§ 210-7. Gambling; indecent acts.
No gambling nor any obscene or indecent act nor any abusive, threatening, indecent or profane language nor any conduct that may annoy others shall be allowed in a park.

No playing or practicing of golf shall be permitted.

§ 210-9. Parking regulations.

No person shall park any vehicle in any portion of a park except in spaces definitely set apart and marked for parking purposes, and no person shall occupy a parked vehicle after dark except with the interior lights turned on. No cars will be permitted in park from 10:00 p.m. to 6:00 a.m.

§ 210-10. Firearms, missiles, dead animals.

No person shall carry or use firearms or throw stones or other missiles or leave dead animals or offensive matter of any kind in a park.

§ 210-11. Littering prohibited.

No person shall scatter, drop or leave any paper, rags, garbage, dead flowers or plants, glass, tin cans or other rubbish anywhere in a park, except in receptacles provided for such purpose.

§ 210-12. Use of park property and plantings.

No person shall injure, damage or deface any buildings, structures, fences, bridges, playground equipment or other property in a park, nor climb any tree or break, cut down, trample upon, remove or in any manner injure or damage any ornament, rock, stone, tree, plant, shrub, fern, blossom, flower or turf, nor foul nor contaminate any stream or water. The picking of violets, mushrooms, buttercups, daisies or dandelions is permitted.


No persons shall annoy, injure or kill any animals or birds in a park, nor disturb waterfowl in the streams, pools or ponds, nor remove or carry away any bird's nests or eggs.

§ 210-14. Defacement or destruction of public signs.

No person shall injure, deface or destroy any public signs or notices posted in a park.


No advertisement, placard or notice except public notices shall be posted or distributed in a park.

§ 210-16. Fires restricted.

No person shall light or permit a fire to burn in a park except in fireplaces provided for such purpose.

§ 210-17. Certain meetings prohibited.

No meetings for political, industrial or other similar purposes shall be permitted in a park.
The riding of bicycles or horses in the areas of any playfield or athletic field is prohibited.

§ 210-19. Supervision required for use of dangerous athletic equipment.
The promiscuous use of javelins, arrows, discus or similar athletic equipment dangerous in character is prohibited unless used under the direct supervision of an authorized playground supervisor.

§ 210-20. Flying of model airplanes; designated areas.
The flying of model airplanes is restricted to the designated area which is located from the entrance to the dump to the Sewer Authority fence east of the football field, between the hours of 10:00 a.m. and 8:00 p.m.

§ 210-21. Special uses; permit required.
The use of a park for any of the following purposes is prohibited unless a permit is first obtained from the Borough Secretary as hereinafter provided:
A. Sale of merchandise.
B. Use of fireworks.
C. Musical or theatrical entertainments.
D. Overnight camping.
E. Parties or gatherings in excess of 25 persons for any purpose whatsoever.

§ 210-22. Intoxicating beverages prohibited.
The distribution, consumption or possession of beer, ale, wine or any other intoxicating liquor is prohibited within the area of any playfield, athletic field or park or in any building erected thereon.

§ 210-23. Adequate dress required.
No persons over 12 years of age shall appear in parks without shirts or other proper clothing.

A. No person shall operate any motor vehicle of any kind or motorcycle in any portion of the Norwood Borough Park, or on any public playfield, athletic field or recreation area, except on roadway areas and except on such areas as may be designated by the Parks Committee of the Borough Council for temporary parking or access to temporary parking.
B. No person shall operate a minibike or similar vehicle not licensed by the Commonwealth of Pennsylvania for highway operation, in any portion of the Norwood Borough Park, or on any public playfield, athletic field or recreation area, except on such areas, if any, as may be designated by the Parks Committee of the Borough Council and marked by signs as
permitting use by minibikes.

§ 210-25.  Supervision, enforcement by Police Department.

The Police Department shall enforce the regulations hereinabove set forth and shall exercise general supervision over persons and property in all parks.

§ 210-26.  Custody and maintenance of park property; right to exclude nonresidents.

The Park Department shall have general custody of all parks and all maintenance, repairs and replacements of property and equipment therein and shall be chargeable with the duty of keeping the parks in a clean and sanitary condition at all times. In view of the fact that the parks, playgrounds and recreation areas of the Borough have been acquired and are maintained primarily for the use of the residents of the Borough, the Committee on Parks or any person or persons designated by it shall have the right to exclude therefrom any person who is not a resident of the Borough.

§ 210-27.  Issuance of special permits; responsibility of holder. [Amended 2-20-1974 by Ord. No. 564]

Special permits for the use of parks shall be issued by the Borough Secretary upon application. No charge shall be made for such permits for residents. No permit shall be issued, however, unless an application therefor is made to the Borough Secretary, in writing, at least 48 hours before the applicant intends to use the same. Any person to whom a permit is issued shall be liable for any loss, damage or injury sustained by any person or persons by reason of the negligence or fault of the applicant, his servants, agents or employees. If such special permit involves any activity prohibited by any section of Chapter 210 of the Code of the Borough of Norwood, such permit may be issued only by authorization of the Borough Council granted at a public meeting thereof. If such authorization be so approved by the Borough Council, the prohibited act or activity shall be permitted only for the period and purposes and within the restrictions, if any, approved by Borough Council.


Any person or persons violations the provisions of this chapter shall be punishable, upon conviction, as indicated in Chapter 1, General Provisions, Article I, General Penalty, of this Code.
Chapter 215

PEACE AND GOOD ORDER

[HISTORY: Adopted by the Borough Council of the Borough of Norwood as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Alcoholic beverages — See Ch. 85.
Curfew — See Ch. 135.
Firearms and fireworks — See Ch. 158.
Nuisance properties — See Ch. 202.

ARTICLE I

Damage or Defacement of Lampposts

[Adopted 12-16-1894 by Ord. No. 12 (Ch. 61, Art. IV, of the 1967 Codification)]


The Mayor and Borough Council of the Borough of Norwood have ordained that no person shall dig up any lamppost erected by the Borough of Norwood, to remove therefrom any lamp or any part thereof or willfully break or destroy any such lamppost or lamp or any part thereof, nor shall any person hitch or fasten any horse or other animal thereto or post any advertisement thereon or deface the same in any other manner.


Any person or persons violati ons the provisions of this article shall be punishable, upon conviction, as indicated in Chapter 1, General Provisions, Article I, General Penalty, of this Code.

ARTICLE II

Conduct in Public Parks

[Adopted 9-13-1957 by Ord. No. 366 (Ch. 61, Art. I, of the 1967 Codification)]

§ 215-3. Disorderly conduct defined and prohibited.

A. Disorderly conduct within the Borough of Norwood shall be and is hereby defined as an act, word or conduct causing or tending to cause a disturbance of the peace and good order of the Borough, or causing or tending to cause any danger, discomfort or annoyance to the inhabitants of the Borough or users of the Borough thoroughfares, public parks and public places, and shall include loafing, corner lounging, fighting, drunkenness, profane or indecent language, offensive or insulting remarks, the making of unnecessary noise, any word, act or conduct tending to interfere with any other person or persons in pursuit of peace, happiness and contentment, or any word, act or conduct tending toward the destruction of good morals.
B. All of the foregoing, coming within the definition of disorderly conduct, are hereby declared unlawful.

§ 215-4. Possession or consumption of alcoholic beverages.

Hereafter, it shall be unlawful for any person to possess or consume any alcoholic, malt or brewed beverage, containing more than 1/2 of 1% by volume, of alcohol, in or on any public park, public playground or public grass plot in the Borough of Norwood.

§ 215-5. Littering.

It shall be unlawful to litter the highways, alleys, parks, public playgrounds and public grass plots in the Borough of Norwood by depositing paper, bottles and other rubbish thereon.


Any person or persons violations the provisions of this article shall be punishable, upon conviction, as indicated in Chapter 1, General Provisions, Article I, General Penalty, of this Code. Every single violation of this article shall constitute a separate offense.

ARTICLE III
Disorderly Conduct

[Adopted 6-5-1934 by Ord. No. 259 (Ch. 61, Art. II, of the 1967 Codification)]


Disorderly conduct within the boundaries of the Borough of Norwood is hereby defined to be any action, word or conduct which causes or tends to cause a breach of the peace or good order of the Borough, or which causes or tends to cause any danger, discomfort or annoyance to the public or to any individual or group of individuals, including the inhabitants of the Borough and persons in or upon the Borough thoroughfares or elsewhere within the boundaries of the Borough, and such action, word or conduct shall and it does include quarreling, fighting, begging, intoxication, lewd or indecent language or action, all loud, boisterous or riotous conduct and the making of unnecessary noises, to the disturbance of the public.


Any person or persons violations the provisions of this article shall be punishable, upon conviction, as indicated in Chapter 1, General Provisions, Article I, General Penalty, of this Code.

ARTICLE IV
Handbills and Advertising Matter

[Adopted 7-25-1983 by Ord. No. 3-83 (Ch. 61, Art. III, of the 1967 Codification)]


It shall be unlawful and is hereby prohibited for any person, firm or corporation, either directly or indirectly by employing others, to throw, drop or place or cause to be thrown, dropped or placed upon any of the streets, alleys, sidewalks or other public places within the Borough or in
any automobile parked along any of the streets, sidewalks or alleys within the Borough any posters, circulars, bills, handbills or other advertising matter or wastepaper of any kind or description whatsoever; provided, nevertheless, that nothing herein contained shall be held to apply to newspapers, advertisements, handbills or circulars subscribed to by an inmate of the house at which they are left.


Any person or persons violations the provisions of this article shall be punishable, upon conviction, as indicated in Chapter 1, General Provisions, Article I, General Penalty, of this Code.

ARTICLE V
Graffiti
[Adopted 5-4-2009 by Ord. No. 2009-4]


Unless otherwise expressly stated, the following words shall, for the purpose of this article, have the following meaning:

AEROSOL PAINT CONTAINER — Any aerosol container that is adapted or made for the purpose of applying spray paint or made for the purpose of applying spray paint or other substances capable of defacing property.

BROAD-TIPPED MARKER — Any felt-tipped indelible marker, or similar implement, with a flat and/or angled writing surface that, at its broadest width, is greater than 1/4 of an inch, containing ink or other pigmented liquid that is not water soluble.

ETCHING EQUIPMENT — Any tool, device or substance that can be used to make permanent marks on any natural or man-made surface.

GRAFFITI — Any unauthorized inscription, word, figure, painting or other defacement that is written, marked, etched, scratched, sprayed, drawn, painted, or engraved on or otherwise affixed to any surface of public or private property, building, structure, facility or other improvements by any graffiti implement, to the extent that the graffiti was not authorized in advance by the owner or occupant of the property, or, despite advance authorization, is otherwise deemed a public nuisance by the Borough Council.

GRAFFITI IMPLEMENT — An aerosol paint container, a broad-tipped marker, gum label, paint stick or graffiti stick, etching equipment, brush or any other device capable of scarring or leaving a visible mark on any natural or man-made surface.

GRAFFITI STICK; PAINT STICK — Any device containing a solid form of paint, chalk, wax, epoxy or other similar substance capable of being applied to a surface by pressure and leaving a mark at least 1/8 of an inch in width.

MINOR — Any person under the age of 18 years.

PERSON — Natural persons, firms, partnerships, corporations, associations or other artificial bodies.
PROPERTY — Includes any real estate, private or public, including improvements thereon, and tangible personal property, including but not limited to, news boxes, news stands, utility poles, public telephones, tree planters and other items of street furniture and vehicles located thereon.


A. No person shall write, draw, paint, print or place with ink, paint, chalk or other substance graffiti or other markings, whether obscene or not, and whether intended to offend or not, on the real or personal property of another, whether such property is publicly or privately owned, unless the owner of said property shall have, prior to the drawing, writing, printing or placing of such markings, specifically consented to the same; nor shall any person willfully or maliciously damage, deface or vandalize the property of another by inscribing or placing graffiti or any other markings on a public or private street, or on public or private property, whether real or personal; provided, however, that nothing contained herein shall prohibit the occasional and temporary marking of public streets and sidewalks with chalk for traditional children's games.

B. It shall be unlawful for any person to possess a spray paint container, liquid paint in cans, a broad-tipped marker or any other pigmented substance in an aerosol or similar spray container in any public building or upon any public facility or private property with the intent to use the same to deface said building, facility or property. A person who possesses a spray paint container, liquid paint in cans, a broad-tipped marker or any other pigmented substance in an aerosol or similar spray container in any public building, or upon any public facility or private property, with no legitimate or lawful purpose therefor, shall be presumed to have possessed the same with the intention of using such container, marker, can or paint to deface said building, facility or property, the presumption capable of being rebutted by the possessor by demonstrating a lawful, legitimate use for the container, marker, can or paint.

C. It shall be unlawful for any parent, legal guardian or other person having custody, or in the presence of, any minor child under the age of 18 years, to assist, aid, abet, allow, permit or encourage said minor to violate the provisions of this article, either by words, overt act or by failing to act, or by lack of supervision and control over said minor child.


A. The existence of graffiti on public or private property in violation of this article is expressly declared to be a public nuisance and, therefore, is subject to the removal and abatement provisions specified in this article.

B. It is the duty of both the owner of the property to which the graffiti has been applied and any person who may be in possession or who has the right to possess such property to at all times keep the property clear of graffiti.


A. Removal by perpetrator. Any person who shall have been found to have applied graffiti on public or private property shall have the duty to remove said graffiti within 15 days after notice to do so by the Borough of Norwood and/or by the owner of the property involved.
Such removal shall be done in a manner prescribed by the Borough Building Inspector/Code Enforcement Officer or by any other designee of the Norwood Borough Council. Any person who shall have so applied graffiti shall be responsible for the removal or for payment of the costs incurred to remove said graffiti. The failure of the responsible person to remove such graffiti or to pay for the costs of its removal shall be deemed to constitute an additional violation of this article. Where the perpetrator is an unemancipated minor, the parents, legal guardian or other person having custody of said minor, also shall be responsible for the removal of the graffiti, or for the payment of costs incurred to effect such removal.

B. Removal by owner of property. In the event the perpetrator responsible for the application of graffiti cannot be located, or should said perpetrator fail to remove such graffiti as directed, it shall fall to the owner of the premises, or to that person who has primary responsibility for the control, repair and maintenance of the property, to remove, at their sole cost and expense, all graffiti from their real and/or personal property within 15 calendar days of their receipt of notice from the Borough to do so. Such removal shall be done in a manner prescribed by the Borough Building Inspector/Code Enforcement Officer or by any other designee of the Norwood Borough Council. Said notice to contain the following information:

1. The street address, and other information, as may be necessary, to identify sufficiently the property at issue.
2. A statement that the property has been designated as a potential graffiti nuisance property.
3. A statement that the graffiti must be removed within 15 calendar days of the receipt of the notice; and that if the graffiti is not removed within the time specified, the Borough of Norwood will declare the property to be a public nuisance.
4. An information sheet identifying any graffiti removal assistance programs that may be available through the Borough.

C. Removal by Borough. Whenever the perpetrator of the application of graffiti cannot be located, or whenever such a perpetrator fails to remove graffiti as required by the terms of this article; or, when the owner, or the person with primary responsibility for a premises cannot or will not remove graffiti, as directed by the Borough in accordance with the terms of this article, then and in that instance, the Borough is hereby authorized to enter, through its own forces, or by contractor, onto the subject premises and to expend public funds for the limited purposes of removing the graffiti and/or restoring the specific area of the premises that has been defaced. In no instance shall the Borough undertake to repair and restore an area more extensive than the area that has been impaired by the graffiti. All reasonable efforts to minimize damage from entry shall be taken by the Borough and/or its contractors, and all reasonable efforts will be made to cause the repainted, repaired area to blend with other areas of the facade of the building, structure or facility upon which the graffiti existed.

D. Borough costs enforceable-debt-lien. Any and all costs incurred by the Borough in the abatement and removal of the graffiti nuisance, as provided for in this article, shall
constitute a debt owed to the Borough by the property owner or person with primary responsibility and control of a premises, and said debt shall be enforceable as a lien against the property upon which the nuisance existed, in addition to any and all other legal remedies available for enforcement of debts owed.

E. Extension. Upon written application by the property owner or occupant showing good cause, the Borough may grant an extension of time for the removal and/or abatement of the graffiti nuisance.


Any person, firm, corporation or other entity, who shall violate any of the provisions of this article, or any resolutions or regulations made in pursuance hereof, shall, upon conviction thereof by a Magisterial District Judge, be subject to a fine of not more than $1,000, or such lesser amount as is the maximum penalty prescribed by law, together with the costs of prosecution, for any single violation. Every violator of the provisions hereof shall be deemed guilty of a separate offense for each and every day that such violation shall continue and he/she shall be subject to the penalties imposed herein for each and every separate offense.


Nothing contained herein shall limit or restrict authorized representatives of the Borough of Norwood from exercising enforcement of any and all other rules, regulations, statutes or ordinances of governmental entities prohibiting or restricting the subject matter of this article.
Chapter 220

PEDDLING AND SOLICITING

[HISTORY: Adopted by the Borough Council of the Borough of Norwood as indicated in article histories. Amendments noted where applicable.]

ARTICLE I

Licensing of Vendors

[Adopted 5-11-1960 by Ord. No. 395 (Ch. 87 of the 1967 Codification)]

§ 220-1. License required.

From and after the passage of this article it shall be unlawful for any person or persons, partnership or corporation to dispense food, dairy products, amusement of any sort or similar commodities or services within the Borough of Norwood from any vehicle or attachment thereto which shall be equipped with bells, horns, loudspeakers, flashing lights or any other attention-seeking devices, without having first obtained a license from the Borough Secretary so to do and paying him therefor a fee or license charge per annum for each vehicle to be used in the Borough, in such amount as set from time to time by resolution of the Borough Council.

§ 220-2. Application for license; issuance; transferability.

It shall be the duty of the Borough Secretary to obtain from each applicant for license his or her name, age, occupation, address, an accurate personal description of the applicant, an accurate description of the commodity to be sold or service or amusement form to be supplied and an opportunity to test the commodity or vehicle for the safety of the residents afforded to the Borough Secretary. If the applicant is found to comply with all safety requirements, the Borough Secretary shall issue to the licensee a card setting forth the name, age, occupation, address and description of the applicant, and if the applicant is not himself to operate the vehicle within the Borough, a description of the agent, servant, workman or employee who will do so. Said license is not transferable and must be carried by the licensee or his properly identified agent, servant, workman or employee when that individual is dispensing food, dairy products, amusement of any sort or similar commodities or services within the Borough and must be shown upon request to any police officer or other official of the Borough.

§ 220-3. Hours regulated.

No licensee under this article shall be permitted to act in accordance with his license other than during the period between 9:00 a.m. and 8:30 p.m., either Eastern standard or Eastern daylight time, depending upon which time standard is then in effect.

§ 220-4. Disposition of license fees.

1. Editor's Note: Amended at time of adoption of Code (see Ch. I, General Provisions, Art. II).
All moneys derived from the issuance of such licenses shall be forthwith paid into the Borough treasury for the use of the Borough.


Any person or persons violations the provisions of this article shall be punishable, upon conviction, as indicated in Chapter 1, General Provisions, Article I, General Penalty, of this Code.

ARTICLE II
Seasonal Sales
[Adopted 9-27-1993 by Ord. No. 93-8 (Ch. 50 of the 1967 Codification)]


For the purpose of this article, the terms used herein are defined as follows:

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

SEASONAL SALES

A. Shall be defined as:

   (1) Any temporary business of selling and/or delivery of goods, wares or services by any person, as defined herein, whether as owner, agent, consignee or employee; or

   (2) Any temporary business wherein any person, as defined herein, whether as owner, agent, consignee or employee, conducts meetings open to the general public where franchises, distributorships, contracts or business opportunities are offered to participants, either during the course of the meeting or any time within six months of the meeting.

B. For the purposes of this article, "seasonal sales" shall not include:

   (1) Any person, as defined herein, whether as owner, agent, consignee or employee, who conducts a permanent business within the Borough; provided, however, that no person shall be relieved from the provisions of this article by reason of a temporary association with any local dealer, trader, merchant or auctioneer or by conducting such temporary or transient business in connection with or as a part of or in the name of any local dealer, trader, merchant or auctioneer;

   (2) A person, as defined herein, exhibiting goods for sale concurrent with as an adjunct to a group display, meeting or convention duly authorized to be held in a publicly owned building and authorized and licensed pursuant to the appropriate sections of the Code of the Borough of Norwood; or

   (3) A person who sells his or her own property which was not acquired for resale, barter or exchange, who does not conduct such sales more than twice during any calendar year and who has obtained the appropriate authorization, licenses and permits pursuant to the Code of the Borough of Norwood.

§ 220-7. Limitations.
A. Seasonal sales shall be limited to a period of four weeks preceding the following holidays: Easter, Mother's Day, Father's Day and Christmas.

B. Seasonal sales shall be limited to sales of flowers, plants, trees and arrangements of the same.

C. Seasonal sales or any sales whatsoever shall not be conducted from a motor vehicle or trailer parked upon any street or highway or any lot or premises within the Borough of Norwood limits.

§ 220-8. Registration; fee and procedure.  

Any person who desires to engage in seasonal sales, as defined herein, shall be required to register with the Borough Secretary, and pay a registration fee per holiday season per place of business located in the Borough of Norwood in an amount as shall be set from time to time by resolution of the Borough Council. No person shall be permitted to register with the Borough without first providing proof of liability insurance and written permission of the property owner, proof that the use complies with zoning requirements and compliance with all requirements of the Borough Building Inspector.

§ 220-9. Exemptions from fee.

It shall be permissible for nonprofit and charitable organizations located within the Borough, upon prior notification and approval of the Borough Council, to engage in seasonal sales as prescribed in § 220-8 above.

§ 220-10. Violations and penalties.

Any person who shall violate any of the provisions of this article shall, upon conviction thereof by any Magisterial District Judge, be sentenced to pay a fine of not less than $25 nor more than $1,000, together with the costs, and each day a violation exists shall constitute a separate offense. In default of the payment of the fine, the defendant shall be sentenced to jail for a period not exceeding 30 days.

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2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).
Chapter 225

PLUMBING; OIL BURNERS

[HISTORY: Adopted by the Borough Council of the Borough of Norwood 12-11-1963 by Ord. No. 450. (Ch. 64 of the 1967 Codification). Amendments noted where applicable.]

GENERAL REFERENCES

Certificates of occupancy — See Ch. 120.
Sewers — See Ch. 238.
Swimming pools — See Ch. 264.
Water — See Ch. 295.

ARTICLE I
Licenses

§ 225-1. Registration, license required.

It shall not be lawful for any person to engage in the business of plumbing or to expose a sign or advertisement pertaining thereto in the Borough of Norwood unless he shall have first been registered in the office of the Board of Health of the Borough and obtained a license as herein provided. The registration of one licensed person to represent a corporation or partnership shall be sufficient, provided that such representative is registered as representing said corporation or partnership and is an employee thereof or one of the general partners of a partnership.

§ 225-2. Examination; registration cards.

It shall be unlawful for any person, firm or corporation to engage in the business of plumbing as a registered plumber unless such person has successfully passed an examination by a duly appointed Board of Plumbing Examiners, and has received a plumber's registration card.

§ 225-3. Persons permitted to do work.

No person or persons other than a registered master plumber or a journeyman in his employ or under his supervision shall alter, repair or make connections with any drain, sewer line, waste line, vent pipe or any connection therewith.

§ 225-4. Responsibility of owner, builder or other interested party; adoption of standards.

A. No owner, builder or other interested party shall permit any plumbing work subject to Borough regulation by anyone other than a master plumber having a license as required by the Board of Health, and until proper permit has been obtained.

B. Adoption of standards; conflicts. [Added 3-25-1996 by Ord. No. 96-2]

(1) The Borough of Norwood hereby adopts, for the purpose of establishing rules and regulations for the construction, repair, alterations, equipment, fire protection and safety of plumbing the BOCA National Plumbing Code, 1993, or any subsequent
amendments or revisions thereof, save and except such portions as are hereinafter deleted, modified or amended, of which three copies have been and are now filed in the office of the Borough Secretary, hereby adopted and incorporated as fully as if set out at length herein. From the date on which this subsection shall take effect, the provisions thereof shall be controlling in the construction, alteration, and repair of all buildings, structures, all plumbing, sanitary and storm sewers, pumps and in all other subjects therein contained, within the corporate limit of the Borough.

(2) Whenever there is a conflict between the Borough of Norwood Building Code and the Plumbing Code and any other ordinances of the Borough of Norwood or the County of Delaware or the Commonwealth of Pennsylvania, the most restrictive shall apply.

§ 225-5. Master plumber: insurance required.

A master plumber must show evidence that he is carrying a plumbing contractor's public liability insurance policy in the amount of $50,000 each person and $100,000 each accident.

§ 225-6. Master plumber: license fee. 1

A fee in such amount as shall be set from time to time by resolution of the Borough Council shall be paid into the Borough treasury for each license issued to a master plumber.

§ 225-7. Expiration and renewal. 2

At the expiration of each calendar year, said license shall expire. A licensed master plumber desiring to continue in or work at the business of plumbing and/or house and building drainage for the ensuing year shall, before December 31 of each year, renew said license and register his or their names and addresses and pay a renewal fee in such amount as shall be set from time to time by resolution of the Borough Council.

§ 225-8. Individual licenses.

If a master plumber applies for a license as a representative of a corporation or partnership, such license shall not authorize him to engage in the same business as an individual, but he shall first secure a license for himself as an individual and furnish a separate certificate of plumbing contractor's public liability insurance.

§ 225-9. Suspension or revocation.

A. The license shall be suspended or revoked by the Board of Health when a master plumber shall:

(1) Have violated any of these rules and regulations or shall refuse to or neglect to make the necessary corrections or changes after notification of such violation;

(2) Be deemed incompetent by the Board of Health; or

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).
2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).
(3) Permit the use of his or her name for the purpose of obtaining a permit for another person, partnership or corporation to do plumbing and drainage work.

B. If a master plumber shall have been issued, a license individually and also as a representative of a corporation or partnership, then any violation by him shall entitle the Board, in its discretion, to revoke both licenses.

ARTICLE II
Plans and Specifications

§ 225-10. Approval required.

The drainage of all buildings, public or private, and all alterations and additions to drainage systems, shall be executed only in accordance with plans and specifications previously approved by the Board of Health and Plumbing Inspector.

§ 225-11. Changes after approval.

No changes shall be permitted in plans and specifications after they have been approved, unless application is first made in writing by the master plumber and the proposed change or amended plans have been submitted and approved by the Board of Health and Plumbing Inspector. Such amended plans shall be subject to the same fees as hereinafter provided for original filing of plans.

§ 225-12. Persons permitted to do work under permit.

No person shall work or complete any plumbing, other than the master plumber whose name appears on the plans and specifications, or a journeyman plumber in his employ or in the employ of the partnership or corporation for which he is representative.

ARTICLE III
Fees

§ 225-13. Permit issuance; examination upon request.

Upon approval of the plan and specifications, a permit shall be issued by the Secretary of the Board of Health to the plumber mentioned in the abstract of the specifications authorizing him to do the work shown and specified, upon payment of the permit fee. Such permit shall at all times during the progress of the work be in the possession of the responsible person in charge and be available for examination by the Board of Health, its agent or police officer, upon request.


Fees shall be paid to the Board of Health for registrations, inspections and permits, as follows, in such amounts as shall be set from time to time by resolution of the Borough Council:

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3. Editor's Note: This ordinance shall be effective as to all permits and licenses for work to be done at any time during the year beginning 1-1-1975 and shall continue in effect thereafter until further amended.

4. Editor's Note: Amended at time of adoption of Code (see Ch. I, General Provisions, Art. II).
A. Registration each year.
B. For filing of plans for each house in which new work and alterations are performed.
C. Alterations or additions (permit fee).
D. In case of notification for inspection and work not ready, an additional charge.
E. For the renewing or repairing of drain line outside of foundation.
F. Permit for each new house or each new apartment unit, in each case not more than five fixtures.
G. Each additional new fixture.
H. Automatic gas water heaters.
I. For the inspection of each apartment unit.

§ 225-15. **Inspection of sanitary sewer vents prior to transfer of property**. [Added 3-23-1987]
A. No real estate within the Borough of Norwood shall or may be sold, transferred or otherwise disposed of while in violation of the terms and conditions of this chapter.
B. At least 45 days prior to the proposed sale, transfer or other disposition of real estate within the Borough of Norwood, the seller/sellers and/or their agent shall make written application to the Borough of Norwood for a written certification that the sanitary sewer vents on the property in question have been inspected and are in conformity with all of the terms and conditions of the other sections of this chapter.
C. At the time of making this written application, the seller/sellers and/or their agent shall pay to the Borough a sum in an amount as set from time to time by resolution of the Borough Council, which fee shall be for the following services:\[5\]
   (1) A portion thereof to the Borough of Norwood as the application and processing fee.
   (2) A portion thereof to be paid to the Plumbing Inspector of the Borough of Norwood, by the Borough of Norwood, for an initial inspection by the Plumbing Inspector of the property in question, to determine whether or not any repairs, replacements or other alterations are necessary to the sanitary sewer vent in order for the above-mentioned certification to be issued. Should the Plumbing Inspector inform the seller/sellers and/or their agent that any repairs are necessary, then the same fee shall cover the reinspection by the Plumbing Inspector after the repairs have been completed. If more than one reinspection is necessary, then the seller/sellers and/or their agent shall pay to the Borough of Norwood, for the use of the Plumbing Inspector, the additional sum or sums in an amount as shall be set from time to time by resolution of the Borough Council for each reinspection after the initial reinspection.


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5. Editor's Note: Amended at time of adoption of Code (see Ch. I, General Provisions, Art. II).
For each connection, a fee in such amount as shall be set from time to time by resolution of the Borough Council shall be paid to the Borough Secretary at the time application is made for permission to connect with public sewers within the Borough.


For each opening, a fee in such amount as shall be set from time to time by resolution of the Borough Council shall be paid to the Borough Secretary by any person or corporation making an opening between the sidewalk and the street paving for the purpose of installing or repairing water pipes, sewers or other utilities.

§ 225-18. Definition of "fixture."

The term "fixture" shall mean any receptacle attached to the house draining system for receiving of drainage, either inside or outside of a building, or any connection provided for making a future attachment of such receptacle.


The Board of Health and Plumbing Inspector shall be notified of any minor replacements made to the sanitary sewer system or drainage system even where a permit is not required.

ARTICLE IV
Drains


The entire drainage system of each lot and building shall be separate and independent of that of any other lot or building and shall be separately and independently vented and connected with the public sewer in the street. Wherever it is necessary to construct a private sewer to connect to one on an adjacent street, such plans may be used as may be approved by the Board of Health and Plumbing Inspector, but in no case shall a joint drain be laid in cellars parallel with a street or alley.

§ 225-21. Minimum requirements.

A. The main house drain shall not be less than four inches in diameter and the fall shall not be less than 1/4 inch per foot. Connections made to the Borough trunk line sewer are to be made with a cast-iron sewer saddle Y. It shall be laid in a trench cut at a uniform grade, or it may be constructed along the foundation walls above the cellar, resting on nine-inch brick piers laid in cement mortar (said piers not to be more than seven feet apart), or it may be suspended from the floor by heavy iron hangers placed at intervals not greater than seven feet. The use of pipe hooks or gas pipe or iron driven into the walls for supporting

6. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).
7. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).
drains is prohibited.

B. There shall be a cleanout on the main drain, directly inside of cellar walls. A Y-branch is to be inserted with the side outlet of the Y to look directly upward, also at the base of vent or soil stacks on waste lines, as near the basement floor as practicable.

C. Y-branches are to be inserted and iron body brass trap screw ferrules are to be installed in the side outlets of said Y for the purpose of cleansing. This also applies to sink wastes.

D. Curb traps will not be permitted on any new construction or where old house drains are replaced. A cleanout must be provided in the basement.


A. All main house drains laid beneath the ground inside or outside of buildings or beneath the cellar floor shall be plain cast-iron pipe with well-leaded and caulked joints from main trunk line of the sewer to a point above the cellar floor.

B. All other drains, soil or vent pipes connected with the main drain or any of its branches underground or beneath cellar floors may be plain cast-iron pipe or Type L hard-copper tubing above the cellar floor.

C. All house drains shall be of plain cast-iron pipe with well-leaded and caulked joints laid at a uniform grade of not less than 1/4 inch per foot from the point of connection to the main house drain to the curbline. The house drain must not be less than four inches in diameter. No galvanized steel or wrought-iron pipe shall be used for vent or waste lines.

§ 225-23. Rain conductors.

Rain conductors shall not, under any condition, be connected with the house drain or sewer. If placed within a building, they shall be of cast-iron pipe with leaded joint and run to curb.


Areaway and any other surface drain shall be connected to the curb. In no case will any surface or rainwater drain be permitted to connect to the sanitary sewer.


A. Purpose. Whereas, Borough Council for the Borough of Norwood recognizes the importance of protecting and preserving the health, safety and well-being of the residents of the Borough of Norwood; therefore, it is absolutely necessary to prescribe the procedures for the inspection and elimination of open, uncapped or unsealed cellar/basement drains and the discharge of water into the Borough sanitary sewer system by way of sump pump, ejector or other mechanical device in any apartment, dwelling unit, premises or structure within the Borough of Norwood, and to further prescribe penalties for the failure of any person, firm, partnership or corporation to comply with the terms and conditions of this section.

B. Definitions. As used in this section, the following term shall have the meanings indicated:
CELLAR/BASEMENT DRAIN — That part of the lowest horizontal piping of a structure's drainage system used for carrying wastewater, sewage or other liquid to a point of disposal from the structure and conveying it to the existing lateral main sewer, cesspool or septic tank.

SUMP PUMP — A device which pumps, ejects or mechanically propels discharge from drains or other wastes into a drainage system.

C. Prohibited installation. From and after the passage of this section, it shall be illegal for any person, firm, partnership or corporation to:

(1) To own, possess or maintain any apartment, dwelling unit, premises or other structure used for residential, commercial or industrial purposes with an exposed, open, uncapped or unsealed cellar/basement drain. Any and all exposed, open or uncapped cellar/basement drains must be secured with such watertight seals so as to prevent the free flow, discharge or drainage of any liquid, sewage or waste materials.

(2) Operate, maintain or utilize any sump pump, ejector or other mechanical devise upon the property which would cause the discharge, removal or drainage of wastewater or other liquid into the Borough sanitary sewer system.

D. Plumbing Inspector powers and duties. Council for the Borough of Norwood may appoint the Plumbing Inspector, or such other persons as the Borough Council may designate to enforce the provisions of this section. The Plumbing Inspector or other such designate is hereby authorized to enter upon any premises or any building or structure within the Borough of Norwood, upon reasonable notice, for the purpose of inspecting any cellar/basement drain, sump pump, ejector or other mechanical device to ascertain whether or not such drain and the operation or maintenance of a sump pump, ejector or other mechanical device meets with the requirements for the issuance of a certificate of occupancy as provided by Chapter 120 of the Norwood Borough Code.

(1) The Plumbing Inspector or other designate shall have the authority to direct, in writing, the capping, modification or sealing of any cellar/basement drain found during the course of his/her inspection.

(2) The Plumbing Inspector or other designate shall have the authority to direct, in writing, the disconnecting, modification or elimination of any sump pump, ejector or other mechanical device found during the course of his or her inspection.

(3) Any person, firm, partnership or corporation who refuses or neglects to comply with the written direction of the Borough Plumbing Inspector or other such designate shall be guilty of a violation of this section and shall be subject to its penalties.

(4) If the property owner feels aggrieved by the decision of the Plumbing Inspector, he/she shall have the right of appeal to the Borough Council of the Borough of Norwood, provided that said appeal is perfected in writing within 10 days of the written notification from the Plumbing Inspector or other such designate. Said appeal shall be filed with the Borough Secretary.

E. Compliance required for certificate of occupancy. Compliance with the terms of this section is hereby declared to be a prerequisite for the Borough of Norwood issuing a certificate of occupancy for any building that is sold, transferred or otherwise disposed of.
The Plumbing Inspector, or any other such person designated by Borough Council, is hereby prohibited from issuing a certificate of occupancy for any building or structure not in compliance with the terms of this section.

F. Violations and penalties. Any person, firm, partnership or corporation who shall violate any provision of this section shall, upon summary conviction before a Magisterial District Judge for the Borough of Norwood, be sentenced to pay a fine not exceeding $300 and costs of prosecution; and in default of payment of the fine and costs thereof, shall undergo imprisonment for a period not exceeding 10 days.


In no case shall an air inlet open within 10 feet of any cold air, intake for a heater, window shaft ventilating a basement or cellar, nor in front of doorsteps.


The arrangement of drain, soil, waste and vent pipes shall be as direct as possible, all changes in direction on horizontal pipes shall be made with Y-branches, 1/16 or 1/8 bends. When said pipes are vertical, they shall extend in a straight line from the basement to a point at least one foot above the roof of the building; where it is impossible to maintain a straight line, offsets may be used, which must have an angle of not less than 45°. Vertical soil or waste pipes receiving the discharge of a fixture or fixtures on any floor above the first floor shall extend in full caliber at least one foot above the roof of the building, but shall not open within 10 feet of a window or shaft ventilating living room, except that when the roof is used for purposes other than weather protection, such extensions shall not be less than five feet above the roof and at all times the roof extensions must be run full size.

§ 225-28. Location of pipes.

All soil, waste and vent pipes shall be located inside of new and old buildings, except in old buildings where it is deemed inadvisable; then, the pipes may be placed on the outside, and the owner shall assume all responsibility therefor in writing, but owner should insulate same.

ARTICLE V
Inspection

§ 225-29. Leaving work open; notice; testing.

A. No drainage work shall be covered or concealed in any way until after it has been examined and approved by the Plumbing Inspector.

B. Notice shall be sent to the Board of Health in writing when the work is sufficiently advanced for inspection, giving the location of the property, plan number and character of work to be inspected, over the signature of the master plumber. Immediately on the completion of the work, application for final inspection must be made.

C. When work is ready for inspection, the plumbing contractor shall make such arrangements as will enable the proper officer to reach all parts of the building easily and readily, and also have present the proper apparatus and appliances for making tests and furnish such
assistance as may be necessary to a proper application of same.

ARTICLE VI
Specifications


After the test has been applied and approved by the Inspector, cast-iron drain soil, waste and vent pipes may be coated, but in no case shall any coating be applied to cast-iron pipe for drainage until the test has been applied and approved.


The smallest inside diameter of trap-and-waste branch for a given fixture shall not be less than that shown in the following table:

<table>
<thead>
<tr>
<th>Kind of Fixture</th>
<th>Size of Trap and Branch (inches)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bathtub with shower</td>
<td>1 1/2; Phila. Reg. 2 1/2 body</td>
</tr>
<tr>
<td>Washbasin</td>
<td>1 1/4</td>
</tr>
<tr>
<td>Shower stalls</td>
<td>1 1/2 shower trap</td>
</tr>
<tr>
<td>Drinking fountain</td>
<td>1 1/4</td>
</tr>
<tr>
<td>Floor drains</td>
<td>4</td>
</tr>
<tr>
<td>Laundry trays</td>
<td>1 1/2</td>
</tr>
<tr>
<td>Water closets</td>
<td>4</td>
</tr>
<tr>
<td>Sinks, kitchen</td>
<td>1 1/2</td>
</tr>
<tr>
<td>Sinks, large hotel or public</td>
<td>2</td>
</tr>
<tr>
<td>Sinks, with dishwasher</td>
<td>1 1/2</td>
</tr>
<tr>
<td>Washing machines</td>
<td>1 1/2</td>
</tr>
<tr>
<td>Urinals, stall</td>
<td>2</td>
</tr>
<tr>
<td>Urinals, lip</td>
<td>1 1/2</td>
</tr>
</tbody>
</table>

§ 225-32. Maximum fixture units.

The maximum fixture units on horizontal soil and waste lines shall be as follows:

<table>
<thead>
<tr>
<th>Diameter of Drain (inches)</th>
<th>Fixture Units</th>
<th>Number of Water Closets</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 1/4</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>1 1/2</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>20</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>72</td>
<td>12</td>
</tr>
<tr>
<td>5</td>
<td>150</td>
<td>25</td>
</tr>
<tr>
<td>6</td>
<td>300</td>
<td>50</td>
</tr>
<tr>
<td>8</td>
<td>900</td>
<td>150</td>
</tr>
</tbody>
</table>
§ 225-33. Fixture equivalents.

In determining the number of fixture equivalents, the following table shall be used:

<table>
<thead>
<tr>
<th>Traps (inches)</th>
<th>Fixture Unit (inches)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 1/4</td>
<td>1</td>
</tr>
<tr>
<td>1 1/2</td>
<td>1 1/12</td>
</tr>
<tr>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>2 1/2</td>
<td>3</td>
</tr>
<tr>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>4</td>
<td>6</td>
</tr>
</tbody>
</table>

§ 225-34. Ventilation.

A. Every branch of horizontal soil or waste pipe to which a group of two or more fixtures are to be connected, and every branch line or horizontal soil pipe eight feet or more in length to which a water closet is to be connected, and every waste pipe 12 feet or more in length to which is to be connected a fixture, shall be ventilated either by extending said soil or waste pipe to at least one foot above the roof or by extending said soil or waste pipe and connecting it with the main soil pipe three feet above the highest fixture or by ventilating or antisiphon pipe, as provided in § 64-33B hereof.

B. Antisiphon pipes. All antisiphon vent pipes, lines and branches shall be cast iron.

C. No brick, metal or earthenware flue or chimney flue shall be used as a sewer ventilator or to ventilate any trap, drain, soil or waste pipe.

§ 225-35. Waste pipes connected directly.

A. Small fixture wastes, not to exceed two, may be connected to the lead or iron bend.

B. All waste pipes shall be connected directly with the drainage systems, except refrigerator waste pipes, discharge of waste pipes from water filters, gas engines, soda-water fountains, air compressors, dentist fixtures and/or vacuum cleaners and taprooms. They shall be discharged into a water-supplied open fixture, properly trapped.

§ 225-36. Offsets on vent lines.

All offsets must be made at an angle of not less than 45° to the horizontal, and all lines must be connected at the bottom with a soil or waste pipe to the drain, in such manner as to prevent the accumulation of rust scale. Branch vents must be kept above the top of all connecting fixtures, to prevent the use of vent pipes as soil pipes.

§ 225-37. Materials and workmanship.

All materials shall be of good quality, free from defects, and all work be executed in a thorough workmanlike manner.

§ 225-38. Cast-iron pipe.
A. Except as provided in § 225-29 hereof, all cast-iron pipes and fittings must be uncoated, sound, cylindrical and smooth, free from cracks, sand holes and other defects, of a uniform thickness and of full interior diameter as specified, and shall conform to the following relative weights:

<table>
<thead>
<tr>
<th>Pipe, Size (inches)</th>
<th>Medium (pounds per foot)</th>
<th>Extra Heavy (pounds per foot)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>4</td>
<td>5 1/2</td>
</tr>
<tr>
<td>3</td>
<td>6</td>
<td>9 1/2</td>
</tr>
<tr>
<td>4</td>
<td>9</td>
<td>13</td>
</tr>
<tr>
<td>5</td>
<td>12</td>
<td>17</td>
</tr>
<tr>
<td>6</td>
<td>15</td>
<td>20</td>
</tr>
<tr>
<td>8</td>
<td>25</td>
<td>37</td>
</tr>
</tbody>
</table>

B. All cast-iron pipe and fittings shall have the name of the manufacturer, size and weight per foot, cast on the exterior surface directly back of the hub of each length or section of pipe, in characters not less than 1/2 inch in length.


All joints on cast-iron pipe shall be made with picked oakum and molten lead, thoroughly caulked and made gastight. Twelve ounces of soft pig lead shall be used for each joint for each inch in the diameter of the pipe.


A. Water closet connections to lead bends shall be by a heavy brass closet flange 1/4 inch in thickness, fastened to the floor with screws or bolts and soldered to the lead bend, the floor plate bolted to the flange of the water closet and the joint made tight with rubber gasket, wax gasket or putty.

B. Water closet connections to iron bends shall be made with a cast-iron collar properly yarned and caulked to the bend. When small fixture lead waste lines are to be connected to an iron bend, the connection shall be made with a brass solder nipple with a round wiped joint. Bit or cup joints will not be permitted. Solder bushings are not permitted.

§ 225-41. Lead bends and traps.

Lead bends and traps for water closets and slop hoppers shall not be less than 1/8 inch in thickness. All other lead traps shall conform in thickness to the lead waste pipe to which they are to be attached. Ideal bends and cast floor flanges for toilets may be used subject to approval. The name of the manufacturer and the weight per foot shall be stamped on each lead bend and trap.

§ 225-42. Brass ferrules and solder nipples.

Cast brass ferrules and solder nipples shall be 1/8 inch in thickness and of full diameter as specified. Brass pipe used for solder nipples shall be iron pipe gauge.
§ 225-43. Traps.

A. No form of trap shall be used unless it has been approved by the Board of Health.

B. Every fixture shall be separately and effectually trapped by a water-sealing trap placed as near the fixture outlet as possible. One set of washtubs or trays only may be connected with one trap. The discharge from a fixture shall not pass through more than one trap before reaching the house drain. A double-bowl sink or a combination sink and laundry tray must have separate waste pipes and traps.

C. Traps shall not be more than one size larger than the waste pipe to which they are to be attached. All traps shall be well supported and set true with respect to their water levels. Vent horns on earthenware traps are prohibited. Traps that depend on interior partitions for a seal, except earthenware ones, are prohibited.

D. All exposed or accessible traps, except water closet traps, must have brass trap screws for cleaning.

E. Traps for bathtubs must have a cleanout exposed on the floor of the bathroom or accessible for cleaning through a utility door at all times. The body of such traps shall not be less than 2 1/2 inches in diameter, and the cleanout shall be protected by a water seal of not less than 1 1/2 inches in depth.

F. No sink, dishwasher or other receptacle for greasy water in a kitchen or other room for general cooking shall be connected with the drainage system unless it shall be trapped with an approved grease trap. This rule shall not be construed to apply to private dwellings.

G. No traps will be permitted between main sewer and house in the case of new construction, or replaced old house drains.

§ 225-44. Water closet supply.

A. Water closets may be only flushed or supplied directly with water off the water supply pipe when an antisiphon flushing valve is used and such valve has been approved by the Board of Health.

B. Special tanks used to supply water for flushing closets must hold at least six gallons of water when up to the level of the overflow pipe for each closet supplied, except automatic or siphon tanks, which shall hold not less than five gallons of water for each closet supplied. The water in said tanks shall not be used for any other purpose.

§ 225-45. Lead waste pipes.

Lead waste pipes may be used for short branches or horizontal lines and for vent connections that are two inches or less in diameter, and shall have not less than the following weight:
## Diameter (inches)  Weight (per foot)

- 1 1/4  2 pounds 8 ounces
- 1 1/2  3 pounds 3 ounces
- 2  4 pounds 4 ounces

Sheet lead: not less than 4 pounds per square foot

§ 225-46. **Steam or vapor condensation.**

Steam or vapor condensation must pass through a condenser or cooling tank or proper dimensions and then empty into an open water-supplied fixture properly trapped, or may be connected directly.

§ 225-47. **Drainage fixtures below sewer level.**

All fixtures below the level of the sewer shall discharge into a sump or receiving tank, made airtight and ventilated by extending a vent pipe, not less than four inches in diameter, to a point at least one foot above the roof of the building. All the contents of said sump or tank shall be lifted and discharged into the draining system by some approved method, or an improved ejector may be used to lift the sewage to the drainage system.

§ 225-48. **Fittings not to be used.**

Short quarter bends, double hubs, offsets, less than an angle of 45° to the horizontal, are prohibited. No saddle hubs or fittings shall be used. Drillings and tappings are prohibited.

### ARTICLE VII

#### Testing

§ 225-49. **Test fittings.**

There shall be a fitting on the main house drain, just inside of the foundation of each building, for testing purposes. After the test has been applied as required and has been approved by a House Drainage Inspector, the opening of the test fittings shall be hermetically sealed by inserting a solid plug with a caulked lead joint.

§ 225-50. **Water test.**

A. Water test shall be applied to the horizontal and vertical lines of drains and left exposed to view in all its parts until after the test has been approved by the Inspector.

B. The test shall be under a head of water at least six feet above all parts of the work to be tested, including all joints and connections.

§ 225-51. **Stopping of openings.**

Openings in drainpipes shall be stopped for testing by a proper expansion plug, screw cap or
plug. The use of plaster of paris or any similar substance for this purpose is prohibited.

§ 225-52. **Connection of fixtures only after testing.**

No fixture shall be connected with a drainage system or any part thereof which requires testing under these rules until the test has been applied and approved by the House Drainage Inspector.

§ 225-53. **Condemned materials and work.**

Defective materials and drainage work poorly constructed and unworkmanlike in manner or which does not conform to these rules and regulations shall be removed by the master plumber when condemned by the House Drainage Inspector. No cement, wax, grease, paraffin, plaster, sal ammoniac, sand or other improper substance shall be used about any of the drainage system, and the presence of any foreign substance about a joint or any part of a drainage system shall be sufficient cause for condemning such joint or part of said system. Any split fittings, hubs, defective material and material not as specified in these rules and regulations, which shall have been condemned by the Inspector, shall be removed from the work and not used again.

**ARTICLE VIII**

**Water Closets**

§ 225-54. **Waterproofing of walls.**

In tenement houses where there are two or more closets in a group, loading houses, factories, workshops, public buildings and in all places where water closets and urinals are for public use, the floor of the entire toilet room in which water closets and urinals are located, and sidewalls to a height of at least 16 inches from the floor except at the door, must be waterproofed with asphalt, cement, tile, slate or other material impervious to moisture, approved by the Board of Health.

§ 225-55. **Location to be approved.**

Water closets or urinals shall not be located in any room or apartment of any building until the proposed location shall be first approved by the Board of Health.

§ 225-56. **Water conservation; violations and penalties.** [Added 7-22-1991 by Ord. No. 4-91]

A. General policy. No water shall be provided for internal or external use to any residential, commercial, industrial, agricultural, recreational, governmental or public building or structure of any kind which is constructed or remodeled and in which plumbing, water piping or water fixtures are to be installed, extended or altered in any way and for which construction a permit is required to be obtained from the Borough of Norwood (or would be required but for an exemption from a permit requirement for public or governmental agencies) unless the new, extended or altered plumbing, water piping and other water-using fixtures therein conform to the requirements and standards of Subsection B of this section. The provisions of this section shall apply to any such building or structure for which such a building permit is issued or would otherwise be required to be issued but for such an exemption, or after the date of adoption of this section.
B. Water conservation performance standards for plumbing fixtures and fittings.

(1) Water closets and associated flushing mechanisms. The water consumption of water closets shall not exceed an average of 1.6 gallons per flush cycle over a range of test pressures from 20 to 80 pounds per square inch. The fixtures shall perform in accordance with the test requirements of ANSI A112.19.2M and ANSI A112.19.6M.

(2) Urinals and associated flushing mechanisms. Urinal water consumption shall not exceed an average of 1.5 gallons per flush cycle over a range of test pressures from 20 to 80 pounds per square inch. The fixture shall perform in accordance with the test requirements of ANSI A112.19.2M and ANSI A112.19.6M.

(3) Showerheads. Showerhead discharge rates shall not exceed 3.0 gallons of water per minute over a range of test pressures from 20 to 80 pounds per square inch. The fixture shall perform in accordance with the test requirements of ANSI A112.18.1M.

(4) Faucets. Sink and lavatory faucet discharge rates shall not exceed 3.0 gallons of water per minute over a range of test pressure from 20 to 80 pounds per square inch. The fixture shall perform in accordance with the test requirements of ANSI A112.18.1M.

C. Special provisions.

(1) Special purpose equipment. The performance standards of Subsection B above shall not apply to fixtures and fittings such as emergency showers, aspirator faucets and blowout fixtures that, in order to perform a specialized function, cannot meet the specified standards.

(2) Exemptions. Any person(s) may apply to the Borough of Norwood for an exemption to the terms of this section which may be granted by the Borough Council of the Borough of Norwood upon proof that some other device, system or procedure will save as much or more water as those set forth herein or that those set forth herein cannot be complied with without undue hardship.

D. Official review and modification. The Borough Council of the Borough of Norwood may, from time to time, modify, add to or remove from the standards and restrictions herein.

E. Violations and penalties. It shall be a misdemeanor for any person to use or apply water within the Borough of Norwood contrary to or in violation of the restrictions herein, and, upon conviction thereof, such persons shall be punished by being imprisoned in the county jail for not more than three days or by fine of not more than $1,000, or by both such fine and imprisonment.

ARTICLE IX
Gas Water Heaters

§ 225-57. Requirements.

All automatic gas water heaters must have a manual gas cock installed in the gas supply line to the heater. All piping of gas to the heater must be of standard-weight steel pipe and well secured. An approved-type emergency gas shutoff valve must be installed. An approved-type pressure-relief valve must be installed. The vent line from the heater must be installed directly
into the chimney. Water heaters shall not be installed in bathrooms, bedrooms or rooms normally kept closed.

ARTICLE X
Garages and Swimming Pools

A. Every garage or other structure having a water supply either of a temporary or permanent character used for the housing, sale or repair of automobiles or in which automobiles are washed, cleaned or repaired shall be provided with a means of drainage for the floors and repair pit in such a manner as will prevent the flow of drainage therefrom over streets, alleys or paved approaches. The drainage from the floors and the repair pit shall be conducted to an intercepting pit, which shall be ventilated by extending a ventilating pipe of at least four inches in diameter to at least one foot above the roof, and it shall be provided with an air inlet open to the outer air. The intercepting pit shall be of a design approved by the Board of Health and shall be watertight, built of brick laid in cement mortar or concrete, and shall be so arranged as to intercept all oils, gasoline or other fluids, as well as sand, silt or other solids, for the purpose of excluding the same from the sewage system. It shall be provided with one or more twenty-four-inch cast-iron manholes and cover, which shall be so located as to be easily accessible for cleaning. In garages having accommodations for one or two cars only, sand traps of a pattern approved by the Board of Health may be used in place of the intercepting pit to be connected to the sanitary sewer.

B. Every garage or other structure, either temporary or permanent, used for the housing, storing or sale of automobiles, or in which automobiles are washed, cleaned or repaired, shall be equipped with adequate means for continuous ventilation.

§ 225-59. Swimming pools: drainage outlet; water supply.
A. All swimming pool drainage shall drain into the sanitary sewer by pumping same from the swimming pool into an outlet in the sanitary drain line with an iron body trap screw brass ferrule at ground level.

B. Water for swimming pools shall come direct from municipal water line, if well is to be sunk and water used for the same; the water, before usage, must be tested and approved once a year and a certificate of approval given to the Health Officer of the Board of Health.

ARTICLE XI
Sewage Disposal

§ 225-60. Discharge into sewer.
All sewage shall be discharged only into a sanitary sewer connected with a Borough sewer. Any offense which is a violation of this chapter may be penalized or abated under the provisions of this chapter.

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Editor's Note: For further provisions concerning swimming pools, see Ch. 264, Swimming Pools.
ARTICLE XII
Terminology

§ 225-61. Definitions.
As used in this chapter, the following terms shall have the meanings indicated:

BONA FIDE PLACE OF BUSINESS — The home or residence of the person holding the license and conducting the business. The home or residence of a member of the firm or corporation. A shop or store or portion of the same. An office or space in an office building displaying a sign on the front of his or their place of business, "REGISTERED PLUMBER," bearing the name or names of the person, firm or corporation.

HOUSE DRAIN — The horizontal drain and its branches, extending to and connecting with a private sewer or public sewer.

MAIN SEWER — The main or principal kind of drainpipe connected with a sewer, and to which branch drainpipe is connected.

MASTER PLUMBER — A person or persons who have served four years of apprenticeship and two years as a journeyman plumber, and have a bona fide place of business.

PLUMBING — The art of installing in buildings the pipes, fixtures and other apparatus for bringing in the water supply and removing liquid and water-carried wastes.

PRIVATE SEWER — The sewers not owned by the Borough of Norwood or by any sewer authority.

PUBLIC SEWER or BOROUGH SEWER — The sewers owned by the Borough of Norwood.

SOIL PIPE — Any vertical pipe extending through the roof or not, which receives the discharge of any one or more water closets with or without other fixtures.

VENT AND ANTISIPHON PIPES — Any special pipe provided to ventilate a system of drainage and to prevent trap siphonage and back pressure.

WASTE PIPE — Any pipe receiving the discharge from any fixture except water closets, and also to any vertical pipe extending through the roof, receiving the same character of discharge.

ARTICLE XIII
Oil Burner Code

A. The term "fuel oil," as used in this chapter, is hereby defined as follows: Oil used shall be an attopped or distilled oil having a flash point of not less than 100%, closed cup. In determining the flash point, the Elliot, Abel, Abel-Pensky or Tagliabue closed testers may be used, but the Tagliabue closed tester (standardized by the United States Bureau of Standards) shall be authoritative in case of dispute. In such cases, the tests shall be made in accordance with the methods of tests as adopted by the American Society for Testing Materials.

B. All references in this chapter to "fuel-oil heating systems or devices" shall be taken to
include the burner and all equipment of every sort connected with same and located on the premises, including storage tanks and filling devices, piping accessories and all incidental constructions.

§ 225-63. License.

A. No person or persons, firm, company or corporation shall engage in the business of installing and/or repairing and servicing of oil burners in the Borough of Norwood until a certificate or license to engage in said business shall have been granted said person or persons, firm, company or corporation by the Plumbing Inspector of the Borough of Norwood, nor until he or they have registered as such in the office of said Inspector. Such license, when issued, shall be valid until the end of the calendar year, and the license must be renewed by the first Monday of January of each year.

B. The application for original license must be in writing to the Plumbing Inspector, on forms furnished by said Inspector, and the required fee as set from time to time by resolution of the Borough Council shall accompany each application. [Amended 12-18-1974 by Ord. No. 581; 12-18-1989 by Ord. No. 9-899]

C. The Board of Examiners shall consist of the Plumbing Inspector and two competent persons appointed by the Borough. It shall be the duty of the Board to examine each applicant for a license to install and/or service and/or repair oil burners and its equipment in the Borough of Norwood. Upon approval of said Board, the applicant shall be granted a license on the condition that he pays a license fee in an amount as set from time to time by resolution of the Borough Council. [Amended 12-18-1974 by Ord. No. 581; 12-18-1989 by Ord. No. 9-8910]

D. The license will be renewed by the Plumbing Inspector upon payment of the required fee, except as hereinafter provided.

§ 225-64. Permit required to install fuel-oil heating systems.

No person or persons, firm, company or corporation shall install or operate any system or device for heating any office building, public building, bank, apartment house, hotel, dwelling house, place of amusement, club, lodge, garage, stable, store or other place of commercial or industrial business or any premises whatsoever, with fuel oil, without first obtaining a permit therefor from the Borough of Norwood.


Any person or persons, firm, company or corporation desiring to install, maintain or operate any such system or device in any such premises shall apply to the Borough of Norwood for a permit, which application shall be made on blanks provided by said Borough; and at the time the application is made, the payment of a permit fee shall be made in such amount as set from time

9. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).
10. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).
11. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).
to time by resolution of the Borough Council.

§ 225-66. Tanks.

A. Tanks used for the storage or handling of fuel oil as aforesaid shall be made of basis open-hearth steel, wrought iron or a minimum twelve-gauge United States Standard, and shall bear the standard Underwriters' label certifying to that approval.

B. Tanks shall be riveted, welded or brazed and shall be galvanized or covered with not less than two coats of asphaltum or other nonrusting paint or coating.

C. Tanks or systems under pressure shall be designed for six times the mechanical pressure and shall be proven tight at twice the mechanical working pressure, of which the latter shall not in any case exceed 50 pounds.

D. Tanks used in connection with oil-burning equipment shall not exceed 275 gallons' individual capacity or two two-hundred-seventy-five-gallon tanks (in one building) unless installed in an enclosure constructed as follows: The enclosure shall be at least six inches larger on all sides than the tank. The walls of the enclosure shall be constructed of reinforced concrete at least six inches thick or of masonry at least eight inches thick, and shall be bonded to the floor and carried to a height not less than one foot above the tank. The space between the tank and the enclosure shall be completely filled with sand to the top of the enclosure. The top of the enclosure shall be of reinforced concrete at least five inches thick or of equivalent construction, except where the floor or other construction, immediately above the tank is of fire-resistant construction and capable of withstanding a load of 150 pounds per square foot.

E. Instead of an enclosure as above described, the tank may be encased in reinforced concrete not less than six inches in thickness, applied directly to the tank so as to completely eliminate any air space.

F. Tanks located less than seven feet, measured horizontally from any fire or flame, or tanks located outside, above grade of any building, must be encased with the above-described enclosure.

G. Underground oil supply tanks shall be not less than two feet from all foundation walls and set upon a firm foundation of noncombustible material and be so buried as to have a cover of earth not less than two feet six inches thick.

H. If two two-hundred-seventy-five-gallon tanks are installed in a cellar, they must be connected with separate valves and separate valves on each tank, and three-way valve for connection purposes.

§ 225-67. Tank fill and vent pipes.

A. Storage tanks, other than the aboveground tanks, shall be filled only through fill pipes terminating outside of buildings, sufficiently aboveground to prevent their being obstructed with snow and ice, and at a point at least two feet from any building opening.

B. Fill terminals shall be closed tight, when not in use, by a metal cover so designed to prevent tampering. The fill pipe shall not be smaller than one-and-one-half-inch pipe size.
C. Storage tanks shall be equipped with a vent alarm and open vent, or a combination of fill and vent pipes, shall be of ample size to prevent abnormal pressure in the tank during filling, but not smaller than one-and-one-fourth-inch pipe size.

D. Vent pipe shall terminate outside of buildings at a point not less than two feet, measured vertically or horizontally, from any window or other building openings. Outer ends of vent pipes shall be provided with a weatherproof hood. Vent pipes should terminate sufficiently aboveground to prevent their being obstructed with snow and ice.

§ 225-68. Safety.

A. The tank, the burner and safety devices shall be subject to the approval of the Plumbing Inspector and their installations shall be under his inspection, and the Borough of Norwood shall have the right to promulgate rules and regulations covering domestic fuel-oil burners.

B. Electric wiring and equipment in connection with oil-burning equipment shall be installed in accordance with the National Electrical Code (Middle Department Rating Association approval), or any conditions or ordinances hereafter passed by the Borough of Norwood.

C. Oil burners shall be securely installed in accordance with the instructions of the manufacturer and this code, by qualified mechanics experienced in making such installations.

D. Each installation shall be provided with an approved strainer for the fuel-oil supply placed near the tank. Readily accessible shutoff valves shall be installed on the supply line at the tank.

§ 225-69. Sewer protection.

No piping of any kind shall be allowed to connect a compartment wherein a mixing tank is located, with any drain or sewer; and all silt or sediment left in the mixing tank shall be placed in airtight metal containers and immediately removed from the premises.

§ 225-70. Burners.

A. Burners shall be of a type which have been approved by the Underwriters' Laboratories, Inc., and shall bear the standard Underwriters' label certifying to that approval.

B. The supply of oil through the burner nozzle shall be limited to furnish only a sufficient amount for maximum burning conditions when the controlling valves in the oil line are wide open.

C. All oil-burning heating systems shall be equipped with draft regulators.

D. No pot-type burners are allowed in the Borough of Norwood.

§ 225-71. Inspection of systems or devices.

All such fuel-oil systems or devices and the surrounding premises shall be subject to inspection by the agent or representative of the Borough of Norwood, both at the time of installation and from time to time thereafter, and in the event same shall be found defective or dangerous or
contrary to these regulations, either in manner of construction or of repair or renewal or method of operation, the owner or operator thereof shall at once and within 24 hours after receiving written notice, make such necessary change or alterations as shall be required to correct the same.

ARTICLE XIV
Miscellaneous

§ 225-72.  Applicability.

Certain provisions of this chapter are intended to affect and refer to the disposition of sewage and waste and all plumbing in connection therewith, and these provisions are not intended to affect or regulate the discharge of rainwater except as provided in § 225-23. The use of the word "drain" in this chapter shall not be construed to refer to a pipe, gutter, spout or other conductor designed solely to remove rainwater or surface water.

§ 225-73.  Rules and regulations.

The Board of Health shall have the right to make and enforce all rules and regulations which it deems necessary and proper to enforce the terms of this chapter, and to efficiently provide for the complete execution of all of the provisions of this chapter or any part thereof.

ARTICLE XV
Penalties and Enforcement


Any person or persons violations the provisions of this chapter shall be punishable, upon conviction, as indicated in Chapter 1, General Provisions, Article I, General Penalty, of this Code.

§ 225-75.  Each violation is separate offense.

Each violation of this chapter or of the rules and regulations promulgated by the Board of Health and/or the Plumbing Inspector shall constitute a separate offense.

§ 225-76.  Abatement; lien; notice.

A. In the event of a violation of this chapter and/or the rules and regulations of the Board of Health and/or the Plumbing Inspector, the Borough may cause any such violation and/or any nuisance to be abated or may make or may cause to be made any changes necessary to effect compliance with the terms of this chapter, and charge the cost thereof jointly and severally to the owners of the premises served or involved with such installation or work, and in the event of the failure of the responsible person to pay the amount of said cost of abating the nuisance or the cost made in making the installation comply with the terms of the ordinance within six months from the date of the notice hereinafter mentioned, the Borough may cause a lien to be filed against said premises for the amount of the cost of said work; there shall be added to said cost a penalty of 10%. The amount of the cost shall bear interest at the rate of 6% from the date of the completion of the work. The Borough
may effect collection of said amount of said lien in the manner provided by law for the collection of municipal liens, or by a suit in assumpsit.

B. Notice shall be given of a violation either by the Borough Secretary, Secretary of the Board of Health or by the Plumbing Inspector, or by any Borough official, by handing the same to the adult person in charge of the premises. Said notice shall set forth the violation and direct the owner of the premises or the person doing the work to abate the nuisance or the violation of this chapter and to conform to the provisions of this chapter and rules and regulations of the Board of Health and/or the Plumbing Inspector within 48 hours after the delivery of the notice or within 48 hours after the posting of said notice upon the property. Copy of said notice shall be sent by registered mail to the owner or owners of the premises at the address to which tax bills are sent.12

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12. Editor's Note: Original § 64-75, Default of payment of fine or cost: imprisonment, which followed this section, was repealed at time of adoption of Code (see Ch. I, General Provisions, Art. II).
Chapter 229

POLES AND UNDERGROUND CONDUITS

[HISTORY: Adopted by the Borough Council of the Borough of Norwood as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Sewers — See Ch. 238.
Streets and sidewalks — See Ch. 260.

ARTICLE I

Permits for Underground Pipes and Conduits
[Adopted 4-10-1913 by Ord. No. 155 (Ch. 66, Art. III, of the 1967 Codification)]

§ 229-1. Permit required; fee. [Amended 10-10-1952 by Ord. No. 330]

A. The Mayor and Borough Council of the Borough of Norwood have ordained that no person or corporation shall construct or maintain any gas or water pipes, telegraph, telephone or electric lighting conduits nor any other underground pipe or structure whatsoever under and along any street or highway within the Borough of Norwood unless a permit for the construction and maintenance of such conduit, pipe or other structure shall have been authorized by the Highway Committee and issued by the Secretary of said Borough. Applications for such permits shall be made in writing and shall set forth the character of the pipe, conduit or other structure, the purpose for which it is to be used and the name of the person, persons or corporation owning, maintaining or using it. Said application shall be signed by the person or corporation owning, maintaining or using said pipes, conduit or other structure or by his, her or its agent, and shall contain an acceptance of the provisions of this article and an agreement, together with a bond or obligation with such security as the Highway Committee may require, that any street or highway which has been or shall be torn up or excavated in laying said pipe, conduit or other structure, or in using or repairing the same, shall be restored under the supervision and to the satisfaction of the Highway Committee and shall be maintained in good order thereafter; and further, the applicant shall produce a certificate evidencing the maintenance of public liability insurance that will indemnify and save harmless said Borough of Norwood from all actions, suits, claims or demands for or by reason of the excavation of said street or by the construction or maintenance of such conduit, pipe or other structure. Every such application shall be accompanied by a map or plan drawn to a uniform scale 100 feet to the inch, showing the exact location, length and size of such pipe, conduit or other structure and indicating clearly the situation of all manholes, junction boxes, stops and valves. No such permit shall be issued unless the applicant deposits with his application such sum as shall be set from time to time by resolution of the Borough Council, together with such sum for the following amounts also as set by the Borough Council:

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1. Editor’s Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).
(1) A fee per square yard of the area disturbed for dirt and cinder streets.

(2) A fee per square yard of the area disturbed for hard-surface streets.

B. Out of said fee, the Secretary/Manager shall retain for his service a portion of the sum for each permit issued, and shall pay the balance into the Borough treasury for the use of the Borough. No permit shall be issued for making excavation for the construction of any pipe, conduit or other structure of a greater length than 300 feet at any time, nor shall any permit remain in force for more than 30 days after the date of its issue.


Upon the issue of a permit as hereinbefore provided, authorizing the construction and maintenance of any pipe, conduit or other structure as aforesaid, the person or corporation to whom it is issued shall transmit it to the Borough police officer and shall notify him of the time when the work is to be done, and no pipe, conduit or other structure shall be covered over until after it has been examined by said officer.

§ 229-3. Excavations.

Any excavation made in any public street or highway for the purpose of laying or constructing any pipe, conduit or other structure as aforesaid shall be refilled with loam, sand, clean ashes or gravel, free from stones more than three inches in diameter and thoroughly packed and rammed until a firm and solid base has been obtained even with the subgrade of the street or highway. Upon this base there shall be built and finished a road similar in all respects to the other portions of the street or highways upon which said work is done, and conforming to the surface thereof. Said restoration of the paving of such street or highway as shall be opened in pursuance of this article shall be made within 48 hours after the completion of the work of laying the pipes, conduits or other structures herein provided for and shall be done to the satisfaction of the Highway Committee. Every person or corporation making any excavation or digging any ditch or trench in any street or highway shall cause such excavation, ditch or trench to be properly guarded by day and marked at night by lights, in such manner as to sufficiently guard against accidents. The work of making excavations in any street or highway and of laying pipes, conduits and other structures therein shall be so conducted as to interfere with public travel as little as possible, and in no case shall said street or highway be entirely closed to public travel except upon permission given by the Highway Committee for a limited time.

§ 229-4. Location; depth.

All pipes, conduits and other structures laid in any street or highway shall be located as designated by the Highway Committee and shall be laid under their direction and supervision and shall conform to the official grade of such street or highway and shall be laid to a depth of not less than three feet below said official grade of such street or highway, except where permission, for cause shown, shall be granted by the Highway Committee. In case the official grade of any street or highway shall at any time be changed or in case the Highway Committee shall direct the change, all pipes, conduits and other structures shall, at the expense of the owner or user, be made to conform to the new grade or be relocated and removed.
§ 229-5. Manholes, junction boxes, stops, valves to have cast-iron covers.

All manholes, junction boxes, stops and valves shall be protected by cast-iron covers laid and maintained even with the surface of the street or highway and of such form and strength as to prevent displacement or breakage. In case any such cover shall become broken or defective or shall project above or sink below the level of the street or highway, the person or corporation owning, maintaining or using the same shall within three days after being notified so to do, replace, repair or reset such cover, and if necessary, repair the portion of the road adjacent to it; and in default thereof, the work may be done by the Highway Committee and the cost thereof collected from the person or corporation aforesaid.

§ 229-6. Supervision and certification of work.

The Borough police officer shall supervise the laying and construction of all pipes, conduits and other structures as aforesaid and the restoration of the street or highway and shall require the work to be done in accordance with the permit authorizing it and in the location prescribed, and upon the completion of the work, he shall return the permit therefor to the Secretary of the Borough, with a certificate setting forth that such pipe, conduit or other structure has been laid and constructed in the manner and place prescribed and in accordance with the provisions of this article.

§ 229-7. Filing of plans for existing structures.

In the case of pipes, conduits or other structures made or constructed in any public street prior to the time when this article shall take effect, the person, persons or corporation owning, maintaining or using the same shall furnish and file with the Secretary of the Borough within 20 days after having been notified so to do, a plan or plans drawn to a uniform scale [100 feet to the inch] and showing the location, size, character and purpose of such pipes, conduits or other structures and indicating clearly the situation of all manholes, junction boxes and stops.

§ 229-8. Records to be kept.

The Secretary of the Borough shall file away and preserve all applications for permits and all permits returned to him and all plans furnished or filed as hereinafter provided, and shall further enter in a book to be kept for that purpose a record of the location, size, character, purpose and ownership of every such pipe, conduit or other structure and the situation of all manholes, junction boxes, stops and valves.


The Borough police officer shall daily examine all streets in which any pipes, conduits or other structures are laid or constructed and shall at once report to the Chairman of the Highway Committee any defects in such pipes, conduits or other structures and any injury or defect in the streets caused thereby, and the Chairman of said Committee shall thereupon notify the person, persons or corporation owning, maintaining or using such pipes, conduits or other structures and take such other action as may in his judgment be proper.

§ 229-10. Remedy of defects for manholes, junction boxes, stops, valves and covers.
The Borough police officer shall further examine daily all manholes, junction boxes, stops, valves and the covers thereof, and shall at once report to the Chairman of the Highway Committee any defects therein or in the road adjacent thereto, and the Chairman of said Committee shall thereupon notify the person or corporation owning, maintaining or using such manholes, junction boxes, stops and valves of the existence of such defects, and require the same to be remedied.

§ 229-11. Annual license fee. 2

For the purpose of carrying out the provisions of this article, every person, persons or corporation owning, maintaining or using any pipes, conduits or other underground structures such as aforesaid shall annually, on or before the first day of January of each year, pay to the Borough treasury a license fee for each mile or fraction thereof in length of such pipe, conduit or other underground structure laid or constructed under and along the streets or highways of said Borough, such fee in an amount as set from time to time by resolution of the Borough Council.

§ 229-12. Violations and penalties. [Amended 8-22-1988 by Ord. No. 2-88]

Any person or corporation who shall lay any pipe, conduit or other underground structure such as aforesaid, under or along any street or highway of said Borough, without having first obtained as hereinbefore provided a permit or in violation of any of the provisions of this article, or who shall fail or refuse to pay the license fee aforesaid, shall be punishable, upon conviction, as indicated in Chapter I, General Provisions, Article I, General Penalty, of this Code.

ARTICLE II
Permits for Aboveground Poles and Wires
[Adopted 4-10-1913 by Ord. No. 156 (Ch. 66, Art. II, of the 1967 Codification)]

§ 229-13. Permit required.

The Mayor and Borough Council of the Borough of Norwood have ordained that no person or corporation shall erect or maintain any telegraph, telephone or electric light poles on any street or highway within the Borough of Norwood, nor support any wires or cables thereon, unless a permit for the erection and maintenance of such poles and the support of such wires or cables shall have been authorized by the Borough Council through their Highway Committee and issued by the Secretary/Manager of said Borough.

A. Application for such permit shall be made in writing and shall set forth the size and kind of poles to be erected; the purpose for which they are to be used; the location thereof; the number and size of the wires and cables to be supported thereon and the purpose for which they are to be used; and the names of the persons or corporations owning, maintaining and using said poles, wires and cables.

B. Said application shall be signed by the persons or corporations owning, maintaining or using said poles, wires or cables or by his, their or her agent, and shall contain an acceptance of the provisions of this article and an agreement to comply therewith, together with a bond or obligation with such security as the Highway Committee may approve,

2. Editor’s Note: Amended at time of adoption of Code (see Ch. I, General Provisions, Art. II).
conditioned that any street, road, gutter, curb or sidewalk which has been or shall be torn up or excavated in erecting said poles and wires shall be restored under the supervision and to the satisfaction of the Highway Committee and shall be maintained in good order thereafter, and that the Borough shall be indemnified for all loss or damage or injury for or by reason of the erection, support, maintenance or use of said poles, wires or cables or any of them, or by reason of any defect therein.

C. Every such application shall be accompanied by a map or plan drawn to a uniform scale [100 feet to the inch] showing the exact location of each pole.

§ 229-14. Fee. 3

Upon the issue of permit as aforesaid, the applicant therefor shall pay to the Borough Secretary/Manager such sum as shall be determined from time to time by resolution of the Borough Council, which shall include all charges for opening streets or making excavations therein. Out of said fee, the Secretary/Manager shall retain for his services a portion thereof and pay the balance into the Borough treasury for the use of the Borough.


No permit issued as aforesaid shall remain in force for more than 20 days after the date thereof, nor shall any permit be taken to authorize the erection of poles or the running of wires or cables on more than one street.

§ 229-16. Location of poles; trimming or cutting of trees.

A. All poles such as aforesaid shall be located at such points and in such manner as may be approved by the Highway Committee, and unless otherwise directed by said Committee, the outer face of every pole shall be six inches inside of the established curbline of the street or highway on which it is erected.

B. No tree or trees standing upon or projecting into any street or highway shall be cut or trimmed for the purpose of erecting such pole or poles, wires or cables except with the consent and under the supervision of the Highway Committee.

§ 229-17. Marking of poles.

Every pole erected as aforesaid shall be plainly marked with the name or initials of the persons or corporation owning, maintaining or using the same, together with a distinctive number, which number shall be noted on the map or plan hereinbefore mentioned.

§ 229-18. Supervision and inspection of work.

A. Upon the issue of a permit as hereinbefore provided, the person or corporation to whom it is issued shall transmit it to the Borough police officer and shall notify him of the time when the work is to be done; and said work shall be supervised and inspected by said officer, who shall require it to be done in accordance with the permit authorizing it and in

3. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).
the location prescribed.

B. Upon the completion of the work, the officer shall return the permit to the Secretary/Manager of the Borough with a certificate setting forth that the terms of this article have been complied with.


Any excavation made in any public street or highway for the purpose of erecting any pole such as aforesaid, or for extending any underground pipe, conduit or wire to such pole, shall be filled with loam, sand, clean ashes or gravel free from stones more than three inches in diameter, and thoroughly packed and rammed until a firm and solid base has been obtained, even with the subgrade of the roadway or sidewalk, as the case may be. Upon this base, a finished telford or macadam road or a stone, slate or cement sidewalk shall be constructed or laid, similar in every respect to that adjacent thereto.

§ 229-20. Defective or dangerous pole, wire or cable.

In case any such pole, wire or cable, or any road or sidewalk constructed or laid as aforesaid, shall become defective or dangerous, the person or corporation owning, maintaining or using said pole, wire or cable shall within three days after being notified of such defective or dangerous condition, repair the same; and in default thereof, the work may be done by the Highway Committee, and the cost thereof shall in such case be paid by the person or corporation aforesaid.


In the case of telegraph, telephone, trolley or electric light poles, wires or cables, erected or maintained on any public street or highways prior to the time when this article shall take effect, the person, persons or corporation owning, maintaining or using the same shall furnish and file with the Secretary/Manager of the Borough within 20 days after having been notified so to do, a certificate accompanied by a plan or plans drawn to the uniform scale hereinbefore provided for and showing the location, size and kind of such poles, and setting forth the number and size of the wires or cables supported thereon, the purpose for which they are used and the name of the person or corporation owning, maintaining or using such poles, wires or cables.

§ 229-22. Records to be kept.

The Secretary/Manager of the Borough shall file away and preserve all applications for permits and all permits returned to him and all plans or certificates furnished or filed, as hereinbefore provided; and shall further enter in a book or books to be kept for that purpose, a record of the location, character, purpose and ownership of all such poles, wires and cables.

§ 229-23. Daily inspections.

The Borough police officer shall daily examine all poles, wires and cables such as aforesaid, erected or maintained on any street or highway, and shall at once report to the Chairman of the Highway Committee any defects therein and any injury to or defect in any road or sidewalk caused thereby; and the Chairman of said committee shall thereupon notify the person, persons
or corporation owning, maintaining or using such poles, wires or cables, and take such other action as may in his judgment be proper.

§ 229-24. Annual license fees. 4

For the purpose of providing for the enforcement of this article, every person or corporation owning, maintaining or using any poles, wires or cables such as aforesaid shall annually, on or before the first day of May in each year, pay to the Borough treasury a license fee for each pole and for each mile or fraction thereof in length of wire or cable erected or maintained along the streets or highways of said Borough, such fee amounts as shall be set from time to time by resolution of the Borough Council.


Any person or corporation who shall erect or maintain any pole, wire or cable such as aforesaid, on or along any street or highway of the Borough, without having obtained a permit as hereinbefore provided or without complying with the provisions of this article, shall be punishable, upon conviction, as indicated in Chapter 1, General Provisions, Article I, General Penalty, of this Code.

ARTICLE III
District for Underground Wiring
[Adopted 7-10-1913 by Ord. No. 158 (Ch. 66, Art. I, of the 1967 Codification)]

§ 229-26. District established.

On and after the passage of this article, all electric light wires, telephone and telegraph wires shall be placed underground in conduits within the following described district, to wit: between the southwest side of Amosland Road, the northeast side of Baltimore and Ohio Railroad; the southeast side of Leon Avenue; the northwest side of the Philadelphia, Baltimore and Washington Railroad; the southeast side of P.B. and W. Railroad; the northeast side of McKinley Avenue; the northwest side of Amosland Road or Hook Road; the northeast side of East Winona Avenue; the southeast side of Seneca Avenue; the southeast side of Mohawk Avenue; the northeast side of Gesner Lane and the southeast side of the Chester and Darby Turnpike from Winona Avenue to Gesner Lane.

§ 229-27. Aboveground poles and wires prohibited from district.

It shall, from and after the passage of this article, be unlawful to erect or maintain within the above district any electric light, telegraph or telephone poles and to string and maintain any overhead electric light, telephone or telegraph wires.


Any person or persons violating the provisions of this article shall be punishable, upon conviction, as indicated in Chapter 1, General Provisions, Article I, General Penalty, of this Code.

4. Editor's Note: Amended at time of adoption of Code (see Ch. I, General Provisions, Art. II).
Chapter 238

SEWERS

[HISTORY: Adopted by the Borough Council of the Borough of Norwood as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Plumbing; oil burners — See Ch. 225.
Streets and sidewalks — See Ch. 260.
Water — See Ch. 295.

ARTICLE I

Imposition of Annual Rental or Charge

[Adopted 5-23-1952 by Ord. No. 326 (Ch. 71, Art. I, of the 1967 Codification)]

§ 238-1. Annual rental imposed.

From and after January 1, 1952, there is hereby imposed an annual rental or charge upon the owners of properties served or to be served for the use of the sewer system of the Borough of Norwood and for the use of certain sewage-treatment works which are being constructed partially at the public expense of the Borough of Norwood.

§ 238-2. Expenses to be met by rental.

The annual sewer rental or charge shall be such sum as shall be sufficient to meet the following classes of expenses:

A. The amount expended annually by the Borough in the operation, maintenance, repair, alterations, inspection, depreciation or other expense in relation to such sewers, sewage system or sewage treatment works.

B. Such annual amount as may be necessary to provide for the amortization of the indebtedness incurred by the Borough in the construction or acquisition of such sewers, sewage system or sewage treatment works, and interest thereon, in order that said improvement may become self-liquidating, or as may be sufficient to pay the amount agreed to be paid annually under the terms of any contract with any authority furnishing sewage treatment services to the Borough.

C. Sufficient to establish a margin of safety of 10%.

§ 238-3. Charge to be based on water consumption.

The Borough Council of the Borough of Norwood finds as a fact that all of the properties of the Borough which are connected to the public sewers obtain water from the Philadelphia Suburban Water Company, hereafter for convenience called "water company," and further that the water company has water meters installed in all of said properties; and the Borough further finds that
all properties which are thus served by the water company are connected to the public sewers. The Borough Council therefore declares that the fairest manner in which to equitably apportion the total sewer rental or charge to be made is to base the charge for each property on the consumption of water used by each property connected to the sewers, in proportion to all water consumed by consumers of said water company in the Borough. It is also determined that the sewer rental or charge for any property, for any year, should be based, so far as practicable, on water actually consumed by said property during a period of 12 consecutive months.

§ 238-4. Annual statements of water company.

Borough Council shall secure from the water company in the month of May 1952, and in subsequent years in the month of January, statements of the total number of gallons of water furnished to and used by its water consumers in the Borough and the total number of gallons of water used by each individual consumer within the Borough, for a period of 12 consecutive months, ending December 31, last past. If said water company shall neglect or refuse to furnish said information, then the Sewer Committee of the Borough Council of the Borough of Norwood shall and is hereby authorized and directed to issue its subpoena, signed by the Chairman of said Committee, for the attendance of any witnesses and for the production of books, papers or other evidence at any meeting of said Sewer Committee, and the Committee shall have authority to cause the same to be served, and if any witness shall refuse to testify or to produce any books or papers, it shall be the duty of the Borough Secretary, represented by the Borough Solicitor, to report the facts relating to such refusal to the Court of Common Pleas and to request said Court to issue its order to said witness to testify or produce the evidence required, as the case may be, and all witnesses shall be paid their witness fees and mileage as provided by the Borough Code. Any fair and reasonable fee or charge by the water company, for such data, shall be included as part of the total amount of annual sewer rental, as per § 238-2 hereof.

§ 238-5. Computation of consumption.

During the month of May 1952, and in subsequent years in January, it shall be the duty of the Sewer Committee to determine the number of gallons of water which were used by properties which discharged waste into the public sewers during the preceding 12 calendar months ending on December 31, last past, or any fraction of said period. In cases where the water company records do not disclose the total number of gallons of water consumed for the entire twelve-month period, the Sewer Committee shall estimate the water consumed by said properties for the period when the water company did not supply water to said properties. The Sewer Committee is authorized to compute the total water consumption for the period that the properties were discharging waste into the public sewers, based on a monthly average of the water company records for the partial period. In cases of properties which secure water from wells or from sources other than the water company, the Sewer Committee is authorized to estimate the quantity of water consumed by said properties, and in making such estimates the Sewer Committee is authorized, in the case of similarly situated properties, from such information as shall be available.

§ 238-6. Annual ordinance to be adopted.
After securing the information from the water company as hereinbefore set forth, Borough Council shall in May 1952, and in January in subsequent years, adopt an ordinance\(^1\) which shall compute the total number of gallons of water used by consumers within the Borough for the preceding period of 12 months ending on December 31, last past. Said number of gallons shall be the aggregate of the number of gallons shown by the water company records, plus the estimates of gallons consumed, as determined in accordance with § 238-5. Said ordinance shall fix the total amount of annual sewer rental or charge for the fiscal year ending on the first Monday of January, next ensuing. Said ordinance shall also determine the amount of money to be charged to each property for each 1,000 gallons of water used by each property for the preceding period of 12 months ending on December 31, as hereinbefore provided. The amount to be charged for each 1,000 gallons of water so used shall be determined by dividing the total number of gallons of water furnished to consumers within the Borough, as shown by the water company records, plus estimated consumption where meter readings are not available, or a suitable percentage of the aggregate thereof, into the total amount to be charged as provided in § 238-2 hereof, so as to give a quotient expressed in dollars, cents and mills per 1,000 gallons of water consumed or estimated to be consumed, as the case may be. In computing the number of thousands of gallons per property, 100 gallons, or fractions thereof in excess of 50 gallons, shall be considered 1/10 of 1,000 gallons. Said ordinance shall also designate the person, to be known as the Sewer Rental Collector, to collect the sewer rental or charge for the fiscal year ending the first Monday of January, next ensuing, and such ordinance shall fix the amount of surety bond for such Collector.

§ 238-7.  Sewer Committee authorized to reduce charges.

The Sewer Committee is authorized, in cases where water consumers do not discharge all of the wastewater into the public sewer, to reduce the total number of gallons of water charged to any property, after appeal by the property owners and hearing thereon. Said appeal shall be filed with the Chairman of the Sewer Committee within one month after the mailing of sewer rental bills. From the decision of the Sewer Committee, the property owner may appeal to Borough Council, whose decision shall be final.

§ 238-8.  Computations; billing.

In May of 1952 and in January of each succeeding year, final sewer rental bills for the fiscal year ending the next ensuing first Monday of January shall be computed by the Sewer Rental Collector. The bills for said fiscal year shall be determined by multiplying the number of thousands of gallons of water used by each property for the preceding period of 12 months ending on December 31 of said fiscal year, or by multiplying the number of gallons of water estimated to have been used for said period of 12 months or fraction thereof, as the case may be, times the amount of charge per 1,000 gallons of water, as hereinbefore provided. It shall be the duty of the Borough Secretary, as soon as possible, to certify a copy of the ordinance fixing the annual sewer rental or charge for the fiscal year, to the Sewer Rental Collector. The Borough Secretary shall also furnish said Collector, as soon as possible, with a list of all properties which are connected to the sewers, together with the names and addresses of the owners of said properties, and together with a statement of the number of gallons of water used by each property for the preceding period of 12 months, ending December 31, or as estimated as having been

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\(^1\) Editor’s Note: See Art. II of this chapter.
used, as hereinbefore provided. The Sewer Rental Collector shall make said final fills on forms
to be furnished by Borough Council.

If said sewer bills are paid before June 1, 1953, a discount of 2% may be deducted therefrom; if
said bills are paid after June 30, 1953, a penalty of 5% shall be added thereto; and if said bills are
paid after July 31, 1953, interest at the rate of 6% from May 1, 1953, shall be added in addition
to the above penalty. It shall be the duty of the Sewer Rental Collector on or after six months
following the mailing of sewer bills, to certify any unpaid bills to the Borough Solicitor, who
shall file a lien or liens for the same in the office of the Prothonotary of the Court of Common
Pleas of Delaware County, Pennsylvania and such liens, together with interest and penalty, shall
be filed and collected in accordance with law.

§ 238-10. Compensation of Sewer Rental Collector. [Amended 3-13-1953 by Ord. No. 334]
The Sewer Rental Collector shall receive, as compensation, 4 1/2% of the amount he collects.

§ 238-11. Duties of Sewer Rental Collector.
It shall be the duty of the Sewer Rental Collector to keep full, accurate and complete records of
all sewer rentals or charges, bills, receipts, payments and transmittals of money to the Borough.
It shall be the duty of the Sewer Rental Collector to transmit all money so collected to the
Borough at the same times and according to the same procedure as tax moneys are payable by
the Tax Collector to the Borough. The Borough Auditors shall examine and audit said accounts.

§ 238-12. Failure to send bill.
If, for any reason, a sewer bill was not sent to any owner of property connected to the public
sewers, then it shall be the duty of the Sewer Rental Collector, as soon as the oversight or
omission is known, to forthwith mail a sewer bill or sewer bills for the fiscal year or fiscal years
for which bills should have been mailed, and said sewer bills shall be payable at the same times
and subject to the same discounts, penalties and interest charges, based on the time of mailing, as
set forth in § 238-9 hereof, and if said bill shall not be paid within six months after the same is
mailed, a municipal lien shall be filed, as provided in § 238-9 hereof.

§ 238-13. Directions directory and not mandatory.
The foregoing directions as to the time in which to procure information from the water company
and the time in which to adopt annual ordinances and of the times in which to mail out the bills
shall be considered directory and not mandatory, and the failure to do one or some or all of said
acts on time shall not invalidate any ordinance passed and shall not invalidate any bill rendered
and shall not invalidate or forego the collection of any sewer rental or charge.

This article is intended to provide for the imposition and collection of an annual sewer rental or
charge for the year 1952 and for subsequent years.
ARTICLE II
Amount of Annual Rental or Charge
[Adopted 2-6-2007 by Ord. No. 2007-82; amended in its entirety 1-24-2011 by Ord. No. 2011-3 (Ch. 71, Art. II, of the 1967 Codification)]


The Borough Council does hereby estimate that the owners of properties connected to the public sewers will, during the year 2011, consume approximately 155,000,000 gallons of water.

§ 238-16. Estimated rentals and expenditures.

The total amount of sewer rental or charge to be collected for the year 2011 shall be the sum of $697,377 to meet the following estimated expenditures:

<table>
<thead>
<tr>
<th>Type of Expenditure</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administration, printing and legal expenses</td>
<td>$36,000</td>
</tr>
<tr>
<td>maintenance, repairs and other expenses</td>
<td>$131,396</td>
</tr>
<tr>
<td>debt service account</td>
<td>$0</td>
</tr>
<tr>
<td>Amount to be paid to Muckinipates</td>
<td>$538,465</td>
</tr>
</tbody>
</table>

§ 238-17. Charges to property owners.

Each person, who shall own property connected to the public sewers, shall be charged for the year 2011 at the rate of $50 per unit and $4.38 per 1,000 gallons of water, or fraction thereof, consumed by property in the last quarter of 2009 and three quarters of 2010, and thereafter until amended.

§ 238-18. Charges in special cases.

Residential properties connected with the Borough sewers for which the waiver consumption record is less than two full quarters of a year or which derive their water supply from any source other than the Philadelphia Suburban Water Company shall pay sewer rental computed at a rate of $50 per unit and $4.38 per 1,000 gallons of water consumed to 62,000 gallons, which is the Borough average. The charge for those properties that have a consumption record of two quarters will be the average of the two quarters multiplied by two. The charge for commercial properties for which the water consumption record is sufficient as above specified shall be determined by the Borough Council.


Borough Council reserves the right to adjust or revise any inequities on an appeal by a resident.

§ 238-20. Sewer Rental Collectors.

The Borough Tax Collector is hereby designated as the Sewer Rental Collector for the year 2011 and thereafter until amended. In the event that additional help is needed in order to collect said

2. Editor's Note: This ordinance also superseded former Art. II, Amount of Annual Rental or Charge, adopted 2-2-2006 by Ord. No. 2006-3.
sewer rent, Borough Council may, by resolution, employ such additional help and set the salary for the same in said resolution.

§ 238-21. Discounts and penalties.

There will be given a 2% discount to all sewer rental paid within 30 days of billing date. A penalty of 10% will be added to all sewer rentals after 75 days from billing date. An additional 5% will be added for all those bills paid after December 31st of each year. Council, at its discretion, may waive the above penalties and interest.
Chapter 240

SEX OFFENDERS

[HISTORY: Adopted by the Borough Council of the Borough of Norwood as indicated in article histories. Amendments noted where applicable.]

ARTICLE I

Residency Restrictions

[Adopted 5-22-2006 by Ord. No. 2006-6 (Ch. 72, Art. I, of the 1967 Codification)]

§ 240-1.  Definitions.

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

BOROUGH — The Borough of Norwood, including its residents and all land within its territorial boundaries.

CHILD-CARE FACILITY — A licensed day-care center, licensed child-care facility or any other child-care services facility exempt from licensing to the laws of the Commonwealth of Pennsylvania.

COMMUNITY CENTER — A building and related facilities used for educational, social, cultural or recreational activities.

OPEN SPACE — The area of land or water available and accessible for use by the public and residents of the Borough which is restricted from future development for the purpose of protecting natural features or for providing recreational opportunities for the residents of the Borough. Open space generally includes such land or area of land that is regulated, maintained or owned by the Borough, or by community associations, and may include steep slopes, floodplains and other significant features to be preserved.

PUBLIC PARK or RECREATIONAL FACILITY — Any land, or tract of land, or facility used for passive or active recreation, including any playground, park, skate parks, athletic fields or any other facility owned or operated by the Borough or any other governmental agency, including the Interboro School District, the County of Delaware or the Commonwealth of Pennsylvania.

SCHOOL — Any educational building or facility that provides educational services to a minor child, as defined by the laws of the Commonwealth of Pennsylvania, including any public or private facility.

SEX OFFENDER — Any person, over the age of 18 years, who has been convicted of any sexual offense or crime as defined in 42 Pa.C.S.A. § 9795.1, including, but not limited to, kidnapping where the victim is a minor, institutional sexual assault, indecent assault, incest, prostitution and related offenses, sexual abuse of a child, unlawful contact with a minor, sexual exploitation of a minor, rape, involuntary deviate sexual intercourse, sexual assault, and aggravated indecent assault. "Sex offender" shall also include any individuals convicted of any
attempt to commit offenses as enumerated herein.

§ 240-2. Sexual offender residency restrictions.

A. It shall be unlawful for any sex offender or other person over the age of 18 years who has been convicted of a violation which requires registration pursuant to 42 Pa.C.S.A. § 9791 et seq., or who has been convicted of a violation which requires registration in another jurisdiction, to reside, lodge, abide or live within 2,500 feet of any school, child-care facility, open space, community center, public park or recreational facility in the Borough.

B. For the purpose of determining the minimum distance separation, the distance shall be measured by following a straight line from the outer property line of the residence or lodging of the sex offender to the nearest outer property line of the school, child-care facility, open space, community center, public park or recreational facility.

C. Such person who resides or lives within 2,500 feet of any school, child-care facility, open space, community center, public park or recreational facility in the Borough shall have 60 days from receipt of written notice of the prohibition set forth herein to move. Failure to move to a location which is in compliance with this section within that time period shall constitute a violation of this chapter.

§ 240-3. Exceptions to residency restrictions.

This article shall not apply to any person or sex offender who has established a residence prior to the date of adoption of this article, and shall not apply if the school, child-care facility, open space, community center, public park or recreational facility within 2,500 feet of the sexual offender's residence or lodging was established subsequent to the establishment of this sex offender's residence or lodging. The provisions of § 240-3 shall not apply to any person or sex offender who has established a residence or lodging and then relocates to a different residence or lodging within the Borough after the adoption of this article.

§ 240-4. Violations and penalties.

Any violation of this article shall be punishable by imprisonment for a term not exceeding 90 days and a fine not exceeding $1,000 for each violation, in addition to the costs of prosecution and attorney's fees.

§ 240-5. Enforcement.

All agencies and authorities within the Borough, including but not limited to the Norwood Borough Police Department, have full authority to enforce this article, and impose such fines and other penalties as necessary and appropriate.
Chapter 244

SIGNS AND BILLBOARDS

[HISTORY: Adopted by the Council of the Borough of Norwood 3-27-1937 by Ord. No. 272 (Ch. 73 of the 1967 Codification). Amendments noted where applicable.]

GENERAL REFERENCES

Zoning — See Ch. 300.

§ 244-1. Requirements.

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

SIGNS, BILLBOARDS and ADVERTISING STRUCTURES — Any signboard erected, constructed or maintained for the purpose of displaying outdoor advertising by means of posters, pictures, pictorial or reading matter, when such sign is supported by uprights or braces placed upon the ground and not attached to any part of the building.

B. They shall not be over 15 feet above the ground level, and if the sign is an illuminated one, the lighting reflectors may project five feet beyond the building line, but they must be at least 12 feet above the sidewalk. No signboard or billboard shall exceed 50 square feet in area. [Amended 6-10-1949 by Ord. No. 308]

C. Any person or company occupying any vacant lot or premises with such a signboard shall be subject to the same duties and responsibilities as the owner of the lot or premises, with respect to keeping the same clean, sanitary, inoffensive and free and clear of all noxious substances in the vicinity of such signboard.

§ 244-2. Roof signs.

A. A roof sign, as used herein, shall mean any sign erected, constructed or maintained upon the roof of any building. No sign shall be placed on the roof of any building so as to prevent the free passage from one part of said roof to any other part thereof, or interfere with any openings in such roof, and no sign that is placed upon the roof of any building shall project beyond the edge of said roof in any direction. All roof signs shall be so constructed as to leave a clear open space of not less than six feet between the roof level and the lowest part of the structure, and at least a five-foot clearance between the vertical supports thereof; and every roof sign shall be set back at least four feet from the face of any front or rear wall, and if the sign is an illuminated one, lighting reflectors may project six feet beyond the building line.

B. Every roof sign shall be constructed entirely of steel construction, including the uprights, supports and braces of the same, excepting only that the ornamental molding and battens behind the steel facing and the decorative latticework may be of wooden structure. All roof signs must be so constructed as to withstand a wind pressure of not less than 30 pounds to
the square foot or area subject to such pressure, and when erected upon buildings which are not constructed entirely of fireproof materials, the bearing plates of said sign shall bear directly upon the masonry walls or upon steel girders which are supported on the masonry walls and intermediate columns in building.

C. No roof sign structure having a tight, closed or solid surface shall be at any point over 31 feet above the roof level. Roof sign structures not having a tight, closed or solid surface may be erected upon fireproof buildings to a height not exceeding 75 feet above the roof level, and upon nonfireproof buildings to a height not exceeding 50 feet above the roof level, but the portions of such structures covered and exposed to wind pressure shall not exceed 35% of the area thereof. All such signs shall be thoroughly secured to the building upon which they are installed, erected or constructed, by iron or metal anchors, bolts, supports, chains, stranded cables, steel rods or braces.

§ 244-3. Wall signs.

A. A wall bulletin, as used in this chapter, shall mean any sign or any surface or plane that may be affixed at a point less than eight feet in height from sidewalk line to the front, rear or side wall of any building, providing it does not extend beyond the building line more than six inches.

B. Above 12 feet from the sidewalk, signs may be placed, but they must not extend more than five feet from the building line.

C. All such bulletins and wall signs must be safely and adequately attached to said building wall by means of iron or metal anchors, bolts or expansion screws.

D. No such sign or bulletin shall be so erected so as to cover the doors or windows of any building, or otherwise prevent free ingress or egress to or from any window, door or fire escape of any building.

§ 244-4. Hanging signs.

A. A hanging sign, as used in this chapter, shall mean any sign affixed to the front, rear or side wall of any building which extends more than six inches from the building line. All such signs must be erected so that the bottom thereof shall be at least eight feet above the sidewalk. Such signs may extend beyond the building line for a distance of five feet.

B. All such bulletins and wall signs must be safely and adequately attached to said building wall by means of iron or metal anchors, bolts or expansion screws.

C. No such signs or bulletins shall be so erected so as to cover the doors or windows of any building, or otherwise prevent free ingress or egress to or from any window, door or fire escape of any building.

§ 244-5. Supports.

Every sign and all the supports, braces, guys and anchors thereof shall be kept in repair, and unless galvanized shall be thoroughly and properly painted at least once every two years, and the Building Inspector may order the removal of any such signs that are not maintained in
accordance with the conditions hereof.

§ 244-6. Unlawful signboards.

In case any sign shall be installed, erected or constructed in violation of any of the terms of this chapter, the Building Inspector shall notify, by registered mail, the owner thereof or the person controlling or maintaining the same to alter such sign so as to comply with this chapter, and to secure the necessary permit therefor or to remove the sign.

§ 244-7. Unsafe signboards.

Should any sign, ground sign, roof sign or wall bulletin or hanging sign, now or hereafter to be erected, be or become insecure or in danger of falling or otherwise unsafe, in the opinion of the Building Inspector, the owner thereof or the person controlling and maintaining the same shall, upon receipt of written notice from the Building Inspector, within the time named in such notice, secure the same in a manner to be approved by the Building Inspector, in conformity with the provisions of this chapter. If such notice is not complied with, the Building Inspector, if in his judgment there is an immediate necessity for prompt action, can remove or cause to be removed said sign or bulletin at the cost and expense of the person owning, controlling or maintaining the same, and in the meantime and until such sign or bulletin is made safe and secure, to rope or cause to be roped off the sidewalk in front of and immediately adjacent to the lot, building or structure on which or attached to which is said sign or bulletin.

§ 244-8. General provisions. [Amended 5-13-1938 by Ord. No. 277]

A. No sign or bulletin board erected or constructed heretofore shall be relocated, repaired or rebuilt without being so relocated and rebuilt so as to be brought into compliance with this chapter, and until after a permit has been obtained therefor to effect such alterations.

B. Every sign or bulletin hereafter constructed or maintained shall be plainly marked with the name of the person, firm or corporation erecting and maintaining the same.

C. The erector of all illuminating signs, billboards or advertising signboards shall present to the Building Inspector a certificate of approval issued by the Fire Underwriters for all electrical equipment and wiring of the same, before approval by the Building Inspector.

§ 244-9. Permit required; fees; purpose; violations and penalties.

A. No sign or bulletin of any type shall hereafter be erected by any person, firm or corporation until after a permit to erect same has been obtained from the Building Inspector. Before such permit shall be issued, there shall be filed with the Building Inspector a plan and specifications showing the dimension, material and detail of construction of such sign. The fee for such permit shall be in an amount as set from time to time by resolution of the Borough Council, payable to the Borough of Norwood, to be used to defray expenses of the Building Inspector.1

B. Every person, firm, copartnership or corporation maintaining any sign, billboard or
advertising signboard within the Borough of Norwood shall annually pay an inspection fee per sign, in an amount as set from time to time by resolution of the Borough Council. Payment to be made on or before the first day of January of every year. Payments to be made to the Borough of Norwood, to be used to defray the expenses of inspection. [Amended 5-13-1938 by Ord. No. 2772]

C. The purpose and intent of this chapter is that billboards, advertising signboards, roof signs, wall bulletins or hanging signs of any kind shall be placed, erected, constructed or maintained in the Borough of Norwood except as provided for herein, and that no sign of any kind shall be placed, erected, constructed or maintained in the Borough of Norwood in dwelling and apartment districts, except as permitted in Clause 7, Article 3 of the Zoning Ordinance of the Borough of Norwood, No. 217.

D. Any person, firm, copartnership or corporation violating any of the provisions of this chapter, or any amendments that may hereafter be made, shall be punishable, upon conviction, as indicated in Chapter 1, General Provisions, Article I, General Penalty, of this Code, to be collected as similar fines are collectible by law, and in addition, the sign or advertising device erected by said person, firm, copartnership or corporation shall be forthwith removed under direction of the Building Inspector at the cost and expense of the person, firm, copartnership or corporation owning, controlling or maintaining the same. [Amended 8-22-1988 by Ord. No. 2-88]

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2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

3. Editor's Note: Refers to 1927 Zoning Ordinance; see now Chapter 300, Zoning.
**Chapter 250**

**SOLID WASTE**

[HISTORY: Adopted by the Borough Council of the Borough of Norwood as indicated in article histories. Subsequent amendments noted where applicable.]

**GENERAL REFERENCES**

Outdoor burning — See Ch. 114.
Public dump — See Ch. 140.
Garbage and rubbish — See Ch. 174.
Sanitary landfill — See Ch. 185.

**ARTICLE I**

Refuse Collection


§ 250-1. Title.

This article shall be known as the "Norwood Borough Refuse Collection Ordinance."

§ 250-2. Definitions.

The following words, when used in this article, shall have the meanings ascribed to them in this section, except in those instances where the context clearly indicates otherwise:

GARBAGE — The animal and vegetable waste resulting from handling, preparation, cooking and consumption of foods. It shall not include food-processing waste from canneries, packing plants or similar industries nor larger quantities of condemned food products.

ONE REFUSE CAN — Thirty gallons in volume or 50 pounds in weight.

ONE UNIT or ONE UNIT OF REFUSE — Two refuse cans (60 gallons in volume or 100 pounds in weight) in single collection day. Any part of a unit shall be considered a full unit.

PERSON — A natural person, firm, association, corporation or housing authority.

REFUSE — Garbage and rubbish, as herein defined.

RUBBISH — All waste materials, except building rubbish from building construction, street refuse, industrial refuse, dead animals, machinery or vehicles or parts thereof, or such other waste materials as are not commonly produced in homes, stores and institutions.

§ 250-3. Classification of properties.

For the purposes of this article, properties shall be divided into four equal classes:

A. Residential: property designed for and occupied as a home or residence.
B. Multiple dwelling: property used as a dwelling house or unit for several families, each family separate and apart from the other.

C. Commercial: property used for the conduct of a business or service.

D. Industrial: property used for assembling, fabricating, finishing, manufacturing or processing operations.

§ 250-4. Administration; violations and penalties.

A. Multiple dwellings may place, for collection by the Borough, one unit of refuse for the first dwelling, plus one unit of refuse for each additional dwelling. The Borough will collect the refuse of multiple dwelling properties only up to a maximum of five dwellings. Multiple-dwelling properties with dwellings in excess of five shall privately contract to have their refuse collected.

B. Commercial or industrial. By reason of the great amount of refuse being accumulated by commercial or industrial establishments, such establishments must privately contract for the collection of refuse.

(1) The number of refuse units for commercial or industrial establishments shall be determined by the Sewers and Health Committee of Council.

(2) The number of refuse units shall be determined by the following formula: An average shall be taken for a one-month period to determine the amount of refuse for that period. This shall be divided by the number of collection days in that month to establish the units of refuse. The decision of the Sewers and Health Committee may be appealed to the Borough Council.

(3) The Sewers and Health Committee shall have the authority to require industrial properties to dispose of their own refuse.

C. All refuse shall be kept in watertight vehicles provided with tight covers and so operated as to prevent offensive odors escaping therefrom and refuse from being blown, dropped or spilled.

D. It shall be unlawful for any person to dispose of any refuse within the Borough of Norwood.

E. All refuse containers, commonly referred to as "dumpsters," used for commercial businesses and all establishments and residential housing and apartments shall adhere to the following storage requirements: [Added 11-26-1990 by Ord. No. 6-90]

(1) Said dumpster(s) must be stored on a concrete pad so as to facilitate the washing down of any and all liquid spills from garbage. The concrete pad must be a minimum of four inches in depth with wire mesh reinforcements.

(2) Dumpsters are to be fenced in on all four sides with access gates for collection purposes. All dumpsters are to be equipped with watertight covers so as to prevent leakage.

(3) Dumpsters are to be closed at all times when not being used.
(4) The fenced-in area outside of and on top of the dumpster shall remain clear and free from all trash, graffiti, vandalism, debris and other refuse matter.

(5) Within 60 days after the effective date of this article, any commercial businesses and all establishments and residential housing and apartments maintaining a dumpster within the limits of the Borough of Norwood, which has been maintained prior thereto, shall install a pad and fence in compliance with the terms of this article.

F. Within five days after the effective date of this article, it shall be unlawful for any person or persons, partnership or corporation to own or maintain a trash dumpster in the Borough without having first obtained a license for each such dumpster from the Board of Health so to do and paying the Borough of Norwood therefor a fee or license charge per annum in an amount as shall be set from time to time by resolution of the Borough Council for each dumpster located in the Borough. When more than one dumpster is approved for a license on any parcel, the license charge shall be in an amount as shall be set from time to time by resolution of the Borough Council, per annum, for each. All moneys derived from the issuance of such licenses shall be forthwith paid into the Borough Treasury for use of the Borough. [Added 11-26-1990 by Ord. No. 6-90; amended 12-20-2004 by Ord. No. 2004-61]

(1) All person(s), partnerships or corporations maintaining a trash dumpster and applying for a license shall have the duty to provide his or her name, address, age, occupation, address where the dumpster will be located, an accurate description of the business for which the dumpster will be maintained and the number of dumpsters the applicant wishes to maintain and pay the appropriate license fee.

(2) Only if the applicant has complied with all licensing requirements and agrees to and fully complies with all storage requirements and the requirements of this article and all applicable ordinances of the Borough of Norwood, the Borough, with the consent of the Board of Health, shall issue a license card setting forth the name of the applicant, the name of the business for which the dumpster will be maintained, the address where the dumpster will be located and the number of dumpsters for which there is a license.

G. Violations and penalties. [Added 11-26-1990 by Ord. No. 6-90]

(1) Any person or persons, partnership or corporation who shall violate any provision of this article shall have his or its license revoked without prior warning or notice and must immediately remove the dumpster(s).

(2) Any person(s), partnerships or corporations who shall violate any provision of this article or shall fail to comply with any of the requirements thereof shall be subject to a fine of not less than $25 nor more than $1,000, to be collected in the same manner as penalties are now collected by law; and each day's failure to comply with any such provision shall constitute a separate violation.

§ 250-5. Storage of refuse.

A. No person shall place any refuse in any street or highway, alley or other public place nor

1. Editor's Note: Amended at time of adoption of Code (see Ch. I, General Provisions, Art. II).
upon any private property, whether owned by such person or not, within the Borough, except that the same be in receptacles for collection. No person shall throw or deposit any refuse in any stream or body of water.

B. Any unauthorized accumulation of refuse is hereby deemed to be a nuisance and is hereby prohibited. Failure to remove any existing accumulation of refuse within 30 days after the effective date of this article shall be deemed a violation of the provisions hereof.

C. It shall be unlawful for any person, other than the occupants of the premises upon which the refuse receptacles are stored or the collector, to remove covers or any of the contents of refuse receptacles.

§ 250-6. Collection practices.

A. Commercial and industrial establishments which are required to dispose of their refuse must dispose of the same at least twice a week, and, where necessary to protect the public health and safety, the Board of Health of the Borough may require that more frequent collections be made. The above committee of Borough Council shall determine the number of collections for residential properties on a weekly basis.

B. It is the intent of this article that the reasonable accumulation of residential and multiple dwelling refuse for the collection period shall be collected for standard charges.

C. It is the intent of this article that commercial or industrial establishments shall privately contract for and have their accumulation of refuse collected at reasonable times so as to protect the public health and safety.

D. Contagious-disease refuse. The removal of wearing apparel, bedding or other refuse from homes or other places where highly infectious or contagious diseases have prevailed shall be performed under the supervision and direction of the Health Officer. Such refuse shall not be placed in containers for regular collection.

E. Highly inflammable, explosive and poisonous materials shall not be placed in containers for regular collection, but shall be disposed of as directed by the Chairman of the Sewers and Health Committee at the expense of the owner or possessor thereof.

F. Refuse for collection shall be placed at ground level and not more than three feet distant from the side of the street, highway or alley from which collection is made.


A. Subject to the limitations set forth in the Refuse Collection Ordinance, fees shall be charged for the collection of refuse by the Borough of Norwood, in such amounts as shall be set from time to time by resolution of the Borough Council, for the following:

(1) Residential.

2. Editor’s Note: Amended at time of adoption of Code (see Ch. I, General Provisions, Art. II).
(2) Multiple dwellings, for each dwelling unit, not to exceed five dwelling units.

B. All the accounts shall be due and payable by the owner of the real estate, and if the same be unpaid within 75 days from the time of the delivery of said bills, said account shall be considered delinquent and the service of collection of said refuse shall be stopped without further notice, and a penalty of 10% shall be added to the amount then due for late payment. If said account remains unpaid as of December 31 of the billing year, interest at the rate of 5% per annum from the billing date shall be computed on the principal amount of the bill (undiscounted) and penalty and added thereto. The Borough Secretary shall certify to the person in charge of directing the collections that service on such delinquent accounts shall cease. Service shall be resumed thereafter only on payment of the annual collection charge, unless the Borough Council specifically directs otherwise. The stoppage of service hereinbefore, authorized for nonpayment of collection charges shall be in addition to the right of the Borough to proceed for the collection of such unpaid charges by an action in assumpsit or, at the election of the Borough in any other manner provided by law.


Multiple-dwelling properties shall be exempted from their fee upon showing proof of private collection.

ARTICLE II
Recycling

[Adopted 10-22-1990 by Ord. No. 5-90; amended in its entirety 1-26-2009 by Ord. No. 2009-2 (Ch. 68, Art. II, of the 1967 Codification)]


The reduction of the amount of solid waste and conservation of recyclable material is an important public concern by reason of the growing problem of solid waste disposal and its impact on the environment. The collection of municipal solid waste for recycling from residences in the Borough will serve the general public interest by reducing the volume of municipal solid waste which must be disposed of, thereby reducing storage, collection, transportation and disposal costs of said waste and preserving valuable natural resources and will result in a financial benefit to the residents and taxpayers of the Borough by reason of cost avoided in collecting, transporting and disposing of those materials which are diverted from the municipal solid waste stream through recycling. Collection regulations must be established to implement the program, facilitate the accomplishment of its objectives, encourage the fullest possible citizen participation in the program and to comply with the mandates of the Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act, 1988, P.L. 101, July 28, 1988.³

§ 250-10. Definitions.

Unless the context clearly indicates otherwise, the following words, terms, and phrases used

³ Editor's Note: See 53 P.S. § 4000.101 et seq.
throughout this article shall have the following meaning:

ALUMINUM — All products made of aluminum, including aluminum cans, foil, wrappers, containers for prepared dinners or other foods, screen frames and lawn chairs.

BOROUGH — The Borough of Norwood or its designated representative.

CARDBOARD — A thin, stiff pasteboard, including but not limited to corrugated boxes and cartons, but excluding any plastic-coated, waxed or laminated products.

COMMERCIAL ESTABLISHMENT — Those properties used primarily for commercial or industrial purposes and those multiple-dwelling residential buildings containing more than four dwelling units.

DEBRIS — Stones, dirt, demolition material, broken concrete and other material, brush, branches, small trees and bushes.

GARBAGE — Putrescible animal, fish, fowl, fruit or vegetable waste incident to and resulting from the use, preparation, cooking and consumption of food.

GLASS — All products made from silica or sand, soda ash and limestone, the product being transparent or translucent and being made for the packaging or bottling of various matter, and all other material commonly known as "window glass."

LEAF/GARDEN WASTE — Compostable vegetative material, including leaves, garden residue, chipped shrubbery and tree trimmings. This term does not include grass clippings.

METAL — All products made of metal, exclusive of aluminum, including washers, dryers, refrigerators, stoves, hot-water heaters, tire rims, springs, bicycles, bimetal cans (tin cans) or scrap metal.

METAL CANS — Ferrous metal or tin cans, commonly used in packing food products, and aluminum cans which are typically used for packaging beverages.

MUNICIPAL SOLID WASTE — All garbage and refuse normally placed by persons for regular collection with the Borough.

MUNICIPALITY — The Borough of Norwood or its designated representative.

PERSON — When used in any section of this article, shall be deemed to include persons, firms, corporations, sole proprietorships, partnerships, limited partnerships and all other individual, multiple-ownership and residential or commercial enterprises, of any kind and of any nature, regardless of whether or not the specific description of that entity is included elsewhere in this article. In other words, the term "person" is intended to encompass all entities residing, owning property, leasing property or doing business in Norwood Borough.

RECYCLABLE MATERIALS — Materials having an economic value in the secondary materials market. The following materials have such economic value: aluminum cans and articles, bimetal cans, glass containers, corrugated paper (cardboard and paper boxes), magazines, computer printout paper, computer tab cards, office paper, steel cans, paper products not chemically coated and plastic containers (soda and milk containers).

RECYCLING — The collection, separation, recovery and sale or reuse of metals, glass, paper,
leaves, plastics and other materials which would otherwise be disposed or processed as municipal waste or the mechanized separation and treatment of municipal waste (other than through combustion) and creation and recovery or reusable materials.

RESIDENCE — Any single-family or other residential dwelling and any municipal, commercial or institutional establishment which generates municipal solid waste.

TRASH — Ashes, plastic material, ceramics, blue and flat glass, nonputrescible solid waste, grass clippings, leaves, building materials, contaminated paper and other similar materials.

WASTEPAPER PRODUCTS — All uncontaminated paper material such as used magazines, books, paper, food cartons, cardboard boxes, wrapper paper, bags and discarded letters and envelopes.

§ 250-11. Establishment of program.

The Borough of Norwood hereby establishes a resource recovery program for the mandatory separation and collection of municipal solid waste from all persons and residences in the Borough. Collection of the materials to be recycled shall be made periodically by the Borough or its designated agents and delivered to an approved recycling facility for processing and disposal.

§ 250-12. Establishment of regulations.

The Council of the Borough of Norwood or its designated agents are hereby authorized and empowered to establish and promulgate regulations on the materials, products and types of recyclables, the manner, days and times of collections of recyclable materials and the bundling, handling, location and time of placement of such materials for collection.


A. Any person or the occupant or owner of any residence within the Borough who shall place for disposal, removal or collection the following named items shall do so in strict conformity with the following requirements, in addition to any other applicable regulations:

(1) All glass, metal, plastic, aluminum and leaf and garden waste shall be kept separate from other refuse and recyclables and shall be collected by the Borough or, under subcontract, by its designated agents. Individual household units shall separate and prepare these materials for collection in the manner prescribed by regulations and shall thereafter place these materials in containers, as hereinafter prescribed, to be placed at curbside to be collected at times designated by the Borough or, in the alternative, to be double-bagged or placed in cartons and transported by the persons occupying said household units to be recycling dropoff centers at any time.

(2) Cardboard shall be kept separate from other refuse and recyclables and shall be collected by the Borough or, under subcontract, by its designated agent. Individual household units shall separate and prepare these materials for collection in the manner prescribed by regulation and shall thereafter bundle these materials for placement at curbside to be collected at times designated by the Borough or, in the alternative, to be transported by the persons occupying said household units to recycling dropoff centers at any time.
(3) Trash and debris shall be placed in metal or heavy-duty plastic containers, boxes or plastic bags, secured by a lid or securely tied, with a total weight not to exceed 50 pounds.

(4) Garden residue, shrubbery, brush, branches, and similar material shall be tied in bundles not to exceed four feet in length and of sufficient size and weight, not to exceed 50 pounds, to be handled by one man and shall be placed at curbside on the day designated for the collection no less than once in the spring and once in the fall each year. Any person with recyclable material for disposal on other than designated dates, shall deliver the same to a county facility operating in accordance with the rules, regulations, and guidelines of the Pennsylvania Department of Environmental Protection.

(5) Large nonmetal items such as furniture, rugs, mattresses, television sets and tires shall be placed at curbside only on the day designated for the collection of such items.

B. All receptacles for recyclable material required herein shall be supplied by the Borough to the occupant or owner of the premises and placed prior to collection between the curb and sidewalk where they shall be readily accessible to the collector. The occupant or owner shall keep all receptacles clean and in condition for safe handling. Receptacles or other items to be disposed of shall be placed outside after 6:00 p.m. of the day immediately preceding the day of collection. After collection, any empty containers shall be moved from curbside promptly but not later than 7:00 p.m. of the day of collection. Except for the initial receptacle given to the occupant or owner at no charge, the occupant and owner shall pay and reimburse the Borough the costs of receptacles.

C. Compulsory separation. Leaf and garden waste, glass, metal and aluminum, cardboard and compostable materials, as defined in this article, shall not be placed in the same receptacle or container as or otherwise mixed with other forms of solid waste for collection, removal or disposal. The Borough reserves the right to refuse to collect from individual household units municipal solid waste containing recyclable materials in combination with nonrecyclable materials. [Amended 10-22-2001 by Ord. No. 2001-7]

D. Collection of recyclable materials shall be made on a designated day of each week. Collection shall occur in accordance with a schedule of collection of recyclable materials provided by the Borough.


All recyclable solid waste placed by any person for collection by the Borough pursuant to this article and any regulations hereunder shall become the property of the Borough at any time of placement at curbside, except as otherwise provided by § 250-21 of this article, and shall remain the property of the Borough until accepted by an approved recycling facility.

§ 250-15. Other means of disposal.

Any person may donate or sell municipal solid waste to any person, firm or corporation, whether operating for profit or not, provided that the receiving person, firm or corporation shall not collect such donated recyclable materials from the collection point of a residence without proper
written permission from the Borough to make such collection.

A. General rule. Nothing in this article shall be construed to interfere with or in any way modify the provisions of any contract for municipal waste disposal, processing or collection in force in the Borough upon the effective date of this article.
B. Renewals. No renewal of any existing contract upon the expiration or termination of the original term thereof and no new contract for municipal waste disposal, processing or collection shall be entered into after the effective date of this article unless such renewal or such new contract shall conform to the applicable provisions of this article.
C. Renegotiation option. If no plan has been approved for the county, no contract renewal or new contract for municipal waste disposal, processing or collection shall be entered into unless such contract contains a provision for renegotiation to conform to the approved plan when such plan is approved by the Department of Environmental Protection.

§ 250-17. Leaf/garden waste.
Unless otherwise provided for composting, all persons shall keep leaves, garden waste, shrubbery and tree trimmings separate from each other and from all other forms of municipal waste and separate from recyclables. Such waste shall be set out for collection in a manner to be designated by the Borough and shall be transported by the Borough or its designated agents to a county facility operating in accordance with all rules, regulations and guidelines of the Pennsylvania Department of Environmental Protection.

§ 250-18. Dumping; litter.
A. It shall be unlawful for any person to store, dump, discard, or deposit, or to permit the storage, dumping, discarding, or depositing of, any municipal waste or recyclables upon the surface of the ground or underground within the Borough, except in proper containers for purposes of storage or collection, and except where the waste or recyclables are of such size or shape as not to permit their being placed in such containers. It shall be unlawful for any person to dump or deposit any municipal waste or recyclables in any stream or body of water, or on or near any public or private right-of-way within the Borough.
B. Every owner of property or occupant thereof responsible for such property's day-to-day operation or maintenance shall pick up and discard in an appropriate receptacle any municipal waste, recyclables, or other debris deposited or accumulated on the sidewalk or gutter in front of or adjacent to such property. All owners or operators of commercial, industrial, institutional and municipal establishments in the Township shall take all reasonable precautions to prevent the deposition and accumulation of debris in front of their premises, and in furtherance of that end, may place appropriate waste containers on the sidewalks in front of or adjacent to their premises at a point which will not create a hazard to traffic or pedestrians. Any such receptacles so placed shall be emptied on a regular basis and maintained in a neat and clean appearance.

The Borough's Public Works Officer shall be designated as the Recycling Coordinator who shall be responsible for providing information on the type and amount of recycled material, reporting the performance of the Recycling Program and providing such other information as may be required by resolution of the Norwood Borough Council.

§ 250-20. Enforcement program.

A. The Borough Code Enforcement Officer shall complete random inspections of residential, commercial, municipal and institutional establishments to ensure compliance with his article.

B. The Borough Code Enforcement Officer will receive complaints regarding violations to this article. Any person violating a provision of this article or a regulation pursuant thereto shall be given a written notice thereof from the Code Enforcement Officer. Said notice shall give the person a period of seven days to comply with the provisions of said ordinance or said regulations. If, after receipt of such notice, the person continues to violate the provisions of said ordinance or said regulations, said person shall be prosecuted as provided below in § 250-27.

§ 250-21. Violations and penalties.

A. Any person who shall violate any provision of this article shall, upon conviction thereof, be sentenced to pay a fine of not more than $1,000 and not less than $25 and costs of prosecution or, in default of payment of such fine and costs, to undergo imprisonment for not more than 30 days.

B. Any person who shall collect, receive, transfer, transport or take recyclable solid waste from the collection point of a residence without first having obtained proper written permission from the Borough to make such collection shall be guilty of a summary offense and shall, upon conviction thereof, be sentenced to pay a fine of not more than $1,000 and not less than $25 and costs of prosecution or, in default of payment of such fine and costs, to undergo imprisonment for not more than 30 days.
Chapter 260

STREETS AND SIDEWALKS

[HISTORY: Adopted by the Borough Council of the Borough of Norwood as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Sewers — See Ch. 238.
Signs and billboards — See Ch. 244.
Trees — See Ch. 282.
Vehicles and traffic — See Ch. 290.

ARTICLE I

Earth Removal

[Adopted 12-31-1894 by Ord. No. 13 (Ch. 76, Art. IV, of the 1967 Codification)]

§ 260-1. Permit required.

No person shall remove any earth from any public street or alley within said Borough without first obtaining a permit therefor from the Highway Committee, upon such terms and conditions as said Committee may prescribe.


If any person shall remove any earth from any public street or alley as aforesaid without first obtaining such permit or without complying with such terms and conditions as may be prescribed by said Highway Committee, he shall be punishable, upon conviction, as indicated in Chapter 1, General Provisions, Article I, General Penalty, of this Code.

ARTICLE II

Driving on Sidewalks; Driveway Construction

[Adopted 2-14-1896 by Ord. No. 23 (Ch. 76, Art. V, of the 1967 Codification)]

§ 260-3. Driving of vehicle or animal on sidewalk.

No person shall drive any carriage or wagon or any horse, mule, cow or ox or other animal on, along or across any sidewalk constructed on any public street within the Borough of Norwood.

§ 260-4. Driveway construction: permits, requirements.

No driveway shall be constructed across any sidewalk in the Borough of Norwood unless a permit therefor shall first have been obtained from the Highway Committee, specifying the location, width and construction thereof. No such driveway shall be more than 10 feet in width. Every such driveway shall be properly graded, as directed by the Highway Committee, and shall either be paved with stone blocks or shall be constructed of broken stones, gravel or cinders, properly covered with crushed stone (not less than three-fourths-inch stone to be used), and maintained in such condition as to afford a safe and convenient way for foot passengers.

Any person or persons violating the provisions of this article shall be punishable, upon conviction, as indicated in Chapter 1, General Provisions, Article I, General Penalty, of this Code.

ARTICLE III
Grading, Paving, Repaving and Repairing
[Adopted 5-14-1914 by Ord. No. 164; amended in its entirety 7-12-1961 by Ord. No. 418 (Ch. 76, Art. I, of the 1967 Codification)]

§ 260-6. Paving and construction: duty of owners; time for compliance.

From and after the passage of this article, every person owning ground fronting or abutting upon any street in said Borough which is or shall be brought to the established grade, shall grade and pave the sidewalk in front of or adjoining such ground, and construct curbs and gutters at the edge of sidewalks, in accordance with the provisions of this article and with the established lines and grades to be furnished by the Borough Engineer, within 30 days after receiving the notice provided for in § 260-9 of this article or after service of such notice as hereinafter provided.

§ 260-7. Sidewalk maintenance.

It shall be the duty of all owners of ground fronting or abutting on any street in the Borough of Norwood to keep their sidewalks in good repair and passable condition, whether such sidewalks are at the established grade or not, and when notified to do so they shall make all necessary repairs within 30 days after receipt of a notice as is required by § 260-9 of this article, or after the service of such notice as hereinafter provided. When sidewalks are in dangerous condition, they shall be temporarily repaired and rendered safe within 24 hours after the receipt of a notice to that effect or after the service of such a notice, served as hereinafter provided, which notice shall be signed by any member of the Highway Committee of said Council, and on failure of the owner or owners to comply with the notice, said Committee shall have the necessary temporary repairs made, and the proper Borough authorities shall collect the cost of the work and materials from the owner or owners of such ground as such claims are by law recoverable.

§ 260-8. Correction to proper line or grade.

When any street is or shall be brought to the established grade, and it is found that the sidewalks, curbs or gutters already constructed do not conform to the established grade or width or with the requirements of this article, it shall be the duty of the owner or owners of the ground fronting or abutting on such sidewalks to repave or correct such sidewalks, curbs and gutters in accordance with the proper lines and grades and with the provisions of this article, within 30 days after the receipt of a notice to that effect or after the service of such notice served as hereinafter provided.


All notices directing and requiring the grading, paving, correcting or repairing of sidewalks, or the construction, correcting or repairing of curbs and gutters at the edge of the sidewalks, shall be printed or written, and shall specify the width to be paved and the location of such proposed sidewalk, and shall be served upon the owner of ground and premises to which such notice
refers, if said owner is a resident of said Borough, and if said owner is not a resident of the Borough of Norwood, then said notice shall be served upon the agent or tenant of said owner or upon the occupant of said ground and premises. If said owner has no agent or tenant, or there be no occupant of said ground and premises, then by printed or written notice tacked upon the premises. Said notice shall be given at the direction of Council.

§ 260-10. Specifications.

All gutters shall be of concrete, six inches in depth, and must conform to the same specifications as sidewalks.

A. Stone curbing; granite curb. Stone curbing shall consist of approved first-quality granite having a width at the top of four inches, and the bottom shall be not less than two inches wider than the top. The top surface shall be pointed straight. The face shall be dressed and the ends cut square to a depth of not less than six inches below the top. The top and dressed face shall be free from depressions, projections or other irregularities and defects. The curb shall be 16 inches in depth, and have a minimum length of four feet.

1. Excavation shall be made to the required depth, and the subgrade or base upon which the curb is to be set shall be compacted to a firm, even surface.

2. The curb shall be set on edge, and the top shall conform to the lines and grades given. The bottom of the curb shall be supported at all joints by concrete chairs.

3. The joints in granite curb shall not exceed 1/4 of an inch for a depth of six inches.

4. All joints shall be pointed and made watertight from the base to the top of the curbing with a still mortar composed of one part cement and two parts sand.

B. Sidewalks. All sidewalks shall be constructed of concrete, one course in depth. The concrete shall be constructed on a prepared subgrade in one course and shall be four inches in depth except at driveways, which shall be six inches.

1. Grade. The forms shall be set to a grade having a rise of 1/4 of an inch to the foot above and at right angles to the top of the curb.

2. Forms. Outside forms shall be of wood or metal of the depth of the concrete, straight, free from warp and of sufficient strength when staked to resist the pressure of the concrete without springing. If of wood, they shall be of two inches approved section, or if of metal, they shall be of approved section and shall have a flat surface on top of no less than 1 3/4 inches. The forms shall be joined neatly and tightly and staked securely to line and grade and shall be cleaned thoroughly and greased or scraped before any concrete is placed against them.

3. Joint filler. The filler to be used in the transverse joints in the pavement shall consist of an approved prepared tar or asphalt filler having a thickness of 1/2 inch and a depth of not less than one inch more than the depth of the pavement.

4. Excavations.

   a. Excavations shall be made in the proper dimensions and elevations, making
necessary allowance for forms and other operations required to complete the concrete work.

(b) All soft and spongy material shall be removed and replaced with suitable firm material, which shall be compacted to conform in contour and firmness to the surrounding subgrade material.

(5) Materials.

(a) Coarse aggregate. Coarse aggregate shall consist of washed, graded gravel or crushed stone, having clean, hard, strong, durable and uncoated particles. Coarse aggregate shall range in size from fine to coarse in accordance with Pennsylvania State Department of Highways Specification No. 2.

(b) Fine aggregate. All sand shall be washed and screened material and shall consist of approved inert graded particles having clean, hard, strong, durable, uncoated grains. Deleterious materials shall not exceed quantities specified by ASTM Standard designation C 33. Fine aggregate for concrete work shall be properly graded from fine to coarse in accordance with the following requirements:

<table>
<thead>
<tr>
<th>Mesh Size (inches)</th>
<th>Percent Passing</th>
</tr>
</thead>
<tbody>
<tr>
<td>3/8</td>
<td>100</td>
</tr>
<tr>
<td>4</td>
<td>94 to 100</td>
</tr>
<tr>
<td>8</td>
<td>80 to 90</td>
</tr>
<tr>
<td>10</td>
<td>77 to 88</td>
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<tr>
<td>16</td>
<td>65 to 80</td>
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<tr>
<td>20</td>
<td>55 to 70</td>
</tr>
<tr>
<td>50</td>
<td>10 to 22</td>
</tr>
<tr>
<td>100</td>
<td>0 to 07</td>
</tr>
</tbody>
</table>

(6) Expansion joints.

(a) Expansion joints shall be placed approximately 24 feet apart and shall be formed during the placing of the concrete by securely staking an iron bulkhead on lines specified for slab joints.

(b) The prepared joint filler shall be placed against the bulkhead before the concrete is deposited against it.

(7) Slab joints. The slabs or scored divided blocks shall have an area of 16 square feet. The block divisions shall extend 1/2 inch deep in the thickness of the slab. They shall be made in a straight line at right angles to the edges of the slab on tangent, and on radial lines where the pavement is laid on a curve.

(8) Measuring.

(a) All materials shall be accurately measured by weight. The cement shall be measured as packed by the manufacturer, a sack containing not less than 94 pounds being considered one cubic foot. Fine and coarse aggregate shall be measured loose.
(b) The contractor shall furnish and use an approved water-measuring and
discharging device, also boxes of such dimensions as will give, when filled and
struck, the exact volume of aggregate required for the concrete specified.

(9) Mixing.

(a) All concrete shall be mixed in a batch mixed of approved type. The volume of
the mixed material used per batch shall not exceed the manufacturer's rated
capacity of the drum, in cubic feet of mixed material. Only enough concrete
shall be mixed that will be placed within 45 minutes.

(b) The ingredients of the concrete shall be mixed to the specified consistency. No
materials shall be permitted to enter the drums until all the preceding batch has
been discharged. The time of mixing shall be from the time all materials,
including the water, are in the mixer and before any part of the batch is
discharged. The time of mixing shall be not less than 1 1/4 minutes. No concrete
shall be mixed while the air temperature is at or below 35° F.

(10) Proportioning and mixing. Water-cement ratios and approximate proportions of
aggregate for medium consistency normal portland cement concrete:

<table>
<thead>
<tr>
<th>Compressive Strength at 28 Days</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Design pounds per square inch</strong></td>
</tr>
<tr>
<td><strong>Minimum laboratory test pounds per</strong></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td><strong>Water cement ratio by Volume</strong></td>
</tr>
<tr>
<td><strong>Approximate bags cement per cubic yard</strong></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td><strong>Gallon per</strong></td>
</tr>
</tbody>
</table>

(a) Approximate proportions of cement to surface dry aggregates by volume (sum
of fine and coarse aggregate measured separately): one to six.

(b) The approximate proportions in the above table are for concrete of medium
consistency (five-inch slump), and the quantities of cement should be changed
for different consistencies, adding approximately 1/8 bag for each one-inch
slump greater than five inches.

(c) All concrete covered by this specification shall develop at 28 days a
compressive strength as above specified.

(11) Retempering. Retempering of concrete which has partially hardened; that is, remixing
with additional water, shall not be permitted.

(12) Placing and finishing.

(a) Concrete shall be placed immediately after mixing. It shall be tamped and
struck off with a template and shall be floated with a wooden float until the
surface has a true contour. Care shall be taken to not bring to the surface an
excess of water and fine sand by overfinishing.

(b) All joints shall be edged to a radius of 1/8 of an inch. The surface edges of each
slab shall be rounded to a radius of about 1/4 of an inch.

(13) Protection. The finished pavement shall be protected from the hot sun, rain, high
winds, frost and trespassers for at least 72 hours after the concrete is placed, and as
much longer thereafter as may be required. This must be accomplished by the use of
membrane curing compound sprayed on the surface after the sheen has disappeared,
or continuously moist burlap or sisal kraft paper. If membrane curing compound is
used, a white dye must be incorporated with it.

C. Curbs.

(1) The specifications for curbing shall conform to the specifications for sidewalk except
as herein provided.

(a) All curbing shall be 18 inches in depth, six inches in width at the top and eight
inches in width at the bottom.

(b) All curbing shall have a batten of one inch from the top of the curbing to the
surface of the gutter.

(2) Forming joints.

(a) The curbing shall be constructed in uniform lengths or sections of 10 feet,
extcept where shorter sections are necessary for closures, but no section shall be
less than four feet.

(b) These sections shall be separated by sheet-steel templates set perpendicular to
the face and top of the curbing. These templates shall be 1/8 of an inch in
thickness of the width of the curbing, and not less than two inches longer than
the depth of the curbing. The templates shall be set carefully during the placing
of concrete and allowed to remain in place wherever possible until the concrete
has set sufficiently to hold its shape, but shall be removed while the forms are
still in place.

(3) Expansion joints. Expansion joints shall be placed approximately 50 feet apart. They
shall be 1/2 inch in width and composed of a suitable material that will not become
soft and run in hot weather or become brittle in cold weather.

(4) Finishing. The curbing shall be spaded sufficiently to obtain a smooth, even finish.
The edge of the face shall be rounded to a radius of not more than 3/4 of an inch
while the concrete is still soft. The forms shall be removed within 24 hours after the
concrete has been placed. Minor defects shall be filled with mortar, composed of one
part of portland cement and two parts of fine aggregate, which shall be applied with a
wooden float. Plastering shall not be permitted. The top and face of the curbing from
the top to eight inches below the top shall be finished while the concrete is still green
by frequently wetting a soft brick or a wood block and rubbing the surface until it is
smooth. After the concrete has been rubbed smooth, it shall be rubbed again until a uniform color is produced, using in place of water a thin groat composed of one part of portland cement and one part of approved sand.

(5) Refilling. After the concrete has set sufficiently, the spaces in front and back of the curbing shall be refilled to the required elevation with suitable material, which shall be tamped in layers of not more than six inches until firm and solid. All excess materials must be hauled away and the work left neat and clean.


No sidewalk shall be constructed or reconstructed or any grading, paving or repaving done to the same, and no gutters or curbs shall be constructed or corrected, until the owner or owners of the ground or the person having charge of the work shall first have obtained a permit for the same from the Borough Secretary. The permit shall have printed or written thereon or attached thereto a copy of this article, and shall be placed by the party applying for the same in the hands of the Borough Engineer or Building Inspector, who shall furnish said persons with the established lines and grades, for which services he shall receive his proper charge from the party applying for the same. When the work set forth in said permit has been fully completed, a certificate that the work has been properly done, and the plans, regulations, requirements and ordinances of said Borough complied with, shall be procured from the Borough Engineer or Building Inspector by the party applying for the above-mentioned permit, and endorsed on the permit, and returned to said Borough Secretary; provided that if, in the judgment of the Borough Engineer or Building Inspector, such construction or reconstruction, grading, paving, repairing or repaving of any sidewalk shall be inexpedient or dangerous because of the existing grade of the street or the contiguous sidewalk, such permit shall not issue, or if issued, shall be canceled by the Borough Engineer or Building Inspector, and the cost thereof returned to the applicant. The cost of each permit shall be as set from time to time by resolution of the Borough Council, which shall be paid into the Borough treasury for the use of said Borough. No permit shall be valid after 60 days from date of issue.

§ 260-12. Failure to comply: work done by Borough; lien.

If any person or persons shall neglect or refuse to grade, pave, repave or repair any sidewalk or to construct, correct or repair any curb or gutter or to keep same in repair pursuant to notice given as above mentioned, for the space of 30 days after the receipt of a notice as required by this article, or service thereof, the same as hereinbefore provided, said Borough Council shall forthwith cause such grading, paving, repaving and repairing of sidewalks and such construction, correcting and repairing of curbs and gutters to be done by contract, and the proper Borough authorities shall collect the cost of the same from the owner or owners of such ground, as such claims are by law recoverable. All sidewalks laid or curbing, paving or guttering done by Borough authorities under this article shall be paid for by said owner or owners, and the proper Borough authorities shall collect the cost of same, and in addition may collect a penalty of 10% from the owner or owners of such property by action in assumpsit or by filing a municipal lien against the property.

1. Editor’s Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

Whenever any sidewalk, curbs or gutters shall be out of repair, like proceedings shall be, in all respects, and like recovery of the cost of such repairs shall be had from the owner or owners of such ground abutting thereon, as is hereinbefore provided for, in the case of grading, paving, repaving, repairing, curbing and guttering.


It shall not be lawful for the owner or owners of any property to place, allow or maintain any encroachment upon the sidewalk fronting or abutting upon such property, such as a porch extension, steps, railings, fences, hedges or excavations for a basement, cellar windows or cellar doors, unless provided with protecting grating, or to place or allow any awning, sign or branches of trees at less than a clear height of nine feet above any sidewalk, provided that, in case of young trees, the branches thereof under nine feet shall be permitted to extend over the sidewalk to a distance of not more than three feet from either the building line or the curbline.


A. No real estate within the Borough of Norwood shall or may be sold, transferred or otherwise disposed of while in violation of the terms and conditions of this article.

B. At least 45 days prior to the proposed sale, transfer or other disposition of real estate within the Borough of Norwood, the seller/sellers and/or their agent shall make written application to the Borough of Norwood for a written certification that the sidewalks on or abutting the property in question, and which are included on the deed description of the property in question, are in conformity with all of the terms and conditions of the other sections of this article concerning streets and sidewalks.

C. At the time of the making of this written application, the seller/sellers and/or their agent shall pay to the Borough a sum in an amount as set from time to time by resolution of the Borough Council, which fee shall be for the following services:

1. A portion of such sum to the Borough of Norwood as the application and processing fee.

2. A portion of such sum to be paid to the Building Inspector of the Borough of Norwood, by the Borough of Norwood, for an initial inspection by said Building Inspector of the property in question, to determine whether or not any repairs, replacements or other alterations are necessary to the sidewalks in question in order for the above-mentioned certification to be issued. Should the Building Inspector inform the seller/sellers and/or their agent that any repairs are necessary, then this same twenty-five-dollar fee shall cover the reinspection by the Building Inspector after the repairs have been completed. If more than one reinspection is necessary, then the seller/sellers and/or their agent shall pay to the Borough of Norwood, for the use of the Building Inspector, an additional sum in such amount as set from time to time by resolution of the Borough Council shall be required for each reinspection.

Editor’s Note: Amended at time of adoption of Code (see Ch. I, General Provisions, Art. II).
after the initial reinspection.

§ 260-16. **Violations and penalties.** [Amended 8-22-1988 by Ord. No. 2-88]

Any person or persons violating the provisions of this article shall be punishable, upon conviction, as indicated in Chapter 1, General Provisions, Article I, General Penalty, of this Code.

**ARTICLE IV**

**Opening of State Highways**

[Adopted 3-1-1932 by Ord. No. 249 (Ch. 76, Art. III, of the 1967 Codification)]

§ 260-17. **Issuance of permits.**

From and after the passage of this article, the Department of Highways of the Commonwealth of Pennsylvania shall be and said Department is given exclusive authority to grant all permits for the opening or tearing up of any part of the improved surface of those certain Borough streets or parts thereof which are continuations of state highway routes in the Borough, and for the maintenance of which the Department of Highways is by law responsible.

§ 260-18. **Fees.**

Fees for the granting of such permits may be charged by the Department of Highways of the Commonwealth of Pennsylvania, according to the standard schedule of fees which may from time to time be adopted.


Any person, firm or corporation opening or tearing up the improved surface of any of the aforesaid streets, or causing or allowing the same to be done for him, them or it, without having first obtained a permit from the Department of Highways of the Commonwealth of Pennsylvania, shall be punishable, upon conviction, as indicated in Chapter 1, General Provisions, Article I, General Penalty, of this Code and, in addition thereto, the costs of prosecution and the surface restoration costs.

§ 260-20. **Disposition of fines and restoration charges.**

All fines and restoration charges collected for the violation of this article shall be paid into the state treasury as provided by law.

**ARTICLE V**

**Brush, Grass and Weeds; Snow and Ice Removal**

[Adopted 7-2-1935 by Ord. No. 263 (Ch. 74 of the 1967 Codification)]

§ 260-21. **Prohibited acts.**

It shall be unlawful for any person, firm or corporation owning or having any interest in any real estate in the Borough of Norwood, either directly or indirectly, to do any of the following acts:

A. To permit weeds and similar vegetation not edible or planted for some useful or ornamental
purpose to grow or remain in excess of six inches on the premises owned by it in the Borough of Norwood, and all such vegetation is hereby declared to be a nuisance and detrimental to the health, safety and comfort of the inhabitants of the Borough. [Amended 7-25-2005 by Ord. No. 2005-11]

B. To permit or cause the casting or throwing in and upon the roadway of any street or alley of said Borough of Norwood any rubbish, ashes, grass, weeds, etc., cut or removed from its said premises.

C. To suffer or permit snow or ice to remain more than 24 hours after the snow may cease to fall on any of the sidewalks of the Borough in front of or adjoining any property located in said Borough; the occupant of said premises, if occupied, or the owner thereof, if premises are unoccupied, shall be liable for a fine and penalty hereinafter presented for such an offense. [Amended 1-11-1961 by Ord. No. 409]

§ 260-22. Failure to comply: lien for cost of Borough work.

All weeds or other vegetation permitted to grow or remain on premises contrary to the provisions of this article shall be cut and removed by, and all snow or ice permitted to remain contrary to the provisions of this article shall be removed by or at the direction of, the President of Council, Borough Engineer or any other person designated by Borough Council, and the cost thereof, together with the penalty required by law, shall be collected by lien or by action in assumpsit or any such other manner as may be provided by law.


Any person or persons violations the provisions of this article shall be punishable, upon conviction, as indicated in Chapter 1, General Provisions, Article I, General Penalty, of this Code, and it is hereby declared that each refusal or neglect to comply with the terms of this article shall be considered a separate violation thereof, and notice to the offender by the Borough shall not be necessary in order to constitute an offense.

ARTICLE VI
Street Openings
[Adopted 2-8-1946 by Ord. No. 297 (Ch. 76, Art. II, of the 1967 Codification)]


No person, partnership, association or corporation shall construct, open or dedicate any road, street, lane or alley, or any sewer or drainage facilities in connection therewith, for public use or travel in the Borough of Norwood, without first submitting the plans to the Borough Council for its approval, and no road, street, lane or alley, nor sewer or drainage facilities in connection therewith, shall be opened, laid or constructed except in strict accordance with plans approved by

3. Editor’s Note: This ordinance also provided that no permit fee paid under this ordinance shall be considered to be in lieu of any annual license fee or building permit fee that may be required to be paid, or which may, at any time, be required to be paid by the ordinances of the Borough of Norwood.

4. Editor’s Note: Amended at time of adoption of Code (see Ch. I, General Provisions, Art. II).
the Borough Council. Any applicant for a permit to open or excavate in any street, highway, alley, paved or nonpaved right-of-way area, or sidewalk area, shall pay, before the issuance of a permit for opening or excavations, a permit application fee for openings or trenches not exceeding 50 feet in length and, in addition thereto, an additional fee for each additional 100 feet or fraction thereof, both of which shall be as set from time to time by resolution of the Borough Council.

§ 260-25. Contents of plans to be filed. [Amended 7-22-1953 by Ord. No. 336]

Such plans shall show the profiles of such roads, streets, lanes or alleys, the course, structure and capacity of any drainage facilities, the method of drainage of the adjacent or contiguous territory and drainage profile of the streets and plan showing drainage of the whole property; and the size of the lots, which shall conform with the Zoning Ordinance of the Borough. All roads and streets shall be of a width of not less than 50 feet, the cartway shall not be less than 27 feet, and all roads and streets connecting with existing streets so as to form a continuation or extension thereof shall be not less in width than such existing roads and streets. All roads and streets where possible shall connect with existing roads and streets, or proposed roads and streets shown on the Borough Plan, so as to form as near as possible through roads and streets and a harmonious and systematic development of the Borough. The names of the roads and streets shall not conflict with the names of existing roads and streets, and all roads and streets shall be designated by the names of existing roads and streets with which they connect as extensions thereof. The signs designating such streets shall be erected by the developer and shall be of a type and construction approved by Borough Council.


A. All such plans shall be filed with the Secretary of Borough Council at least 10 days prior to regular meeting of the Borough Council, at which it is desired to seek approval thereof. Before acting upon any such plans, the Borough Council may, in their discretion, arrange for a public hearing, after giving such notice as they may deem desirable in each case.

B. No such plans shall be approved by the Borough Council unless provision is made for off-street parking on the lots abutting the streets involved. [Added 12-12-1952 by Ord. No. 331]

§ 260-27. Reserved right of Council to alter plans.

The Borough Council reserves the right to alter such plans and to specify any changes or modifications of any kind which they may deem necessary with respect thereto, and to make their approval of such plans subject to any such alterations, changes or modifications.


Any and all plans, when so approved, shall be signed on behalf of the Borough by the President of Borough Council, and shall be filed in the office of the Secretary of the Borough, where the same shall be available to public inspection.

§ 260-29. Recording.
The action of the Borough Council in approving any such plans, and such plans, shall be recorded by the person applying for such approval, in company with the Borough Solicitor, in the office of the Recorder of Deeds of Delaware County, Pennsylvania.

§ 260-30. Paving; curbs and sidewalks. [Amended 5-22-1995 by Ord. No. 95-3]

A. All roads, streets, lanes and alleys shown on said plan shall be improved by the paving of the cartway with six-inch concrete bases with two-inch wearing surfaces of bituminous concrete, by the construction of curbs and by the laying of sidewalks all in accordance with the plans and specifications prescribed by the Highway Committee of Borough Council and approved by Borough Council, and from time to time altered, supplemented or changed.

B. All backfilling shall be x2 RC; topped by six inches by 3,500 PSI concrete; topped by two inches ID2 wearing course.

C. Trench must be securely covered with one-half-inch steel plate to allow uninhibited traffic flow until the final restoration is completed.

D. All work and materials shall be in accordance with PennDot specifications, Form 408, as amended.


All sewers, sewer laterals and sewer connections shall be laid on all improved streets before paving where connection with the Borough sewers is practicable, and shall be required by the Borough Council, and all gas and water mains and all service connections shall be laid before the paving of the streets where water and gas is available, and all other mains, pipes and conduits and the like shall be installed before paving of the cartway where it is proposed to install any such service mains in the streets.

§ 260-32. Fee for sewers. 5

There shall be paid to the Borough by the owners of the tract upon which sewers are constructed such sum per foot as shall be set from time to time by resolution of the Borough Council for each foot of sanitary sewer built in any existing or proposed road, as a contribution towards the cost of the outfall sewers of the Borough.

§ 260-33. Applications; bond.

All applications for the approval of such plans shall be in writing on a blank form to be furnished for that purpose by the Borough Council, and signed by the owners of the property, which must be filed with the Secretary of the Borough, setting forth in detail the character of the improvements to be made on the property shown on said plan, in accordance with the provisions of this article; and in such application the applicant shall agree to open, lay out and improve the roads, streets, lanes or alleys, and to construct all of the improvements, including sewers and drainage facilities, upon the property shown on the plan, within the time or times therein specified and agree to enter into a contract in writing with the Borough, in form prescribed by the

5. Editor’s Note: Amended at time of adoption of Code (see Ch. I, General Provisions, Art. II).
Borough Solicitor, to install, erect and construct said improvements. In addition, the applicant shall furnish a certificate of a reputable title insurance company, satisfactory to Borough Council, which, as of the date of approval, shall set forth the name or names of the owner or owners of all property covered by such plans, and shall show and shall contain a list of all mortgages, judgments, liens, easements, contracts and agreements of record in the office of the Recorder of Deeds in and for Delaware County, Pennsylvania, which shall affect the property covered by such plans. If said certificate of a title insurance company shall disclose that any such property shall be subject to any mortgage, judgment, easement, lien, contract or agreement or other matters of record, then at the option of the Borough Council the holders or owners of such mortgages, judgments, liens, easements, contracts or agreements shall be required to join in and approve said application before the same shall be acted upon by the Borough Council. The applicant shall furnish a bond in such amount, under such conditions and form and with such surety as shall be approved by the Borough Council to guarantee the performance of said contract and to secure the completion of said improvements within the times therein specified. In lieu of a bond, the applicant may deposit cash to guarantee performances of said contract and to secure completion of the improvements upon an escrow agreement to be prepared by the Borough Solicitor and approved by the Borough Council. The escrow agent for the deposits of such cash shall be designated and selected by the Borough Council.


Before any permittee obtains a permit for the opening of a Borough street, the Borough Foreman shall measure the proposed street opening, and the same shall be marked upon the permit to be issued. The permittee shall deposit with the Borough a sum which shall be retained by the Borough for the satisfactory completion and restoration of said street opening in accordance with the Borough specifications. The sum shall be at the rate of $50 per square yard. In the event that the Borough is required to resurface or restore the road, said sum shall be used for said completion and restoration. Upon the satisfactory completion of the street opening and the resurfacing thereof, the money so collected shall be returned to the permittee, less any fees and charges due to the Borough. In the event that fees and charges due to the Borough exceed the sum deposited by the permittee with the Borough, then the permittee shall remit to the Borough, within 30 days from the date of completion of the street opening and the resurfacing, the sum necessary to satisfy the additional fees and charges due to the Borough. During the period that the street is opened, and until final inspection, the permittee is solely responsible for the excavation and any damage which may result therefrom. Said permittee shall comply with all regulations of the Borough and shall perform all work in accordance with Borough specifications, which shall include but not be limited to the following: The street to be cut out shall be opened to one foot on all sides of the excavation and shall be replaced with a minimum of eight-inch-high early-strength concrete. After the concrete has cured, a tack coat of bituminous material shall be applied. After the tack coat has cured, a two-inch thickness of ID-2A wearing course shall be placed upon the excavated area, and all seams shall be sealed with a bituminous sealer material. If the trench excavation exceeds four feet in width, No. 6 reinforcing bars, placed at a six-inch center to center with a two-inch clearance on each end and a three-inch clearance on the bottom, must be installed in the concrete base course. Any such openings must be completely restored within 30 days from the issuance of the permit. In the event that the excavation requires further repairs within 12 months of completion of the street
opening, the permittee agrees to be solely responsible for the cost of all said repairs. If the Borough is required to make the necessary repairs to the street opening and resurfacing, then, the permittee agrees to reimburse to the Borough the costs of such repairs incurred by the Borough including all fees and charges relating thereto. In the event that there is any inconsistency with any other ordinance or regulation of the Borough, this section shall apply and supersede any such other ordinance or regulation.

Any person or persons violations the provisions of this article shall be punishable, upon conviction, as indicated in Chapter 1, General Provisions, Article I, General Penalty, of this Code.

ARTICLE VII
Driveway Aprons
[Adopted 12-18-2000 by Ord. No. 2000-8 (Ch. 76, Art. VI, of the 1967 Codification)]

§ 260-36. Applicability; definition.
With regards to all standards concerning necessity, construction, repair and maintenance of sidewalks within the Borough of Norwood, the term "sidewalk" shall also include the area commonly known as the "driveway apron," which is defined as that area between the outermost line of the lateral sidewalk and the public highway, whether level or inclined/declined.

Said driveway apron shall be constructed of cement; however, any presently existing driveway apron which is constructed of a material other than cement need not be replaced with cement except under the following conditions:
A. When the present driveway apron is deemed to be out of compliance with the Borough Code concerning condition of sidewalks; and/or
B. When the real estate in question is being sold, transferred or otherwise disposed of.

From the date of adoption of this article, all such driveway aprons shall be required to meet the same standards as sidewalks, including the requirement to be in good repair at all times, and the requirement that any necessary repairs and/or replacements be performed prior to transfer, sale or other disposition of the real estate.
Chapter 264

SWIMMING POOLS


GENERAL REFERENCES

Building codes — See Ch. 105.
Uniform construction codes — See Ch. 126.
Fences — See Ch. 154.
Plumbing; oil burners — See Ch. 225.
Zoning — See Ch. 300.

§ 264-1. Definitions.

Unless otherwise expressly stated, the following words shall, for the purpose of this chapter, have the meaning herein indicated:

FENCE — An enclosure. Such an enclosure shall be at least four feet in height, constructed of masonry, wood or metal with apertures no larger than three inches equipped with a self-closing gate and complete with a key-operated lock.

FRONT YARD — The area of a lot lying between the street and the residence setback line extending across the full width of the lot and/or depth of a corner lot.

PERSON — Any person, copartnership, association, firm or corporation.

PRIVATE SWIMMING POOL or POOL — Any body of water, tank or receptacle for water, whether artificially constructed or semiartificially constructed, used or intended to be used for swimming or bathing solely by the owner, operator or lessee thereof and his family and by guests invited to use it without payment of any fee, and constructed, installed, established or maintained outside any building in or aboveground upon any premises, as an accessory use to the residence. Portable wading pools under two feet in depth are excluded herefrom.

WADING POOL — Any artificially pool not designated or used for swimming with a maximum depth of less than two feet.

§ 264-2. Permit required.

It shall be unlawful for any person to construct, erect, install, establish or maintain, or alter, remodel, reconstruct or otherwise improve a private swimming pool as herein defined, without having obtained a permit therefore as prescribed in § 264-3 herein. This chapter shall apply to all new outdoor swimming pools hereinafter constructed, as well as existing swimming pools whether aboveground or in the ground and having a depth of 24 inches or more at any one point. However, no permit shall be required for a pool of the portable type with a maximum depth of less than two feet. No part of the work referred to hereinabove shall be commenced until
approval has been granted the applicant by a written permit.

§ 264-3. Application for permits.

Application for permits shall be submitted to the Borough Building Inspector accompanied with two sets of plans and specifications setting forth the details, area and depth of the proposed construction and all of its parts, together with a plot plan showing the location of the buildings on the lot, the fencing, both existing and planned, and the height and aperture dimensions thereof, and all open spaces required by this chapter, drawn to scale and dimensioned. All plans are required to include a detail as to future surface water flow, including, but not limited to indications as to flow direction, discharge of water and management of the retention of water on the applicant's property where the pool is to be constructed, and compliance with any and all related ordinances regarding overall coverage.

A. Applications shall be made on forms supplied by the Borough Building Inspector, and the fees for the permits shall be based on the estimated cost of construction as set from time to time by resolution of the Borough Council.¹

B. All plans submitted to the Borough Building Inspector, including a plot plan, shall bear the name and seal of a registered architect, engineer or surveyor. Notwithstanding the aforesaid, standard pools, properly designed by established swimming pool companies and having the approval of a registered engineer or architect, shall be acceptable when accompanied by suitable plans and specifications, including all of the required information as set forth herein, and in related sections of all other relevant chapters of the Norwood Borough Code. Plans submitted shall show, in addition to the information set forth in Subsection A hereof, distances to all property lines in the immediate vicinity of the swimming pool and dwelling and the location of any wells, sewage disposal systems and proposed enclosure or fence around the proposed pool.

C. Upon approval of plans and specifications by the Building Inspector, one set of each so marked will be returned to the applicant and must be kept on the site with the permit and be available at all times to the Building Inspector or other officers of the Borough. No change in the plans and specifications shall be made without the prior notification to and approval by the Building Inspector.

§ 264-4. Approval of plot plan, plans and specification.

The Building Inspector shall make such determinations of the plans and specifications submitted to assure the compliance with all requirements of this chapter, the Building Code,² the Chapter 300, Zoning, of the Borough of Norwood and any all other applicable ordinances of the Borough of Norwood. In the event that the cost of construction, erection, installation, alteration or remodeling shall exceed the sum of $10,000, the Building Inspector shall submit the plans to the Norwood Borough Planning Commission for its review, advice and consent to the extent authorized by the Borough Code and the related statutes of the Commonwealth of Pennsylvania.

¹ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).
² Editor's Note: See Ch. 105, Building Codes, and Ch. 126, Construction Codes, Uniform.
A. After investigation and upon such advise of the Borough Engineers, Building Inspector and Borough Planning Commission, if required, the Building Inspector shall issue the permit.

§ 264-5. Construction and design requirements.

No permit to construct a new swimming pool issued subsequent to the effective date of this chapter shall be issued unless and until the following design and construction requirements are observed.

A. Material. The material used for lining a swimming pool shall be light in color, impervious and shall provide a tight tank with easily cleaned surfaces. Sand or dirt bottoms are prohibited if uncovered.

B. Walls and bottom. All pool walls and bottoms shall be designed to withstand water pressure from within and to resist the pressure of earth or groundwater when the pool is empty.

C. Footings. Footings shall be provided to adequately carry the proposed structure. If concrete blocks are used in construction, they must be laid with masonry wall reinforcement (Durowall or equal) every second course of blocks. There must be a minimum footing under block walls and poured concrete walls of eight inches by 14 inches, with two reinforcing rods 3/8 inch in diameter.

D. Makeup water. Pools shall be equipped with suitable facilities for adding makeup water as required. There shall be no physical connection between the water supply line and the pool system. When makeup water is added to the pool, the inlet shall be at least six inches above the pool water surface.

E. Drainage outlet. No pool water shall be drained at the curb, along the gutter line of any street or on the surface of any street which would drain or discharge water into the public storm sewer or open stream. A pool drainage system may be connected to the public sanitary sewer system upon written approval of the Norwood Building Plumbing Inspector as provided in § 264-7.

F. Recirculation. Provision shall be made for complete circulation of the water throughout the pool. The system shall be designed and constructed so that a turnaround at least once every twelve-hour period shall be provided. Recirculation systems shall consist of pumping equipment, hair-and-lint catcher, filters, together with all necessary pipe connections to the pool inlets and outlets, facilities and pipe connections necessary for backwashing or cleaning filters.

G. Safety equipment. Life preservers, ropes and poles shall be readily available at the pool site.

H. Electrical connections. All electrical installations shall conform to the specifications of the National Electric Code and all Norwood Borough ordinances. No electrical wires or conductors shall cross, either overhead or underground, on any part of a swimming pool, nor shall any electrical wiring be installed parallel to any pool wall closer than five feet, if underground, unless enclosed in a rigid conduit, or within five feet, if overhead. All underwater lights must be watertight, self-contained units with ground connections running
from a waterproof junction box to a proper grounding facility or medium. All underground wires supplying current to said lights within a distance of five feet of the pool wall or walls shall be enclosed in rigid conduits. All metal fences, enclosures or railings, near or adjacent to a swimming pool, which might become electrically charged as a result of contact with broken overhead conductors, or from any other cause, shall be effectively grounded.

I. Construction and design shall be such that said swimming pools may be maintained and operated as to be clean and sanitary at all times.

J. The owner of every private pool shall be responsible to maintain said pool in such condition as to prevent breaks in the pool chassis and prevent water from the pool overflowing onto adjacent property.

§ 264-6. Water supply.

There shall be no physical connection between a public or private water supply system and any private swimming pool at a point below the maximum waterline of the pool or to a recirculating or heating system of said pool.

§ 264-7. Discharge of water.

The discharge of water from any private swimming pool into the sanitary sewer system shall be permitted only after a plumbing permit for the same has been issued in accordance with the existing Norwood Borough Plumbing Code or other applicable ordinances. Approval of an application shall not be given if it is feasible to discharge water from a pool onto the surrounding grass-covered ground upon the applicant's property which would not otherwise overflow onto any other adjacent property. Discharge of water into the sanitary sewer system is permissible upon permit and only if the discharge is metered and the cost per gallon is established by the Norwood Building Plumbing Inspector, and if the pool capacity and incidents of discharge is readily ascertainable and fixed as to the rate by the Plumbing Inspector, then, in such event, a meter will not be required.

A. Discharge control. Where approval is obtained to discharge water from a private swimming pool or wading pool into the sanitary sewer system, the owner, lessee or occupant of the premises on which a pool is located may discharge the water only at the time or times designated and allocated by the Plumbing Inspector and endorsed on the permit. The purpose of this requirement is to prevent a strain upon the sewer system by controlling and distributing the discharge of water. Water from said pools may not at any time be discharged as to allow it to flow onto any Borough street, alley or other thoroughfare of public use.

§ 264-8. Location.

Location on the property. No private swimming pool shall be located closer than provided herein to a property line nor eight feet to a cellar or basement, nor shall it be constructed in the front yard of any property. Accessory buildings such as locker rooms, bathhouses, cabanas, shower rooms, toilets and other facilities or equipment incident to the operation of any private swimming

3. Editor's Note: See Ch. 225, Plumbing; Oil Burners.
A. In the case of an in-ground swimming pool, no water, deck, sidewalk, apron, coping or other construction built above ground, affixed to and/or adjacent to the pool, shall be located closer than five feet from its edge to the property line.

B. In the case of an aboveground swimming pool, no water, deck, sidewalk, apron, coping or other construction built aboveground, affixed to and/or adjacent to the pool, shall be located closer than two feet from its edge to the property line.

C. No swimming pool shall be located as to interfere with the operation of a well or on-site septic system or to be located where there is potential danger of a septic system discharging into the pool or onto the adjacent area around the pool.


Every swimming pool except those less than two feet in depth shall be completely surrounded by a fence, wall or similar enclosure not less than four feet in height, which shall be so constructed as to have no openings, holes or gaps larger than three inches in any dimension. If the fence or wall is a picket fence, the horizontal dimensions maintained shall not exceed three inches. A dwelling or accessory building may be used as part of such enclosure.

A. Latching devices. All gates or door openings through such enclosure shall be equipped with a self-closing, self-latching device on the pool side for keeping the gate or door securely closed at all times when not in use, except that the door of any dwelling or accessory building which forms a part of the enclosure need not be so equipped. The fence shall surround the pool and the deck area. Each person maintaining a private swimming pool shall keep the gate closed and securely locked at all times when said pool is not in use by the person maintaining the same, his family or guests.

B. Portable pools. Aboveground pools are not subject to the fee schedules nor the design and requirements as set forth herein. However, all such pools having walls less than four feet shall be enclosed in accordance with the provisions of this chapter. Portable aboveground pools having walls four feet or greater in height may be excluded from the fencing requirements, provided such pools are equipped with access ladders which may be raised and locked in a near vertical position when the pool is unattended. An aboveground pool as described in this subsection which is served by a ladder or steps which cannot be raised and locked so as to prevent access by small children shall be enclosed in accordance with the provisions hereinabove.

C. Effective date. Within 30 days after the effective date of this chapter, any person maintaining a private swimming pool within the limits of the Borough of Norwood which has been constructed prior thereto shall erect a fence surrounding said pool in compliance with the terms of this chapter.

§ 264-10. Lighting.

No artificial lighting shall be maintained or operated in connection with private swimming pools in such a manner as to be a nuisance or an annoyance to neighboring properties, and shall be so
arranged and shaded so as to reflect light away from adjoining premises.

§ 264-11. Health requirements.

A. Every private swimming pool constructed, installed established or maintained in the Borough of Norwood shall at all times comply with any requirements of the local Board of Health. Any nuisance or hazard to health which may exist or develop in or in consequence of or in connection with any such private swimming pool shall be abated and removed by the owner, lessee or occupant of the premises on which said pool is located within 10 days of receipt of notice from the Building Inspector and the Health Officer of the Borough of Norwood. It shall be the duty of the Building Inspector and the Health Officer, respectively, to enforce the provisions of this chapter.

B. The Building Inspector and/or Health Officer or any of their assistants or deputies shall have the right to enter any premises or any buildings or other structure for the performance of their duties to ascertain compliance with this chapter.

C. No swimming pool shall be so located or maintained as to interfere unduly with the enjoyment of the property rights of others.

D. It shall be unlawful for any person to make, continue or cause to be made or continued at any swimming pool, any loud, unnecessary or unusual noise which disturbs, injures or endangers the comfort, health, peace or safety of others. The use or operation of any radio, musical instrument, phonograph, recording equipment or other machine or device for the producing or reproducing of sound in such a manner as to disturb the peace, quiet and comfort of neighboring inhabitants or at any time with volume louder than is necessary for convenient hearing of persons at the swimming pool site shall be unlawful.

§ 264-12. Appeals.

Whenever the owner of any swimming pool about to be or in the course of being erected or altered excepts to the decision of the Building or Plumbing Inspectors in refusing to approve the manner of construction or alteration, or to their decision as to its safety or its compliance, such owners or their duly authorized attorney or agent may within 10 days after such decision appeal therefrom to the Committee on Building Regulations of the Borough Council. Such an appeal shall be in writing, shall state the decision of the Building or Plumbing Inspector and the reasons for the exception taken thereto, shall be verified by affidavit and shall be filed with the Borough Secretary. The person appealing shall have the right to appear and to be heard if he stated his desire so to do in his written appeal. A prompt decision of such appeal shall be made by the Building Committee of Borough Council and shall be duly recorded.


Any owner or other person who shall construct, alter, repair or maintain any swimming pool without a permit as required by this chapter first having been obtained, or who shall fail to comply with any regulation, order or direction of the Building Inspector or Health Officer, or who shall in any way violate any of the provisions of this chapter, shall, upon conviction thereof, be punishable by a fine of not more than $300 in costs in such proceedings or, upon default of payment of such fines and costs, may undergo imprisonment for a term of not more than 30 days.
The continuation of such violation of each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of the violation may be punished as provided above for each separate offense.
Chapter 270
TAXATION

[HISTORY: Adopted by the Borough Council of the Borough of Norwood as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Real Estate Transfer Tax

[Adopted 2-23-1987 by Ord. No. 2-87¹ (Ch. 80, Art. II, of the 1967 Codification)]

§ 270-1. Short title.
This article shall be known as the "Realty Transfer Tax Ordinance No. 2-87 of the Borough of Norwood."

§ 270-2. Tax levied.
A realty transfer tax for general revenue purposes is hereby imposed on the transfer of real estate or interest in real estate situated within the Borough of Norwood, regardless of where the documents making the transfer are made, executed or delivered or where the actual settlements on such transfer took place, as authorized by Article XI-D, Local Real Estate Transfer Tax, 72 P.S. § 8101-D et seq.

§ 270-3. Definitions.
As used in this article, the following terms shall have the meanings indicated:

ASSOCIATION — A partnership, limited partnership or any other form of unincorporated enterprise owned or conducted by two or more persons other than a private trust or decedent's estate.

CORPORATION — A corporation, joint-stock association, business trust or banking institution which is organized under the laws of this commonwealth, the United States or any other state, territory, foreign country or dependency.

DOCUMENT — Any deed, instrument or writing which conveys, transfers, demises, vests, confirms or evidences any transfer or demise of title to real estate, but does not include wills, mortgages, deeds of trust or other instruments of like character given as security for a debt and deeds of release thereof to the debtor, land contracts whereby the legal title does not pass to the grantee until the total consideration specified in the contract has been paid or any cancellation thereof unless the consideration is payable over a period of time exceeding 30 years, or instruments which solely grant, vest or confirm a public utility easement. "Document" shall also include a declaration of acquisition required to be presented for recording under § 270-8C of this

¹. Editor's Note: This ordinance superseded former Art. II, Real Estate Transfer Tax, adopted 12-9-1959 by Ord. No. 384, as amended.
FAMILY FARM CORPORATION — A corporation of which at least 75% of its assets are devoted to the business of agriculture and at least 75% of each class of stock of the corporation is continuously owned by members of the same family. The business of agriculture shall not be deemed to include:

A. Recreational activities such as, but not limited to, hunting, fishing, camping, skiing, snow competition or racing.
B. The raising, breeding or training of game animals or game birds, fish, cats, dogs or pets or animals intended for use in sporting or recreational activities.
C. Fur farming.
D. Stockyard and slaughterhouse operations.
E. Manufacturing or processing operations of any kind.

MEMBERS OF THE SAME FAMILY — Any individual, such individual's brothers and sisters, the brothers and sisters of such individual's parents and grandparents, the ancestors and lineal descendents of any of the foregoing, a spouse of any of the foregoing and the estate of any of the foregoing. Individuals related by half blood or legal adoption shall be treated as if they were related by whole blood.

PERSON — Every natural person, association or corporation. Whenever used in any clause prescribing and imposing a fine or imprisonment, or both, the term "person," as applied to associations, shall include the responsible members or general partners thereof, and as applied to corporations, the officers thereof.

REAL ESTATE

A. All lands, tenements or hereditaments within the Borough of Norwood, including without limitation buildings, structures, fixtures, mines, minerals, oil, gas, quarries, spaces with or without upper or lower boundaries, trees and other improvements, immovables or interests which by custom, usage or law pass with a conveyance of land, but excluding permanently attached machinery and equipment in an industrial plant.
B. A condominium unit.
C. A tenant-stockbroker's interest in a cooperative housing corporation, trust or association under a proprietary lease or occupancy agreement.

REAL ESTATE COMPANY — A corporation or association which is primarily engaged in the business of holding, selling or leasing real estate, 90% or more of the ownership interest in which is held by 35 or fewer persons which:

A. Derives 60% or more of its annual gross receipts from the ownership or disposition of real estate; or
B. Holds real estate, the value of which comprises 90% or more of the value of its entire tangible asset holdings exclusive of tangible assets which are freely transferable and actively traded on an established market.
TITLE TO REAL ESTATE

A. Any interest in real estate which endures for a period of time, the termination of which is not fixed or ascertained by a specific number of years, including without limitation, an estate in fee simple, life estate or perpetual leasehold; or

B. Any interest in real estate enduring for a fixed period of years but which, either by reason of the length of the term or the grant of a right to extend the term by renewal or otherwise, consists of a group of rights approximating those of an estate in fee simple, life estate or perpetual leasehold, including without limitation, a leasehold interest or possessory interest under a lease or occupancy agreement for a term of 30 years or more or a leasehold interest or possessory interest in real estate in which the lessee has equity.

TRANSACTION — The making, executing, delivering, accepting or presenting for recording of a document.

VALUE

A. In the case of any bona fide sale of real estate at arm's length for actual monetary worth, the amount of the actual consideration therefor, paid or to be paid, including liens or other encumbrances thereon existing before the transfer and not removed thereby, whether or not the underlying indebtedness is assumed, and ground rents or a commensurate part thereof where such liens or other encumbrances and ground rents also encumber or are charged against other real estate, provided that where such documents shall set forth a nominal consideration, the "value" thereof shall be determined from the price set forth in or actual consideration for the contract of sale.

B. In the case of a gift, sale by execution upon a judgment or upon the foreclosure of a mortgage by a judicial officer, transactions without consideration or for consideration less than the actual monetary worth of the real estate, a taxable lease, an occupancy agreement, a leasehold or possessory interest, any exchange of properties or the real estate of an acquired company, the actual monetary worth of the real estate determined by adjusting the assessed value of the real estate for local real estate tax purposes for the common level ratio factor developed by the Pennsylvania Department of Revenue for Pennsylvania realty transfer tax base calculations.

C. In the case of an easement or other interest in real estate the value of which is not determinable under Subsection A or B, the actual monetary worth of such interest.

D. The actual consideration for or actual monetary worth of any executory agreement for the construction of buildings, structures or other permanent improvement to real estate between the grantor and between other persons existing before the transfer and not removed thereby, or the grantor, the agent or principal of the grantor of a related corporation, association or partnership and the grantee existing before or effective with the transfer.

§ 270-4. Imposition of tax; evidence of payment; limitations; interest.

A. Every person who makes, executes, delivers, accepts or presents for recording any document or in whose behalf any document is made, executed, delivered, accepted or presented for recording shall be subject to pay for and in respect to the transaction or any
part thereof a tax at the rate of 1% of the value of the real estate represented by such
document, which tax shall be payable at the earlier of the time the document is presented
for recording or within 30 days of acceptance of such document or within 30 days of
becoming an acquired company.

B. The payment of the tax imposed herein shall be evidenced by the affixing of an official
stamp or writing by the Recorder whereon the date of the payment of the tax, amount of the
tax and the signature of the collecting agent shall be set forth.

C. It is the intent of this article that the entire burden of the tax imposed herein on a person or
transfer shall not exceed the limitations prescribed in the Local Tax Enabling Act, Act of
December 31, 1965, P.L. 1257, 53 P.S. § 6901 et seq., so that if any other political
subdivision shall impose or hereafter shall impose such tax on the same person or transfer,
then the tax levied by the Borough of Norwood under the authority of that Act shall, during
the time such duplication of the tax exists, except as hereinafter otherwise provided, be 1/2
of the rate, and such 1/2 rate shall become effective without any action on the part of the
Borough of Norwood; provided, however, that the Borough of Norwood and any other
political subdivision which imposes such tax on the same person or transfer may agree that,
instead of limiting their respective rates to 1/2 of the rate herein provided, they will not
impose respectively different rates, the total of which shall not exceed the maximum rate
permitted under the Local Tax Enabling Act.

D. If for any reason the tax is not paid when due, interest, at the rate in effect at the time the
tax is due, shall be added and collected.

§ 270-5. Exempt parties.
The United States, the commonwealth or any of their instrumentalities, agencies or political
subdivisions shall be exempt from payment of the tax imposed by this article. The exemption of
such governmental bodies shall not, however, relieve any other party to a transaction from
liability for the tax.

§ 270-6. Excluded transactions.
A. The tax imposed by this article shall not be imposed upon:

(1) A transfer to the commonwealth or to any of its instrumentalities, agencies or political
subdivisions by gift, dedication or deed in lieu of condemnation proceedings, or a
reconveyance by the condemning body of the property condemned to the owner of
record at the time of condemnation which reconveyance may include property line
adjustments, provided that said reconveyance is made within one year from the date
of condemnation.

(2) A document which the Borough of Norwood is prohibited from taxing under the
Constitution or statutes of the United States.

(3) A conveyance to a municipality, township, school district or county pursuant to
acquisition by the municipality, township, school district or county of a tax delinquent
property at a sheriff sale or tax claim bureau sale.
(4) A transfer for no or nominal actual consideration which corrects or confirms a transfer previously recorded, but which does not extend or limit existing record legal title or interest.

(5) A transfer of division in kind for no or nominal actual consideration of property passed by testate or intestate succession and held by cotenants; however, if any of the parties take shares greater in value than their undivided interest, tax is due on the excess.

(6) A transfer between husband and wife, between persons who were previously husband and wife who have since been divorced, provided that the property or interest therein subject to such transfer was acquired by the husband and wife or husband or wife prior to the granting of the final decree in divorce, between parent and child or the spouse of such child, between brother or sister or spouse of a brother or sister and brother or sister or the spouse of a brother or sister and between a grandparent and grandchild or the spouse of such grandchild, except that a subsequent transfer by the grantee within one year shall be subject to tax as if the grantor were making such transfer.

(7) A transfer for no or nominal actual consideration of property passing by testate or intestate succession from a personal representative of a decedent to the decedent's devisee or heir.

(8) A transfer for no or nominal actual consideration to a trustee of an ordinary trust where the transfer of the same property would be exempt if the transfer was made directly from the grantor to all of the possible beneficiaries, whether or not such beneficiaries are contingent or specifically named. No such exemption shall be granted unless the recorder of deeds is presented with a copy of the trust instrument that clearly identifies the grantor and all possible beneficiaries.

(9) A transfer for no or nominal actual consideration from a trustee to a beneficiary of an ordinary trust.

(10) A transfer for no or nominal actual consideration from a trustee to successor trustee.

(11) A transfer for no or nominal actual consideration between principal and agent or straw party or from or to an agent or straw party where, if the agent or straw party were his principal, no tax would be imposed under this article. Where the document by which title is acquired by a grantee or statement of value fails to set forth that the property was acquired by the grantee from, or for the benefit of, his principal, there is a rebuttable presumption that the property is the property of the grantee in his individual capacity if the grantee claims an exemption from taxation under this subsection.

(12) A transfer made pursuant to the statutory merger or consolidation of a corporation or statutory division of a nonprofit corporation, except where the Department reasonably determines that the primary intent for such merger, consolidation or division is avoidance of the tax imposed by this article.

(13) A transfer from a corporation or association of real estate held of record in the name
of the corporation or association where the grantee owns stock of the corporation or an interest in the association in the same proportion as his interest in or ownership of the real estate being conveyed and where the stock of the corporation or the interest in the association has been held by the grantee for more than two years.

(14) A transfer from a nonprofit industrial development agency or authority to a grantee of property conveyed by the grantee to that agency or authority as security for a debt or the grantee or a transfer to a nonprofit industrial development agency or authority.

(15) A transfer from a nonprofit industrial development agency or authority to a grantee purchasing directly from it, but only if:

(a) The grantee shall directly use such real estate for the primary purpose of manufacturing, fabricating, compounding, processing, publishing, research and development, transportation, energy conversion, energy production, pollution control, warehousing or agriculture; and

(b) The agency or authority has the full ownership interest in the real estate transferred.

(16) A transfer by a mortgagor to the holder of a bona fide mortgage in default in lieu of a foreclosure or a transfer pursuant to a judicial sale in which the successful bidder is the bona fide holder of a mortgage, unless the holder assigns the bid to another person.

(17) Any transfer between religious organizations or other bodies or persons holding title for a religious organization if such real estate is not being or has not been used by such transferor for commercial purposes.

(18) A transfer to a conservancy which possesses a tax exempt status pursuant to Section 501(c)(3) of the Internal Revenue Code of 1954, [68A Stat. 3, 26 U.S.C. § 501(c)(3)] and which has as its primary purpose preservation of land for historic, recreational, scenic, agricultural or open space opportunities.

(19) A transfer of real estate devoted to the business of agriculture to a family farm corporation by a member of the same family which directly owns at least 75% of each class of the stock thereof.

(20) A transfer between members of the same family of an ownership interest in a real estate company or family farm corporation.

(21) A transaction wherein the tax due is $1 or less.

(22) Leases for the production or extraction of coal, oil, natural gas or minerals and assignments thereof.

B. In order to exercise any exclusion provided in this section, the true, full and complete value of the transfer shall be shown on the statement of value. A copy of the Pennsylvania Realty Transfer Tax Statement of Value may be submitted for this purpose. For leases of coal, oil, natural gas or minerals, the statement of value may be limited to an explanation of the reason such document is not subject to tax under this article.
§ 270-7. Documents relating to associations or corporations and members or stockholders thereof.

Except as otherwise provided in § 270-6, documents which make, confirm or evidence any transfer or demise of documents which make, confirm or evidence any transfer or demise of title to real estate between associations or corporations and the members, partners, shareholders or stockholders thereof are fully taxable. For the purposes of this article, corporations and associations are entities separate from their members, partners, stockholders or shareholders.

§ 270-8. Acquired companies.

A. A real estate company is an acquired company upon a change in the ownership interest in the company, however effected, if the change does not affect the continuity of the company, and of itself or together with prior changes has the effect of transferring, directly or indirectly, 90% or more of the total ownership interest in the company within a period of three years.

B. With respect to real estate acquired after February 16, 1986, a family farm corporation is an acquired company when, because of voluntary or involuntary dissolution, it ceases to be a family farm corporation or when, because of issuance or transfer of stock or because of acquisition or transfer of assets that are devoted to the business of agriculture, it fails to meet the minimum requirements of a family farm corporation under this article.

C. Within 30 days after becoming an acquired company, the company shall present a declaration of acquisition with the recorder of each county in which it holds real estate for the affixation of documentary stamps and recording. Such declaration shall set forth the value of real estate holdings of the acquired company in such county. A copy of the Pennsylvania Realty Transfer Tax Declaration of Acquisition may be submitted for this purpose.

§ 270-9. Credits against tax.

A. Where there is a transfer of a residential property by a licensed real estate broker which property was transferred to him within the preceding year as a consideration for the purchase of other residential property, a credit for the amount of the tax paid at the time of the transfer to him shall be given to him toward the amount of the tax due upon the transfer.

B. Where there is a transfer by a builder of residential property which was transferred to the builder within the preceding year as consideration for the purchase of new, previously unoccupied residential property, a credit for the amount of the tax paid at the time of the transfer to the builder shall be given to the builder toward the amount of the tax due upon the transfer.

C. Where there is a conveyance by deed or real estate which was previously sold under a land contract by the grantor, a credit for the amount of tax paid at the time of the sale shall be given the grantor toward the tax due upon the deed.

D. Where there is a transfer of real estate which is leased by the grantor, a credit for the amount of tax paid at the time of the lease shall be given the grantor toward the tax due upon the transfer.
E. If the tax due upon the transfer is greater than the credit given under this section, the difference shall be paid. If the credit allowed is greater than the amount of tax due, no refund or carryover credit shall be allowed.

§ 270-10. Extension of lease.

In determining the term of a lease, it shall be presumed that a right or option to renew or extend a lease will be exercised if the rental charge to the lease is fixed or if a method for calculating the rental charge is established.

§ 270-11. Proceeds of judicial sale.

The tax herein imposed shall be fully paid and have priority out of the proceeds of any judicial sale of real estate before any other obligation, claim, lien, judgment, estate or costs of the sale and of the writ upon which the sale is made, except the state realty transfer tax, and the sheriff or other officer conducting said sale shall pay the tax herein imposed out of the first moneys paid to him in connection therewith. If the proceeds of the sale are insufficient to pay the entire tax herein imposed, the purchaser shall be liable for the remaining taxes.

§ 270-12. Duties of recorder of deeds.

A. As provided in 16 P.S. § 11011-6, as amended by Act of July 7, 1983 (P.L. 40, No. 21), the Recorder of Deeds shall be the collection agent for the local realty transfer tax, including any amount payable to the Borough of Norwood based on a redetermination of the amount of tax due by the Commonwealth of Pennsylvania of the Pennsylvania realty transfer tax, without compensation from the Borough of Norwood.

B. In order to ascertain the amount of taxes due when the property is located in more than one political subdivision, the Recorder shall not accept for recording such a deed unless it is accompanied by a statement of value showing what taxes are due each municipality.

C. On or before the tenth of each month, the Recorder shall pay over to the Borough of Norwood all local realty transfer taxes collected, less 2% for use of the county, together with a report containing the information as is required by the Commonwealth of Pennsylvania in reporting collections of the Pennsylvania realty transfer taxes. The two-percent commission shall be paid to the county.

D. Upon a redetermination of the amount of realty transfer tax due by the Commonwealth of Pennsylvania, the Recorder shall rerecord the deed or record the additional realty transfer tax form only when both the state and local amounts and a rerecording or recording fee has been tendered.


Every document lodged with or presented to the Recorder of Deeds for recording shall set forth therein and as a part of such document the true, full and complete value thereof or shall be accompanied by a statement of value executed by a responsible person connected with the transaction showing such connection and setting forth the true, full and complete value thereof or the reason, if any, why such document is not subject to tax under this article. A copy of the
Pennsylvania Realty Transfer Tax Statement of Value may be submitted for this purpose. The provisions of this subsection shall not apply to any excludable real estate transfers which are exempt from taxation based on family relationship. Other documents presented for the affixation of stamps shall be accompanied by a certified copy of the document and statement of value executed by a responsible person connected with the transaction showing such connection and setting forth the true, full and complete value thereof or the reason, if any, why such document is not subject to tax under this article.

§ 270-14. Civil penalties.
A. If any part of any underpayment of tax imposed by this article is due to fraud, there shall be added to the tax an amount equal to 50% of the underpayment.
B. In the case of failure to record a declaration required under this article on the date prescribed therefor, unless it is shown that such failure is due to reasonable cause, there shall be added to the tax 5% of the amount of such tax if the failure is for not more than one month, with an additional 5% for each additional month or fraction thereof during which such failure continues, not exceeding 50% of the aggregate.

§ 270-15. Liens.
The tax imposed by this article shall become a lien upon the lands, tenements or hereditaments, or any interest therein, lying, being situated, wholly or in part within the boundaries of the Borough of Norwood, which lands, tenements, hereditaments or interest therein are described in or conveyed by or transferred by the deed which is the subject of the tax imposed, assessed and levied by this article, said lien to begin at the time when the tax under this article is due and payable and continue until discharged by payment, or in accordance with the law, and the Solicitor is authorized to file a municipal or tax claim in the Court of Common Pleas of Delaware County, in accordance with the provisions of the Municipal Claims and Liens Act of 1923, 53 P.S. § 7101 et seq., its supplements and amendments.

§ 270-16. Enforcement.
All taxes imposed by this article, together with interest and penalties prescribed herein, shall be recoverable as other debts of like character are recovered.

§ 270-17. Regulations.
The Secretary of the Borough of Norwood is charged with enforcement and collection of the tax and is empowered to promulgate and enforce reasonable regulations for enforcement and collection of the tax. The regulations which have been promulgated by the Pennsylvania Department of Revenue under 72 P.S. § 8101-C et seq. are incorporated into and made a part of this article.

§ 270-18. Effective date.
This article shall be effective on this 23rd of February 1987.

ARTICLE II
Emergency and Municipal Services Tax
[Adopted 6-27-2005 by Ord. No. 2005-9 (Ch. 80, Art. IV, of the 1967 Codification)]


The following words and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context or language clearly indicates or requires a different meaning:

DULY APPOINTED TAX ADMINISTRATOR OR APPOINTED TAX ADMINISTRATOR — The person, company, or business that is appointed by resolution by the Borough of Norwood to collect the emergency and municipal services tax.

EMERGENCY AND MUNICIPAL SERVICES TAX — A tax of $52 per year levied on each engagement in any occupation, as hereinbefore defined, within the Borough of Norwood boundary limits.

EMPLOYER — An individual, partnership, association, corporation, governmental body, agency, or other entity employing one or more persons on a salary, wage, commission or other compensation basis, including a self-employed person.

INDIVIDUAL — Any person, male or female, engaged in any occupation, trade or profession within the Borough of Norwood boundaries, who attains or is over the age of 18 years on the first day of January of the current tax year.

OCCUPATION — Any trade, profession, business, or undertaking of any type, kind or character, including services, domestic or other, carried on or performed within the Borough of Norwood boundary limits for which compensation is charged or received whether by means of salary, wages, commissions or fees for services rendered.

§ 270-20. Levy.

The Borough of Norwood hereby levies and imposes on each individual engaged in an occupation during the fiscal year within the Borough of Norwood boundary limits an emergency and municipal services tax for the year beginning in 2005 and going forward. This tax is in addition to all other taxes of any kind or nature heretofore levied by the Borough of Norwood. The emergency and municipal services tax revenue is restricted for the following uses: police and fire and emergency services; road construction and/or maintenance; reduction of property taxes. The tax as provided by this article shall be paid one time per fiscal year. The tax is to be paid by April 30 of each fiscal year.


Beginning with the first day of January in each fiscal year, every individual engaged in an occupation as hereinbefore defined within the Borough of Norwood, and earning more than $12,000 between January 1 and December 31 of said year, shall be required to pay an emergency and municipal services tax in the amount of $52 per annum. Individuals earning $12,000 or less shall make application for a refund/credit of the tax paid after the expiration of the fiscal year. Proof of actual income shall be required as part of making the application for the refund or credit.
§ 270-22. Duty of employers.

Each employer within the Borough of Norwood as well as any employer situate outside the Borough of Norwood but who engages in business within the Borough of Norwood is hereby charged with the duty of collecting from each of his employees engaged by him and performing for him within the Borough of Norwood said tax of $52 per annum and making a return and payment thereof to the Appointed Tax Administrator. Each employer shall deduct this tax from each employee in his employ, whether said employee is paid by salary, wages or commission and whether or not part or all such services are performed within the Borough of Norwood.

§ 270-23. Returns.

Each employer shall prepare and file a return showing a computation of the tax on forms to be supplied to him by the Borough of Norwood. It is further provided that, if the employer fails to file said return and pay said tax, the employer shall be responsible for the payment of the tax in full and as though the tax had originally been levied against him.

§ 270-24. Dates for determining tax liability and payment.

Each employer shall use his employment records from the first day of January to the 31st day of December for determining the number of employees from whom said tax shall be deducted and paid over to the Appointed Tax Administrator. In the event that new employees start after the date of April 30, the payment for new employees shall be made at time of the beginning of their first pay as designated by the rules and/or regulations promulgated by the Borough of the Appointed Tax Administrator.

§ 270-25. Individuals engaged in more than one occupation.

Each individual who shall have more than one occupation within the Borough of Norwood shall be subject to the payment of this tax on his principal occupation, and his principal employer shall deduct this tax and deliver to him evidence of deductions on a form to be furnished to the employer by the Appointed Tax Administrator, which form shall be evidence of deduction having been made and, when presented to any other employer, shall be authority for such employer to not deduct this tax from the employee's wages, but to include such employee on his return by setting forth his name, address and the name and account number of the employer who deducted this tax.

§ 270-26. Self-employed individuals.

All self-employed individual who perform services of any type or kind or engage in any occupation within the Borough of Norwood boundary limits shall be required to comply with this article and pay the tax to the Appointed Tax Administrator on or before April 30 of each fiscal year or thereafter in accordance with the payment schedule specified in § 270-24 above in the event that said individual becomes subject to this article after March 31 of any fiscal year.

§ 270-27. Employers and self-employed individuals residing beyond the Borough of Norwood boundary limits.

All employers and self-employed individuals residing or having their places of business outside
of the Borough of Norwood but who perform services of any type or kind or engage in any occupation or profession within the Borough of Norwood do by virtue thereof agree to be bound by and subject themselves to the provisions, penalties and regulations promulgated under this article with the same force and effect as though they were residents of the Borough of Norwood. Any individual engaged in an occupation within the Borough of Norwood and an employee of a nonresident employer shall, for the purpose of this article, be considered a self-employed person; in the event this tax is not paid, the Borough shall have the option of proceeding against either the employer or employee for the collection of this tax as hereinafter provided.


A. It shall be the duty of the Appointed Tax Administrator to accept and receive payments of this tax and to keep a record thereof showing the amount received by him from each employer or self-employed person together with the date the tax was received.

B. The Appointed Tax Administrator is hereby charged with the administration and enforcement of this article and is hereby charged and empowered to prescribe, adopt, promulgate rules and regulations in relation to any matter pertaining to the administration and enforcement of this article, including provisions for the examination of the payroll records of any employer subject to this article; the examination and correction of any return made in compliance with this article and any payments alleged or found to be incorrect, or as to which overpayment is claimed or found to have occurred. Any person aggrieved by any decision of the Appointed Tax Administrator shall have the right to appeal to the Court of Common Pleas of Delaware County as in other cases provided.

C. The Appointed Tax Administrator is hereby authorized to examine the books and payroll records of any employer in order to verify the accuracy of any return made by an employer or, if no return was made, to ascertain the tax due. Each employer shall be required to give the Appointed Tax Administrator the means, facilities and opportunity for such examination.

§ 270-29. Suits for collection.

A. In the event that any tax under this article remains due or unpaid 30 days after the due date above set forth, the Appointed Tax Administrator shall have the authority to sue for the recovery of any such tax due or unpaid under this article together with interest and penalty.

B. If for any reason the tax is not paid when due, interest at the rate of 6% on the amount of said tax and an additional penalty of 1/2 of 1% of the amount of the unpaid tax for each month or fraction thereof during which the tax remains unpaid shall be added and collected. Where suit is brought for the recovery of this tax, the individual liable therefor shall, in addition, be responsible and liable for the costs of collection and the interest and penalties imposed.

§ 270-30. Fines; violations and penalties.

Any person who fails, neglects, or refuses to make any declaration or return required by this article or resolution; any employer who fails, neglects or refuses to register or to pay the tax deducted from his employees; any person who refuses to permit the Appointed Tax
Administrator or any agent designated by the Administrator to examine his books, records and papers; any person who knowingly makes any incomplete, false or fraudulent return or attempts to do anything whatsoever to avoid the full disclosure in order to avoid the payment of the whole or any part of the tax imposed by this article or resolution; shall, upon conviction thereof before any court of competent jurisdiction, be sentenced to pay a fine of not more than $500 for each offense and costs, attorneys' fees and, in default of payment of said fine, fees and costs, to be imprisoned for a period not exceeding 30 days. The failure of any person to receive or procure forms for making the declaration or returns required by this article shall not excuse him from making such declarations or returns.


The Borough of Norwood Council shall appoint the Appointed Tax Administrator with the responsibilities as provided herein in this article. The Council shall appoint said position by resolution. Any and all rules and regulations that Council requires to administer and or enforce this article shall be provided by resolution.

§ 270-32.  Effective date.

This article shall become effective 30 days after final adoption of this article and shall remain in full force and effect thereafter.

§ 270-33.  Validity.

If the tax hereby imposed under the provisions of this article shall be held by any court of competent jurisdiction to be in violation of the Constitution or laws of the United States or of the Constitution or laws of the Commonwealth of Pennsylvania as to any individual, the decision of the court shall not affect or impair the right to impose or collect said tax, or the validity of the tax so imposed on other persons or individuals as herein provided.

§ 270-34.  Savings clause.

Nothing in this article, as hereby amended, shall be construed to affect any suit or proceeding in any court, and rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under this article prior to the adoption of this amendment.

§ 270-35.  Immediate effect.

This article shall take effect and be in force from and after its approval of this amendment.
Chapter 278

TRAPPING

[HISTORY: Adopted by the Borough Council of the Borough of Norwood 12-20-1972 by Ord. No. 547 (Ch. 83A of the 1967 Codification). Amendments noted where applicable.]

GENERAL REFERENCES

Animals — See Ch. 90.
Firearms and fireworks — See Ch. 158.

§ 278-1. Trapping restricted.

No person shall, at any time, maintain on his premises, set or use a trap of any kind designed or intended to take, hold, capture or kill any animal or bird, within the limits of the Borough of Norwood, except as hereinafter specifically permitted.

§ 278-2. Cage-type traps permitted.

Whenever any animal or fowl is required to be captured alive, either because the animal or fowl is injured and requires treatment or because said animal or fowl has become a nuisance or menace either to individual residents or the community, in general a cage-type trap, also commonly called a cagetrap, cage-door trap or live trap, designed to capture animals alive, may be used.


Any person or persons violations the provisions of this chapter shall be punishable, upon conviction, as indicated in Chapter 1, General Provisions, Article I, General Penalty, of this Code.
Chapter 282

TREES

[HISTORY: Adopted by the Borough Council of the Borough of Norwood as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Streets and sidewalks — See Ch. 260.

ARTICLE I
Planting Restrictions
[Adopted 9-9-1900 by Ord. No. 66 (Ch. 84, Art. II, of the 1967 Codification)]

§ 282-1. Certain trees prohibited.
The Mayor and Borough Council of the Borough of Norwood have ordained that no trees of the kind known as North Carolina poplars shall be planted or permitted to grow upon any street or highway within the Borough of Norwood.

The Mayor and Highway Committee of the Borough are hereby authorized and directed to take up and remove any tree of the kind known as North Carolina poplars now growing or hereafter planted upon any street or highway.

Any person or persons violations the provisions of this article shall be punishable, upon conviction, as indicated in Chapter 1, General Provisions, Article I, General Penalty, of this Code.

ARTICLE II
Trimming
[Adopted 11-25-1904 by Ord. No. 100 (Ch. 84, Art. I, of the 1967 Codification)]

The Mayor and the Borough Council of the Borough of Norwood have ordained that in all cases where trees have been or shall hereafter be planted or maintained upon any street or alley of the Borough of Norwood, or with branches extending over any such street or alley, it shall be the duty of the owner or owners of the premises in front of or upon which such trees have been or shall be planted or maintained, upon notice from the Highway Committee or other proper authority of the said Borough, to remove from the said trees all limbs which are less than 10 feet from the grade of the sidewalk and which interfere with public travel or the maintenance of streetlamps.
§ 282-5. **Violations and penalties.** [Amended 8-22-1988 by Ord. No. 2-88]

Any person or persons violations the provisions of this article shall be punishable, upon conviction, as indicated in Chapter 1, General Provisions, Article I, General Penalty, of this Code.
Chapter 290

VEHICLES AND TRAFFIC

[HISTORY: Adopted by the Borough Council of the Borough of Norwood as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Streets and sidewalks — See Ch. 260.
Zoning — See Ch. 300.

ARTICLE I

General Traffic Regulations


A. No person shall operate a motor vehicle upon Chester Pike within the Borough of Norwood (State Highway Route No. 13) at a rate of speed in excess of 35 miles per hour. Provided, however, that the speed limit herein fixed shall not be deemed to permit a speed in excess of any limit otherwise fixed by law.
B. For the purposes of this article, Chester Pike shall be considered to extend in a northerly-southerly direction.

No person shall stop, park or stand any vehicle of any character whatsoever, whether attended or unattended, for a period longer than is necessary for the actual loading or unloading of passengers or merchandise upon the streets or parts thereof within the Borough of Norwood as indicated in the following table: 

Two-Hour Parking

From 8:00 a.m. to 6:00 p.m., Except Sundays unless specifically stated otherwise herein

<table>
<thead>
<tr>
<th>Name of Street</th>
<th>Side</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chester Pike</td>
<td>East (even numbered)</td>
<td>From Huron Avenue to Garfield Avenue</td>
</tr>
<tr>
<td>Chester Pike</td>
<td>West (odd numbered)</td>
<td>From Amosland Road to Garfield Avenue</td>
</tr>
</tbody>
</table>

1. Editor’s Note: Original § 86-3, Parking during school days, which immediately followed this table, was repealed 12-21-2009 by Ord. No. 2009-7.
Two-Hour Parking

From 8:00 a.m. to 6:00 p.m., Except Sundays unless specifically stated otherwise herein

<table>
<thead>
<tr>
<th>Name of Street</th>
<th>Side</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cleveland Avenue</td>
<td>South (even numbered)</td>
<td>From Mohawk Avenue to Alley</td>
</tr>
<tr>
<td>Harrison Avenue</td>
<td>East (train side)</td>
<td>From Amosland Road to Garfield Avenue</td>
</tr>
<tr>
<td>Northern section of East</td>
<td>West (odd numbered)</td>
<td>From Garfield to Leon Avenues</td>
</tr>
<tr>
<td>Winona Avenue</td>
<td>North (odd numbered)</td>
<td>From Chester Pike to Mohawk Avenue</td>
</tr>
<tr>
<td>Northern section of Huron</td>
<td>North (odd numbered)</td>
<td>From Chester Pike to Mohawk Avenue</td>
</tr>
<tr>
<td>Avenue</td>
<td></td>
<td>From Chester Pike to Welcome Avenue from 6:00 a.m. to 11:00 a.m., except Saturday and Sunday; provided, however, that parking shall be prohibited from Harrison Avenue to the first driveway existing on the south side of Ridley Avenue</td>
</tr>
<tr>
<td>Ridley Avenue</td>
<td>North (odd numbered)</td>
<td>From Chester Pike to Welcome Avenue</td>
</tr>
<tr>
<td>Southern section of East</td>
<td>South (even numbered)</td>
<td>From Chester Pike to the Alley;</td>
</tr>
<tr>
<td>Winona Avenue</td>
<td></td>
<td>From Chester Pike to Mohawk Avenue</td>
</tr>
<tr>
<td>Southern section of Huron</td>
<td>South (even numbered)</td>
<td>From Mohawk Avenue to Eastern End of Park</td>
</tr>
<tr>
<td>Avenue</td>
<td></td>
<td>From Mohawk Avenue to Eastern End of Park</td>
</tr>
<tr>
<td>Welcome Avenue</td>
<td>East (even numbered)</td>
<td>From Ridley Avenue to Cleveland Avenue from 6:00 a.m. to 11:00 a.m., except Saturday and Sunday; provided, however, that parking shall be prohibited from Harrison Avenue to the first driveway existing on the south side of Ridley Avenue</td>
</tr>
<tr>
<td>Welcome Avenue</td>
<td>West (even numbered)</td>
<td>From West Winona Avenue to Amosland Road</td>
</tr>
<tr>
<td>West Ridley Avenue</td>
<td>South (even numbered)</td>
<td>From Harrison Avenue to Sylvan Avenue from 6:00 a.m. to 11:00 a.m., except Saturday and Sunday</td>
</tr>
<tr>
<td>West Winona Avenue</td>
<td>North (odd numbered)</td>
<td>From Chester Pike to Welcome Avenue</td>
</tr>
<tr>
<td>West Winona Avenue</td>
<td>South (even numbered)</td>
<td>From Harrison Avenue to Sylvan Avenue from 6:00 a.m. to 11:00 a.m., except Saturday and Sunday</td>
</tr>
<tr>
<td>West Winona Avenue</td>
<td>South (odd numbered)</td>
<td>From Chester Pike to Welcome Avenue</td>
</tr>
</tbody>
</table>

§ 290-3. Loading and unloading passengers and merchandise. [Added 12-9-1959 by Ord. No. 385;
No person shall park, stop, stand or permit any vehicle of any character whatsoever, whether attended or unattended, for a period longer than is necessary for the actual loading or unloading of passengers or merchandise upon the streets or parts thereof within the Borough of Norwood, except as may otherwise be permitted by Norwood Borough ordinances.

§ 290-4. No-parking zones.

Except where prohibited by law or as herein otherwise provided, space not exceeding 30 feet in length may be reserved by the Police Committee of the Borough Council as a no-parking zone for the entrance to buildings of a public character, such as churches, banks, theaters, hotels, schools, hospitals and other similar institutions, upon application therefor to said Committee. Upon like application, sufficient space to park one car may be reserved in front of the office of a physician. Signs for such purpose shall be paid for and maintained by the person or persons applying for such reservations.

§ 290-5. Authority of police officers to direct traffic.

Police officers are hereby authorized to direct all traffic either in person or by means of visible or audible signal in conformity with the provisions of this article, provided that in the event of a fire or other emergency or to expedite traffic or safeguard pedestrians, police officers may direct traffic as conditions may require, notwithstanding the provisions of this article. It shall be unlawful for any person to refuse or fail to comply with any lawful order, signal or direction of a police officer.

§ 290-6. Keeping to right; observance of signs, signals.

All vehicular traffic shall be driven to the right of traffic monuments, pedestals, street traffic mushrooms, signaling devices and center lines; operators of vehicular traffic shall observe and shall obey, unless otherwise directed by a police officer, all other signs, signals and designations properly placed on the highways.

§ 290-7. Conservation of parking space; diagonal parking.

To conserve parking space, each vehicle about to be parked shall be driven to within four feet of any other vehicle parked in the immediate vicinity prohibited by law, or herein otherwise provided; each vehicle about to be parked shall be drawn up to and parallel with the curb (except as hereinafter provided), headed in the direction of traffic and stopped with the nearest right-hand limit of such vehicle not more than six inches from the curb. Diagonal parking shall be permitted (to be indicated by appropriate signs or line markings on the surface of the highway) on the following parts of streets:

East side of Harrison Avenue, from Amosland Road to Garfield Avenue

2. Editor’s Note: Original § 86-5, Stop streets; signs, amended 6-18-1958 by Ord. No. 372 and 12-9-1959 by Ord. No. 385, was repealed 7-21-1973 by Ord. No. 553. See Article VIII, Stop Intersections.

3. Editor’s Note: Original § 86-6, One-way streets, amended 5-11-1960 by Ord. No. 396, was repealed 7-21-1973 by Ord. No. 552. See Article VII, One-Way Streets.
South side of West Winona Avenue, from Chester Pike to Welcome Avenue
West side of Welcome Avenue, from alley between West Winona Avenue and Ridley Avenue
to Cleveland Avenue

§ 290-8. Parking restrictions for special places.

No person shall park a vehicle or permit it to stand, whether attended or unattended, upon a
highway in any of the following places:

A. Within an intersection.

B. On a crosswalk.

C. Within 25 feet from the intersection of curblines, or, if none, then within 15 feet of the
intersection of property lines at an intersection of highways.

D. Within 30 feet upon the approach to any official flashing signal, stop sign or traffic signal
located at the side of the roadway.

E. Within 15 feet of the driveway entrance to any fire station.

F. Within 15 feet of a fire hydrant.

G. In front of a private driveway.

H. On a sidewalk or plot between sidewalk and curb.

I. Alongside any street or highway excavation or obstruction nor opposite the same, unless a
clear and unobstructed width of not less than 20 feet upon the main traveled portion of the
said street or highway shall be left free for passage of other vehicles thereon.

J. On the roadway side of any vehicle stopped or parked at the curb or edge of the highway.

K. At any place where official signs have been erected prohibiting standing and parking.

L. Except when necessary in obedience to traffic regulations or traffic signs or signals, or
where angle parking is permitted, the operator of a vehicle shall not stop, stand or park
such vehicle on the highway within a business or residence district other than parallel to the
edge of the highway, headed in the direction of traffic and with the curbside of the vehicle
within six inches of the edge of the highway or curb. Vehicles which because of type or
construction cannot load or unload parallel to the curb shall be exempt, while loading or
unloading only, from the requirements of standing parallel to the curb.


When unusual occasions or emergencies arise, or when a street or highway or the adjoining
premises are being used for special temporary purposes, the Police Chief or Chairman of the
Police Committee may direct that all parking be prohibited or limited to particular sections of
such streets or highways, or that parking be permitted where otherwise it would be prohibited
hereby, provided that this section shall not be construed to permit parking where the same is
forbidden by law.
§ 290-10.  Marking of roadways; speed zones.

The Police Committee of the Borough Council is hereby authorized to establish and designate, and is directed thereafter to maintain or cause to be maintained, by appropriate devices, marks and signs upon the surface of the roadway, such lines of a suitable color in the center of highway and/or parts thereof or in the center of the course of traffic of highways and/or parts thereof, and/or other lines on highways and/or parts thereof, to indicate the manner of parking, pedestrian crosswalks and safety zones, and to establish and designate twenty-five-mile or thirty-five-mile speed zones, at such places as in their opinion would render traffic on the streets and highways of the Borough safer.


Wherever required by law to make a provision hereof effective, the Secretary of Council is hereby directed to make request on behalf of the Borough of Norwood to the Department of Highways to authorize the erection of signs on the said state highway routes in accordance with the Vehicle Code and the Manual of Regulations.

§ 290-12.  Placing and maintenance of signs.

The Highway Committee of the Borough Council is hereby authorized, empowered and directed to obtain, erect and maintain any and all signs that may be required by law in order to make effective the provisions of this article, provided that the provisions of this section shall not operate to relieve any person, persons, partnership or corporation obtaining the reservation of space under § 290-4 hereof from the obligation of paying for and maintaining any sign or signs placed in accordance with the provisions of said § 290-4.


A.  The Police Committee of the Borough Council is hereby authorized to establish bus stops and taxicab stands on such public streets in such places and in such number as it shall determine to be of the greatest benefit and convenience to the public, and every bus stop and taxicab stand shall be designated by appropriate sign or signs.

B.  No person shall park, stop or stand any vehicle other than a bus in an officially designated bus stop; no person shall park, stop or stand any vehicle other than a taxicab in an officially designated taxicab stand, except that the operator of any passenger vehicle may temporarily stop in any such stop or stand for the purpose of and while actually engaged in the loading or unloading of passengers.

C.  No person shall park, stop or stand any bus or taxicab upon any street in any business district at any place other than at a bus stop or taxicab stand, except that this provision shall not be construed to prevent the operator of any such vehicle from stopping temporarily in accordance with other stopping or parking regulations at any place for the purpose of and while actually engaged in loading or unloading passengers.

Any person or persons violati ons the provisions of this article shall be punishable, upon conviction, as indicated in Chapter 1, General Provisions, Article I, General Penalty, of this Code.


A. The Police Committee of the Borough Council of the Borough of Norwood is hereby authorized and directed to procure, erect and maintain the necessary official signs to designate and mark those areas where parking is regulated or forbidden under this article.

B. The Police Committee aforesaid be and is hereby authorized and directed to mark on such streets of the Borough as to it shall be deemed wise, by painting on the surface of the streets signs indicating no parking where such parking is forbidden under the terms of the aforesaid Vehicle Code.

C. This article shall not be construed to permit parking on any portion of any highway of the Borough where such parking is forbidden by the Vehicle Code.

§ 290-16. Commercial traffic restricted.

A. No commercial traffic shall be allowed on Amosland Road, between Winona Avenue and South Avenue, except for local deliveries, but not for use in making deliveries to neighboring Boroughs.

B. Commercial traffic is prohibited on Amosland Road, from Seneca Avenue to Tasker Avenue, except for local deliveries, but not for use in making deliveries to neighboring Boroughs. [Added 6-11-1958 by Ord. No. 372]4

ARTICLE II
Parking Meters
[Adopted 3-9-1960 by Ord. No. 390 (Ch. 86, Art. VII, of the 1967 Codification)]

§ 290-17. Lease and installation.

A resolution authorizing and directing the proper officers of the Borough of Norwood to enter into a contract for the leasing and installation of parking meters was duly adopted by Council at a meeting held on the ninth day of March 1960, said contract to be made subject to the conditions and in the manner provided by law. The payment for such meters and the installation thereof shall be provided for solely from the operation of said parking meters without in any manner obligating the Borough of Norwood to pay for the same from any other source.


A. After the installation of said parking meters, it shall be unlawful for the owner or operator of any motor or other vehicle to park between such hours and on such dates as the Borough Council may, from time to time, determine by resolution, for more than the maximum time indicated on the dial of the parking meters. The following are designated as parking meter

4. Editor’s Note: Original § 86-19.1, Notice cards for parking violators; payment of fines, added 10-17-1973 by Ord. No. 559, was repealed 6-19-1974 by Ord. No. 572; see § 290-55.
zones:

1. Winona Avenue, from Chester Pike to the Pennsylvania Railroad property.
2. Welcome Avenue, from Amosland Road to Ridley Avenue.
3. Certain portions of Chester Pike between Huron Avenue and Ridley Avenue.
4. Huron Avenue, from Mohawk Avenue to Chester Pike.
5. Harrison Avenue, from Amosland Road to Garfield Avenue.
6. The Norwood Parking Authority property on the north side of West Winona Avenue. [Added 5-15-1974 by Ord. No. 571]
7. Norwood Municipal Lot No. 1 on West Winona Avenue\[5\] [Added 1-23-1995 by Ord. No. 95-2]


On streets and lots so designated, the proper officers shall cause parking spaces on the pavements or curbs, or by other appropriate measure, and in such space so marked, shall erect or cause to be erected a parking meter which, upon the deposit of a coin or combination of coins of the United States indicated on the meters, will entitle the party parking his or her car to a limited time as indicated on the parking meter, and the time when such period has elapsed.


A. In order that the police officers may properly compute the time during which a vehicle is parked, the owner or operator of said vehicle shall, upon entering such parking space, during the time of limited parking, immediately deposit a coin of the United States in the parking meter situated at the side of said parking space and operate the same according to instructions thereon. Failure to do so shall constitute a violation of this article. Upon deposit of a quarter and placing the meter in operation, the parking space may be lawfully occupied by such vehicle during the period of parking time which has been prescribed for the particular amount deposited. Unless otherwise set forth herein, a quarter or $0.25 will permit a vehicle to be parked for a period of two hours. If such a vehicle shall remain parked in any such parking space for such length of time that the meters shall indicate by proper signal that the lawful parking period has expired, such vehicle shall be considered as parking overtime, and the parking of the vehicle overtime shall constitute a violation of this article.

B. All parking meters within the Borough of Norwood shall be for a minimum two-hour period upon deposit of a quarter or $0.25.

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\[5\] Editor’s Note: Original Subsection B, as amended, dealing with prohibited parking on the north side of West Winona Avenue, which immediately followed this subsection, was deleted 1-23-1995 by Ord. No. 95-2.

\[6\] Editor’s Note: This ordinance also provided that all sections of Ord. Nos. 390, 448 and 571 of the Borough of Norwood not inconsistent herewith shall remain in full force and effect.
C. Meter operation will be from 9:00 a.m. to 6:00 p.m. at all meters except municipal lots Nos. 1 and 2, which shall be in operation 24 hours every day. Parking in the business district between the hours 2:00 a.m. to 5:00 a.m. shall require a Norwood parking permit.

§ 290-21. Parking wholly within designated space.

It shall be unlawful to park any vehicle across any line or marking designating a parking space or to park said vehicle in any way that the same shall not be wholly within a parking space as designated by said lines or markings.

§ 290-22. Use of coin substitutes.

It shall be unlawful to deposit or cause to be deposited in any parking meter a slug or substitute for a coin of the United States.

§ 290-23. Interfering with meters. [Amended 2-20-1980 by Ord. No. 610]

A. It shall be unlawful for any person to deface, tamper with, damage, open or willfully break, destroy or impair the usefulness of any parking meter installed under the terms of this article.

B. In the event of violation of the provisions of this section of this article, upon conviction thereof before a Magisterial District Judge, such violator shall be punishable as indicated in Chapter 1, General Provisions, Article I, General Penalty, of this Code. Each defacing, tampering, breaking, destruction or impairment of a meter shall be considered a separate offense for which prosecution and penalty may be imposed. [Amended 8-22-1988 by Ord. No. 2-88]


A. Any person, firm or corporation violating the provisions of this article or any and all amendments thereto and provisions of Article II, Parking Meters, or aiding, abetting or assisting in the violation of said provisions shall, upon conviction before the Magisterial District Judge for the Borough of Norwood, be sentenced to pay a fine of not less than $15 nor more than $50, and cost of prosecution, for each offense or to imprisonment for not more than five days. Each hour of violation of Article II, Parking Meters, shall constitute a separate offense.

B. All Borough parking tickets, citations and notices of violations shall set forth the minimum fine of not less than $15; upon conviction before a Magisterial District Judge as referred to above, the fine shall remain not less than $15 and no more than $50 or, in default thereof, imprisonment for a period not to exceed five days. Each hour of violation of Article II, Parking Meters, shall constitute a separate offense.

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8. Editor's Note: This ordinance also provided that all sections of Ord. Nos. 390, 443 and 571 of the Borough of Norwood not consistent herewith shall remain in full force and effect.
§ 290-25. **Meter maids.** [Added 6-18-1980 by Ord. No. 614]

A. There shall be established the position of meter maid.

B. The position shall be filled by a person or persons appointed by the Borough Council.

C. The number of such positions and the term of service for such positions shall be at the discretion of the Borough Council.

D. All such positions shall report to and be under the authority and direction of the Chief of Police of the Borough of Norwood.

E. All such positions shall be authorized to issue tickets for motor vehicle violations which occur in the Borough of Norwood as a result of violating Borough ordinances or the Motor Vehicle Code of the Commonwealth of Pennsylvania.

F. The times for performance of duties and the scope of such duties shall be established by the Chief of Police.

G. No such position shall be entitled to civil service status or the benefits attendant thereto.

**ARTICLE III**

**Overnight Parking**

[Adopted 6-8-1960 by Ord. No. 397 (Ch. 86, Art. VI, of the 1967 Codification)]

§ 290-26. **Overnight parking for certain vehicles.** [Amended 4-17-1968 by Ord. No. 501]

From and after the passage of this article, it shall be lawful for certain vehicles to be parked on the streets of the Borough during the period between 2:00 a.m. and 5:00 a.m. Eastern standard time, in all areas where said parking was prohibited during such hours prior to this article, provided the owners of said vehicles shall have complied with the requirements of § 290-28.

§ 290-27. **Construal of provisions.**

Nothing in this article shall be construed to alter the terms of any other ordinance which limits parking of vehicles to one side of the street only.


A. A vehicle which shall be permitted to park as aforesaid shall be a car, a motorcycle, a motorbike and a small truck that occupies no more parking space than a station wagon. No other motor vehicles shall be permitted to park in accordance with the terms of this article. The vehicles permitted to park under the terms of this article must bear current tags and a

9. Editor's Note: Original § 86-59, Enumeration of changes, as amended, was repealed 2-20-1980 by Ord. No. 610.

10. Editor's Note: Original Art. VIII, Installation and Elimination of Parking Meters, which immediately followed this section, was repealed as a result of the repeal of original § 86-60, Violations and penalties, amended 10-17-1973 by Ord. No. 559, was repealed 6-19-1974 by Ord. No. 572; see § 290-55.

11. Editor's Note: This ordinance also provided that all sections of Ord. Nos. 397 and 501 of the Borough of Norwood not inconsistent with this ordinance shall remain in full force and effect.
current inspection sticker issued by the Commonwealth of Pennsylvania. Owners of aforesaid vehicles must be Norwood Borough residents to avail themselves of the privileges accorded under this article by applying to the Borough Secretary for a weekly privilege at the cost of $4 or a monthly privilege at the cost of $8 or a one-year privilege at a cost of $30, which shall be valid and in force for the period described from date of application to the Secretary. The applications shall be made on a form supplied by the Borough Secretary and must state the name, address, year and type of vehicle owned by the applicant and Pennsylvania license number thereof. The Borough Secretary will then issue to the applicant a sticker to be affixed to the vehicle in a location permitted by the Pennsylvania Department of Revenue, said sticker to indicate whether the privilege is granted for a weekly, monthly or yearly basis. The privileges accorded under this article will cease if any vehicle does not have current license tags or a current inspection sticker issued by the Commonwealth of Pennsylvania.

B. Permitted parking in Norwood Municipal Lot No. 1. From and after the passage of this article, it shall be lawful for certain permitted vehicles to park at the Norwood Borough Municipal Parking Lot No. 1, located on West Winona, in the Borough of Norwood. No other vehicles shall be permitted to park upon the Municipal Lot No. 1 other than in accordance with the terms of this article. Vehicles permitted to park under the terms of this article must bear current tags and a current inspection sticker issued by the Commonwealth of Pennsylvania. Owners of the aforesaid vehicles must be Norwood Borough residents to avail themselves of the parking privileges under this article by applying to the Borough Secretary for a Municipal Parking Lot No. 1 permit at the cost of $50 per vehicle per year. The application shall be made on a form supplied by the Borough Secretary and must state the name, address, year and type of vehicle owned by the applicant and Pennsylvania license number thereof. The Secretary will then issue to the applicant a sticker to be affixed to the vehicle in a location permitted by the Pennsylvania Department of Revenue, said sticker to indicate that the vehicle is privileged to park upon Norwood Municipal Parking Lot No. 1 for a one-year period from the date of application. The privileges accorded under this article will cease if any vehicle does not have current license tags or a current inspection sticker issued by the Commonwealth of Pennsylvania.


A. Any person, firm or corporation violating the provisions of Article III, Overnight Parking, or of Ordinance No. 397 14 of the Borough of Norwood or of Ordinance No. 501 15 of the Borough of Norwood, or any and all other amendments thereto, or aiding, abetting or assisting in the violation of said provisions shall, upon conviction before a Magisterial District Judge, pay a fine of not less than $15 nor more than $50 or, in default thereof, shall be imprisoned for a period not to exceed 30 days. Each day that the ordinance is violated


13. Editor's Note: This ordinance also provided that all sections of Ord. Nos. 397 and 501 of the Borough of Norwood not inconsistent with this ordinance shall remain in full force and effect.

14. Editor's Note: Ordinance No. 397 provided for the adoption of Art. III, Overnight Parking.

15. Editor's Note: Ordinance No. 501 amended §§ 290-26 and 290-28 of this article.
shall constitute a separate offense.

B. All Borough parking tickets, citations and notices of violation shall set forth the minimum fine of not less then $15; upon conviction before a Magisterial District Judge as referred to above, the fine shall remain not less then $15 and no more then $50 or, in default thereof, imprisonment for a period not to exceed 30 days. Each day that the ordinance is violated shall constitute a separate offense.

ARTICLE IV

Seneca Avenue School Speed Limit
[Adopted 2-28-1962 by Ord. No. 431 (Ch. 86, Art. V, of the 1967 Codification)]

§ 290-30. Speed zone established.

A fifteen-mile-per-hour speed limit zone is established in the area of the Seneca Avenue School on those parts of Seneca, Gesner and Tasker Avenues, and Amosland and Devon Roads, which bound the Seneca Avenue School.16, 17, 18


Any person or persons violations the provisions of this article shall be punishable, upon conviction, as indicated in Chapter 1, General Provisions, Article I, General Penalty, of this Code.

ARTICLE V

Saint Gabriel's School District Speed Limit and Parking Restrictions
[Adopted 10-10-1962 by Ord. No. 437 (Ch. 86, Art. IV, of the 1967 Codification)]

§ 290-32. Speed limit; parking restrictions.

During school hours when Saint Gabriel's School is in session, there shall be established the following:

A. A fifteen-mile-per-hour speed limit on Cleveland Avenue between Chester Pike and Mohawk Avenue in the Borough of Norwood.

B. Parking is prohibited on the school side of Cleveland Avenue from the alley abutting Saint Gabriel's School to Mohawk Avenue.

C. Parking is prohibited on the north side of Mohawk Avenue from Cleveland Avenue to Seminole Avenue.

§ 290-33. Signs and markers.

The Police Department and/or any other authorized employee of the Borough is hereby authorized to install markers and signs or any other device to designate the regulations set forth

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16. Editor's Note: Original § 86-40, One-way street, was repealed 7-21-1973 by Ord. No. 552. See Article VII, One-Way Streets.
17. Editor's Note: Original § 86-41, Parking, was repealed 7-21-1973 by Ord. No. 554. See Article IX, Parking.
18. Editor's Note: Original § 86-42, Signs, was repealed 7-21-1973 by Ord. No. 554. See Article IX, Parking.
in § 290-32 of this article.

§ 290-34. Violations and penalties. [Added 8-22-1988 by Ord. No. 2-88]

Any person or persons violations the provisions of this article shall be punishable, upon conviction, as indicated in Chapter 1, General Provisions, Article I, General Penalty, of this Code.

ARTICLE VI
Trucks Prohibited
[Adopted 7-21-1971 by Ord. No. 530 (Ch. 86, Art. IX, of the 1967 Codification)]

§ 290-35. Operation of trucks prohibited; exception. [Amended 9-17-1975 by Ord. No. 584]

It shall be unlawful to operate a truck upon that portion of the alley connecting Cleveland Avenue and East Winona Avenue parallel to Mohawk Avenue which extends from a point 452 feet north of the northerly line of East Winona Avenue to Cleveland Avenue, except equipment operated by the Borough of Norwood. It shall be unlawful to operate a truck upon the other streets, alleys and roads of the Borough of Norwood, except that local deliveries within the Borough may be made except for the aforesaid portion of alley.19


Any person or persons violations the provisions of this article shall be punishable, upon conviction, as indicated in Chapter 1, General Provisions, Article I, General Penalty, of this Code.

ARTICLE VII
One-Way Streets
[Adopted 7-21-1973 by Ord. No. 5520 (Ch. 86, Art. X, of the 1967 Codification)]


No person shall operate any vehicle of any kind whatsoever on the streets or parts of streets set forth in the following table except in the direction therein set forth:

<table>
<thead>
<tr>
<th>Street</th>
<th>Location</th>
<th>Direction</th>
</tr>
</thead>
<tbody>
<tr>
<td>Delaware Avenue</td>
<td>From Seneca Avenue to Summit Avenue</td>
<td>South</td>
</tr>
<tr>
<td>Gesner Avenue [Added 6-28-2010 by Ord. No. 2010-4]</td>
<td>From Tasker to Seneca Avenue</td>
<td>West</td>
</tr>
<tr>
<td>Harrison Avenue</td>
<td>From Amosland Road to Ridley Avenue</td>
<td>North</td>
</tr>
<tr>
<td>Leon Avenue</td>
<td>From 100 Harrison Avenue to 200 Harrison Avenue</td>
<td>West</td>
</tr>
</tbody>
</table>

19. Editor's Note: Original § 86-63, Authority to post signs, which followed this section, was repealed 6-19-1974 by Ord. No. 572; see § 290-55.

20. Editor's Note: Original Article X, One-Way Streets; Certain Hours, adopted 8-21-1971 by Ord. No. 531; amended 10-20-1971 by Ord. No. 532, was repealed 3-7-1972 by Ord. No. 541.

21. Editor's Note: This ordinance also provided that all portions of §§ 290-38 through 290-42 of the Code of the Borough of Norwood shall apply to § 290-37, as amended.
Mohawk Avenue  From Winona Avenue to Huron Avenue  South
Sylvan Avenue  From Leon Avenue to Amosland Road  South
Tatnall Avenue  From Garfield Avenue to Leon Avenue  North
Trites Avenue  From Amosland Road to Leon Avenue  North
West Ridley Avenue  From Chester Pike to Welcome Avenue  West
Willows Avenue  From Leon Avenue to Bruner Avenue  North
Woodland Avenue [Added 6-28-2010 by Ord. No. 2010-4]  From Ridgeway to McKinley Avenue  West

§ 290-38. **One-way designations for certain park areas.**

No person shall operate any vehicle of any kind whatsoever along the north side of the park on Seminole Avenue adjoining Mohawk Avenue except in a westerly direction, nor on the south side of the said park except in an easterly direction.

§ 290-39. **One-way designations on portion of Mohawk Avenue.**

No person shall operate any vehicle of any kind whatsoever on Mohawk Avenue between Cleveland Avenue and East Winona Avenue, on any Sunday between 8:00 a.m. and 2:00 p.m., except in a southerly direction.

§ 290-40. **Installation of directional markers and signs.**

The Police Department or any authorized employee of the Borough is hereby authorized to install directional markers and signs or any other devices on, or at the approaches to, the streets set forth in this article, to give notice of restrictions set forth herein.

§ 290-41. **Clarification of directions.**

"East," "west," "north" and "south" as used herein shall be the directions normally used in naming streets in the Borough of Norwood, regardless of whether the same coincide with compass directions.

§ 290-42. **Violations and penalties.** [Amended 8-22-1988 by Ord. No. 2-88]

Any person or persons violating the provisions of this article shall be punishable, upon conviction, as indicated in Chapter 1, General Provisions, Article I, General Penalty, of this Code.

ARTICLE VIII

Stop Intersections
[Adopted 7-21-1973 by Ord. No. 553 (Ch. 86, Art. XI, of the 1967 Codification)]

§ 290-43. **Stop intersections designated.**

No person operating a motor vehicle on any street indicated in this section shall enter any of the following intersections without first bringing such vehicle to a full stop at such intersection:
<table>
<thead>
<tr>
<th>Street on Which Vehicle is Operated</th>
<th>Intersection</th>
</tr>
</thead>
<tbody>
<tr>
<td>Circle Lane</td>
<td>Love Lane</td>
</tr>
<tr>
<td>Cleveland Avenue</td>
<td>Amosland Road</td>
</tr>
<tr>
<td>Cleveland Avenue (three-way stop intersection)</td>
<td>Elmwood Avenue</td>
</tr>
<tr>
<td>Cleveland Avenue (three-way stop intersection)</td>
<td>Welcome Avenue</td>
</tr>
<tr>
<td>Delaware Avenue</td>
<td>East Winona Avenue</td>
</tr>
<tr>
<td>Delaware Avenue</td>
<td>Huron Winona Avenue</td>
</tr>
<tr>
<td>Delaware Avenue</td>
<td>Summit Avenue</td>
</tr>
<tr>
<td>Delaware Avenue (four-way stop intersection)</td>
<td>Seneca Avenue</td>
</tr>
<tr>
<td>Devon Road</td>
<td>Essex Road</td>
</tr>
<tr>
<td>Devon Road (four-way stop intersection)</td>
<td>East Winona Avenue</td>
</tr>
<tr>
<td>East Amosland Road</td>
<td>Cleveland Avenue</td>
</tr>
<tr>
<td>East Amosland Road (four-way stop intersection)</td>
<td>East Winona Avenue</td>
</tr>
<tr>
<td>East Winona Avenue</td>
<td>South Avenue</td>
</tr>
<tr>
<td>East Winona Avenue (four-way stop intersection)</td>
<td>Amosland Road</td>
</tr>
<tr>
<td>East Winona Avenue (four-way stop intersection)</td>
<td>Devon Road</td>
</tr>
<tr>
<td>East Winona Avenue (four-way stop intersection)</td>
<td>Lee Road</td>
</tr>
<tr>
<td>East Winona Avenue (four-way stop intersection)</td>
<td>Meadow Lane</td>
</tr>
<tr>
<td>East Winona Avenue (four-way stop intersection)</td>
<td>Mohawk Avenue</td>
</tr>
<tr>
<td>East Winona Avenue (four-way stop intersection)</td>
<td>Seminole Avenue</td>
</tr>
<tr>
<td>Elmwood Avenue</td>
<td>McKinley Avenue</td>
</tr>
<tr>
<td>Elmwood Avenue (four-way stop intersection)</td>
<td>South Avenue</td>
</tr>
<tr>
<td>Elmwood Avenue (three-way stop intersection)</td>
<td>Cleveland Avenue</td>
</tr>
<tr>
<td>Essex Road</td>
<td>East Winona Avenue</td>
</tr>
<tr>
<td>Essex Road</td>
<td>Lee Road</td>
</tr>
<tr>
<td>Essex Road</td>
<td>Meadow Lane</td>
</tr>
<tr>
<td>Essex Road, northbound and southbound [Added 11-25-1996 by Ord. No. 96-10]</td>
<td>Devon Road</td>
</tr>
<tr>
<td>Gasner Avenue</td>
<td>Seneca Avenue</td>
</tr>
<tr>
<td>Gasner Avenue</td>
<td>Tasker Avenue</td>
</tr>
<tr>
<td>Harrison Avenue [Added 9-24-1984 by Ord. No. 4-84]</td>
<td>West Winona Avenue</td>
</tr>
<tr>
<td>Henderson Avenue</td>
<td>Cleveland Avenue</td>
</tr>
<tr>
<td>Henderson Avenue [Added 7-22-1996 by Ord. No. 96-5]</td>
<td>McKinley Avenue</td>
</tr>
<tr>
<td>Huron Avenue (four-way stop intersection)</td>
<td>Mohawk Avenue</td>
</tr>
<tr>
<td>Lee Road (four-way stop intersection)</td>
<td>East Winona Avenue</td>
</tr>
<tr>
<td>Lee Road (four-way stop intersection)</td>
<td>Tasker Avenue</td>
</tr>
<tr>
<td>Leon Avenue (four-way stop intersection)</td>
<td>Sylvan Avenue</td>
</tr>
<tr>
<td>Leon Avenue (four-way stop intersection)</td>
<td>Trites Avenue</td>
</tr>
<tr>
<td>Leon Avenue (four-way stop intersection)</td>
<td>Urban Avenue</td>
</tr>
<tr>
<td>Martin Lane (three-way stop intersection) [Added 12-21-1998 by Ord. No. 98-6]</td>
<td>Park Avenue</td>
</tr>
<tr>
<td>McKinley Avenue</td>
<td>Chester Pike</td>
</tr>
<tr>
<td>McKinley Avenue</td>
<td>Printz Avenue</td>
</tr>
<tr>
<td>Street on Which Vehicle is Operated</td>
<td>Intersection</td>
</tr>
<tr>
<td>------------------------------------------------------------------------</td>
<td>-------------------------------</td>
</tr>
<tr>
<td>Meadow Lane (four-way stop intersection)</td>
<td>East Winona Avenue</td>
</tr>
<tr>
<td>Mohawk Avenue</td>
<td>Cleveland Avenue</td>
</tr>
<tr>
<td>Mohawk Avenue</td>
<td>McKinley Avenue</td>
</tr>
<tr>
<td>Mohawk Avenue</td>
<td>Seneca Avenue</td>
</tr>
<tr>
<td>Mohawk Avenue</td>
<td>Summit Avenue</td>
</tr>
<tr>
<td>Mohawk Avenue (five-way stop intersection)</td>
<td>Winona Avenue</td>
</tr>
<tr>
<td>Mohawk Avenue (three-way stop intersection)</td>
<td>Huron Avenue</td>
</tr>
<tr>
<td>North Love Lane (four-way stop intersection)</td>
<td>Tasker Avenue</td>
</tr>
<tr>
<td>North Martin Lane</td>
<td>Powell Lane</td>
</tr>
<tr>
<td>North Martin Lane</td>
<td>Tasker Avenue</td>
</tr>
<tr>
<td>Park Avenue</td>
<td>Martin Lane</td>
</tr>
<tr>
<td>Park Avenue</td>
<td>Park Circle</td>
</tr>
<tr>
<td>Park Avenue</td>
<td>Tasker Avenue</td>
</tr>
<tr>
<td>Park Circle</td>
<td>West Martin Lane</td>
</tr>
<tr>
<td>Poole Plaza</td>
<td>Park Avenue</td>
</tr>
<tr>
<td>Poole Plaza</td>
<td>Seneca Avenue</td>
</tr>
<tr>
<td>Powell Lane (four-way stop intersection)</td>
<td>Love Lane</td>
</tr>
<tr>
<td>Printz Avenue</td>
<td>Cleveland Avenue</td>
</tr>
<tr>
<td>Ridgeway Avenue</td>
<td>Cleveland Avenue</td>
</tr>
<tr>
<td>Ridgeway Avenue</td>
<td>McKinley Avenue</td>
</tr>
<tr>
<td>School Lane</td>
<td>Tasker Avenue</td>
</tr>
<tr>
<td>Seminole Avenue</td>
<td>Mohawk Avenue</td>
</tr>
<tr>
<td>Seminole Avenue (four-way stop intersection)</td>
<td>East Winona Avenue</td>
</tr>
<tr>
<td>Seminole Avenue [Added 11-23-1992 by Ord. No. 6-92]</td>
<td>Elmwood Avenue</td>
</tr>
<tr>
<td>Seneca Avenue</td>
<td>East Winona Avenue</td>
</tr>
<tr>
<td>Seneca Avenue (four-way stop intersection)</td>
<td>Delaware Avenue</td>
</tr>
<tr>
<td>Seneca Avenue (three-way stop intersection)</td>
<td>Gesner Avenue</td>
</tr>
<tr>
<td>[Added 12-21-1998 by Ord. No. 98-6]</td>
<td>School Lane</td>
</tr>
<tr>
<td>Seneca Avenue, eastbound and westbound [Added 12-18-2000 by Ord. No. 2000-7]</td>
<td></td>
</tr>
<tr>
<td>South Avenue (four-way stop intersection)</td>
<td>Amosland Road</td>
</tr>
<tr>
<td>South Avenue (four-way stop intersection)</td>
<td>Elmwood Avenue</td>
</tr>
<tr>
<td>South Love Lane (four-way stop intersection)</td>
<td>Powell Lane</td>
</tr>
<tr>
<td>Summit Avenue</td>
<td>Chester Pike</td>
</tr>
<tr>
<td>Sylvan Avenue</td>
<td>Amosland Road</td>
</tr>
<tr>
<td>Sylvan Avenue</td>
<td>Ridley Avenue</td>
</tr>
<tr>
<td>Sylvan Avenue (four-way stop intersection)</td>
<td>Garfield Avenue</td>
</tr>
<tr>
<td>Sylvan Avenue (four-way stop intersection)</td>
<td>Leon Avenue</td>
</tr>
<tr>
<td>Tasker Avenue</td>
<td>Devon Road</td>
</tr>
<tr>
<td>Tasker Avenue</td>
<td>East Winona Avenue</td>
</tr>
<tr>
<td>Tasker Avenue (four-way stop intersection)</td>
<td>Lee Road</td>
</tr>
<tr>
<td>Tasker Avenue (four-way stop intersection)</td>
<td>Love Lane</td>
</tr>
<tr>
<td>Trites Avenue</td>
<td>Amosland Road</td>
</tr>
</tbody>
</table>
### Street on Which Vehicle is Operated

<table>
<thead>
<tr>
<th>Street on Which Vehicle is Operated</th>
<th>Intersection</th>
</tr>
</thead>
<tbody>
<tr>
<td>Trites Avenue (four-way stop intersection)</td>
<td>Leon Avenue</td>
</tr>
<tr>
<td>Trites Avenue (four-way stop intersection)</td>
<td>Ridley Avenue</td>
</tr>
<tr>
<td>Trites Avenue (northbound) [Added 11-27-1995 by Ord. No. 95-5]</td>
<td>Winona Avenue</td>
</tr>
<tr>
<td>Urban Avenue</td>
<td>Amosland Road</td>
</tr>
<tr>
<td>Urban Avenue (four-way stop intersection)</td>
<td>Leon Avenue</td>
</tr>
<tr>
<td>Urban Avenue (four-way stop intersection)</td>
<td>Ridley Avenue</td>
</tr>
<tr>
<td>Welcome Avenue</td>
<td>Amosland Road</td>
</tr>
<tr>
<td>Welcome Avenue</td>
<td>Chester Pike</td>
</tr>
<tr>
<td>Welcome Avenue</td>
<td>West Winona Avenue</td>
</tr>
<tr>
<td>Welcome Avenue (three-way stop intersection)</td>
<td>Cleveland Avenue</td>
</tr>
<tr>
<td>West Garfield Avenue</td>
<td>Chester Pike</td>
</tr>
<tr>
<td>West Garfield Avenue</td>
<td>Trites Avenue</td>
</tr>
<tr>
<td>West Garfield Avenue (four-way stop intersection)</td>
<td>Sylvan Avenue</td>
</tr>
<tr>
<td>West Love Lane (four-way stop intersection)</td>
<td>Powell Lane</td>
</tr>
<tr>
<td>West Ridley Avenue</td>
<td>Harrison Avenue</td>
</tr>
<tr>
<td>West Ridley Avenue</td>
<td>Welcome Avenue</td>
</tr>
<tr>
<td>West Ridley Avenue (four-way stop intersection)</td>
<td>Trites Avenue</td>
</tr>
<tr>
<td>West Winona Avenue</td>
<td>Harrison Avenue</td>
</tr>
<tr>
<td>West Winona Avenue</td>
<td>Sylvan Avenue</td>
</tr>
<tr>
<td>West Winona Avenue</td>
<td>Trites Avenue</td>
</tr>
<tr>
<td>Woodland Avenue [Added 9-24-1984 by Ord. No. 4-84; amended 7-26-1999 by Res. No. 99-5]</td>
<td>Mohawk Avenue</td>
</tr>
</tbody>
</table>

§ 290-44. **Police Department authorized to erect signs.**

The Police Department or any authorized employee of the Borough is hereby authorized to erect proper stop signs in accordance with this article.

§ 290-45. **Violations and penalties.** [Amended 8-22-1988 by Ord. No. 2-88]

Any person or persons violations the provisions of this article shall be punishable, upon conviction, as indicated in Chapter 1, General Provisions, Article I, General Penalty, of this Code.

### ARTICLE IX

**Parking**

[Adopted 7-21-1973 by Ord. No. 554 (Ch. 86, Art. X, of the 1967 Codification)]

§ 290-46. **Parking prohibited at all times on certain streets.**

No parking shall be permitted at any time on the below stated sides of the following streets:
<table>
<thead>
<tr>
<th>Street</th>
<th>Sides</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amosland Road [Added 12-21-2009 by Ord. No. 2009-7]</td>
<td>North</td>
<td>From Urban Avenue to B&amp;O Railroad</td>
</tr>
<tr>
<td>Amosland Road [Added 12-21-2009 by Ord. No. 2009-7]</td>
<td>North</td>
<td>From Welcome Avenue to Harrison Avenue</td>
</tr>
<tr>
<td>Amosland Road [Added 12-21-2009 by Ord. No. 2009-7]</td>
<td>North</td>
<td>From Chester Pike to Welcome Avenue</td>
</tr>
<tr>
<td>Brebant Avenue</td>
<td>West</td>
<td>Entire length</td>
</tr>
<tr>
<td>Circle Lane</td>
<td>East</td>
<td>Entire length</td>
</tr>
<tr>
<td>Cleveland Avenue</td>
<td>North</td>
<td>From Welcome Avenue to East Amosland Road</td>
</tr>
<tr>
<td>Delaware Avenue</td>
<td>East</td>
<td>Entire length</td>
</tr>
<tr>
<td>Delaware Avenue [Added 12-21-2009 by Ord. No. 2009-7]</td>
<td>East</td>
<td>From East Winona Avenue to Seneca Avenue</td>
</tr>
<tr>
<td>Devon Road 22</td>
<td>North and west</td>
<td>Entire length</td>
</tr>
<tr>
<td>East Amosland Road</td>
<td>East</td>
<td>Entire length</td>
</tr>
<tr>
<td>East Amosland Road [Added 4-22-1996 by Ord. No. 96-3]</td>
<td>West</td>
<td>From the northwest corner of Meghan Place to the northeast corner of School Lane</td>
</tr>
<tr>
<td>East Martin Lane 23</td>
<td>West</td>
<td>Entire length</td>
</tr>
<tr>
<td>East Winona Avenue</td>
<td>North, east and south</td>
<td>From East Amosland Road to Devon Road</td>
</tr>
<tr>
<td>East Winona Avenue, both portions</td>
<td>Along park</td>
<td>From Chester Pike to point of park</td>
</tr>
<tr>
<td>Elmwood Avenue</td>
<td>West</td>
<td>Entire length</td>
</tr>
<tr>
<td>Gesner Avenue</td>
<td>North</td>
<td>Balance, excluding area from Seneca Avenue to a point 5 feet beyond the school parking lot</td>
</tr>
<tr>
<td>Gesner Avenue</td>
<td>Both</td>
<td>From Seneca Avenue to 0.5 feet beyond the school parking lot</td>
</tr>
<tr>
<td>Harrison Avenue [Added 9-18-1974 by Ord. No. 576]</td>
<td>West</td>
<td>From Amosland Road to Ridley Avenue</td>
</tr>
<tr>
<td>Harrison Avenue [Added 9-18-1974 by Ord. No. 576]</td>
<td>East</td>
<td>From Ridley Avenue to Leon Avenue</td>
</tr>
<tr>
<td>Harrison Avenue [Repealed 9-18-1974 by Ord. No. 576]</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Henderson Avenue</td>
<td>West</td>
<td>Entire length</td>
</tr>
<tr>
<td>Huron Avenue</td>
<td>North, away from park</td>
<td>From Chester Pike to Mohawk Avenue</td>
</tr>
</tbody>
</table>

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22. Editor's Note: Section Six of Ord. No. 576, adopted 9-18-1974, provided that the prohibition against parking on stated sides of Lee Road, Devon Road, North Martin Lane, East Martin Lane, West Marin Lane, North Love Lane, South Love Lane and West Love Lane be modified to permit parking on all bends in such streets.

23. Editor's Note: Section Six of Ord. No. 576, adopted 9-18-1974, provided that the prohibition against parking on stated sides of Lee Road, Devon Road, North Martin Lane, East Martin Lane, West Marin Lane, North Love Lane, South Love Lane and West Love Lane be modified to permit parking on all bends in such streets.
<table>
<thead>
<tr>
<th>Street</th>
<th>Sides</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Huron Avenue</td>
<td>South, away from park</td>
<td>From Chester Pike to Mohawk Avenue</td>
</tr>
<tr>
<td>Huron Avenue</td>
<td>South</td>
<td>From Mohawk Avenue to Delaware Avenue</td>
</tr>
<tr>
<td>Lee Road&lt;sup&gt;24&lt;/sup&gt;</td>
<td>West and north</td>
<td>Entire length</td>
</tr>
<tr>
<td>Leon Avenue</td>
<td>South</td>
<td>Entire length</td>
</tr>
<tr>
<td>McKinley Avenue</td>
<td>North</td>
<td>Balance, excluding area from Henderson Avenue to dead end</td>
</tr>
<tr>
<td>McKinley Avenue</td>
<td>South</td>
<td>From Henderson Avenue to dead end</td>
</tr>
<tr>
<td>Meadow Lane [Added 9-18-1974 by Ord. No. 576]</td>
<td>West</td>
<td>Entire length</td>
</tr>
<tr>
<td>Mohawk Avenue</td>
<td>East</td>
<td>Entire length</td>
</tr>
<tr>
<td>North Love Lane&lt;sup&gt;25&lt;/sup&gt;</td>
<td>South</td>
<td>Entire length</td>
</tr>
<tr>
<td>North Martin Lane&lt;sup&gt;26&lt;/sup&gt;</td>
<td>South</td>
<td>Balance, excluding area where it meets with East Martin Lane</td>
</tr>
<tr>
<td>North Martin Lane&lt;sup&gt;27&lt;/sup&gt;</td>
<td>East</td>
<td>From Poole Plaza to Tasker Avenue</td>
</tr>
<tr>
<td>Park Avenue [Added 9-18-1974 by Ord. No. 576]</td>
<td>East</td>
<td>From Poole Plaza to West Martin Lane</td>
</tr>
<tr>
<td>Park Avenue [Added 9-18-1974 by Ord. No. 576]</td>
<td>West</td>
<td>From Poole Plaza to West Martin Lane</td>
</tr>
<tr>
<td>Park Avenue [Repealed 9-18-1974 by Ord. No. 576]</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Park Circle</td>
<td>South, east and north</td>
<td>Entire length</td>
</tr>
<tr>
<td>Poole Plaza</td>
<td>East</td>
<td>Entire length</td>
</tr>
<tr>
<td>Ridgeway Avenue</td>
<td>West</td>
<td>Entire length</td>
</tr>
<tr>
<td>School Lane</td>
<td>North</td>
<td>Entire length</td>
</tr>
<tr>
<td>Seminole Avenue</td>
<td>Both</td>
<td>Along park</td>
</tr>
<tr>
<td>Seminole Avenue</td>
<td>South</td>
<td>From Elmwood Avenue to East Winona Avenue</td>
</tr>
<tr>
<td>Seminole Avenue</td>
<td>North</td>
<td>From Mohawk Avenue to Elmwood Avenue</td>
</tr>
</tbody>
</table>

<sup>24</sup> Editor's Note: Section Six of Ord. No. 576, adopted 9-18-1974, provided that the prohibition against parking on stated sides of Lee Road, Devon Road, North Martin Lane, East Martin Lane, West Marin Lane, North Love Lane, South Love Lane and West Love Lane be modified to permit parking on all bends in such streets.

<sup>25</sup> Editor's Note: Section Six of Ord. No. 576, adopted 9-18-1974, provided that the prohibition against parking on stated sides of Lee Road, Devon Road, North Martin Lane, East Martin Lane, West Marin Lane, North Love Lane, South Love Lane and West Love Lane be modified to permit parking on all bends in such streets.

<sup>26</sup> Editor's Note: Section Six of Ord. No. 576, adopted 9-18-1974, provided that the prohibition against parking on stated sides of Lee Road, Devon Road, North Martin Lane, East Martin Lane, West Marin Lane, North Love Lane, South Love Lane and West Love Lane be modified to permit parking on all bends in such streets.

<sup>27</sup> Editor's Note: Section Six of Ord. No. 576, adopted 9-18-1974, provided that the prohibition against parking on stated sides of Lee Road, Devon Road, North Martin Lane, East Martin Lane, West Marin Lane, North Love Lane, South Love Lane and West Love Lane be modified to permit parking on all bends in such streets.
<table>
<thead>
<tr>
<th>Street</th>
<th>Sides</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Seneca Avenue</td>
<td>Both</td>
<td>From East Winona Avenue to School Lane</td>
</tr>
<tr>
<td>Seneca Avenue</td>
<td>West</td>
<td>From Poole Plaza to Delaware Avenue</td>
</tr>
<tr>
<td>Seneca Avenue</td>
<td>East</td>
<td>From School Lane to Poole Plaza</td>
</tr>
<tr>
<td>Seneca Avenue</td>
<td>East</td>
<td>From East Winona Avenue to Poole Plaza</td>
</tr>
<tr>
<td>Seneca Avenue [Added 12-21-2009 by Ord. No. 2009-7]</td>
<td>West</td>
<td>From Poole Plaza to Delaware Avenue</td>
</tr>
<tr>
<td>South Avenue</td>
<td>North</td>
<td>Entire length</td>
</tr>
<tr>
<td>South Love Lane</td>
<td>West</td>
<td>Entire length</td>
</tr>
<tr>
<td>Summit Avenue</td>
<td>North</td>
<td>Entire length</td>
</tr>
<tr>
<td>Sylvan Avenue</td>
<td>East</td>
<td>Entire length</td>
</tr>
<tr>
<td>Tasker Avenue</td>
<td>East and north</td>
<td>Entire length</td>
</tr>
<tr>
<td>Trites Avenue</td>
<td>West</td>
<td>Entire length</td>
</tr>
<tr>
<td>Urban Avenue</td>
<td>West</td>
<td>Entire length</td>
</tr>
<tr>
<td>Welcome Avenue</td>
<td>West</td>
<td>From Garfield Avenue to point of curve</td>
</tr>
<tr>
<td>Welcome Avenue</td>
<td>Both</td>
<td>From point of curve to Chester Pike</td>
</tr>
<tr>
<td>Welcome Avenue</td>
<td>East</td>
<td>From West Amosland Road to Garfield Avenue</td>
</tr>
<tr>
<td>Welcome Avenue [Added 12-21-2009 by Ord. No. 2009-7]</td>
<td>North and South</td>
<td>From Chester Pike to the P.R.R.</td>
</tr>
<tr>
<td>West Amosland Road</td>
<td>North</td>
<td>From Chester Pike Road to Baltimore and Ohio Railroad</td>
</tr>
<tr>
<td>West Garfield Avenue</td>
<td>North</td>
<td>Entire length</td>
</tr>
<tr>
<td>West Love Lane</td>
<td>North</td>
<td>Entire length</td>
</tr>
<tr>
<td>West Martin Lane</td>
<td>North</td>
<td>Entire length</td>
</tr>
<tr>
<td>West Ridley Avenue</td>
<td>South</td>
<td>From Chester Pike to Welcome Avenue</td>
</tr>
<tr>
<td>West Ridley Avenue</td>
<td>North</td>
<td>From Harrison Avenue to Brebant Avenue</td>
</tr>
</tbody>
</table>

28. Editor's Note: Section Six of Ord. No. 576, adopted 9-18-1974, provided that the prohibition against parking on stated sides of Lee Road, Devon Road, North Martin Lane, East Martin Lane, West Marin Lane, North Love Lane, South Love Lane and West Love Lane be modified to permit parking on all bends in such streets.

29. Editor's Note: Ord. No. 576, adopted 9-18-1974, modified the prohibition against parking on the north side of West Amosland Road to permit parking during doctor's office hours in the area so marked in front of the doctor's office thereon.

30. Editor's Note: Section Six of Ord. No. 576, adopted 9-18-1974, provided that the prohibition against parking on stated sides of Lee Road, Devon Road, North Martin Lane, East Martin Lane, West Marin Lane, North Love Lane, South Love Lane and West Love Lane be modified to permit parking on all bends in such streets.

31. Editor's Note: Section Six of Ord. No. 576, adopted 9-18-1974, provided that the prohibition against parking on stated sides of Lee Road, Devon Road, North Martin Lane, East Martin Lane, West Marin Lane, North Love Lane, South Love Lane and West Love Lane be modified to permit parking on all bends in such streets.
§ 290-47. Parking prohibited certain times on certain streets.

No parking shall be permitted at the times indicated on the below stated sides of the following streets:

<table>
<thead>
<tr>
<th>Street</th>
<th>Location</th>
<th>Time</th>
<th>Sides</th>
</tr>
</thead>
<tbody>
<tr>
<td>West Winona Avenue</td>
<td>North</td>
<td>From 7:00 a.m. to 7:00 p.m., Monday through Friday</td>
<td>South</td>
</tr>
<tr>
<td>Cleveland Avenue</td>
<td>From a point beginning on the east side of the alleyway separating the American Legion Post No. 507 from the Norwood Municipal Building, eastward to the &quot;no parking here to corner&quot; sign immediately west of Chester Pike</td>
<td>From 7:00 a.m. to 7:00 p.m., Monday through Friday</td>
<td>South</td>
</tr>
<tr>
<td>Gesner Avenue</td>
<td>From corner of Seneca Avenue to the 200 Gessner Avenue driveway</td>
<td>From 8:00 a.m. to 4:00 p.m.</td>
<td>South</td>
</tr>
<tr>
<td>Huron Avenue</td>
<td>From Chester Pike to Mohawk Avenue</td>
<td>From 5:00 p.m. to 8:00 a.m.</td>
<td>Both, along to the park</td>
</tr>
</tbody>
</table>

§ 290-48. Existing two-hour parking zones.

Existing two-hour parking zones are preserved, except where parking may be completely prohibited under §§ 290-46 and 290-47 hereof. Existing meter parking zones are preserved.

§ 290-49. Regulations for parked vehicles.

All vehicles parked upon the streets must be moved under their own power at least once in every 24 hours and must have current registration tags and inspection stickers.

§ 290-50. Parking prohibited on certain property.

No parking shall be permitted at any time on the front lawn of any property, or in any area in front of a residential or commercial property, except in driveways or on paved parking areas.

§ 290-51. Police Department authorized to erect signs.

The Police Department or any authorized employee of the Borough is hereby authorized to erect proper signs in accordance with this article.

§ 290-52. Clarification of directions.

"East," "west," "north" and "south" as used herein shall be the directions normally used in
naming streets in the Borough of Norwood, regardless of whether the same coincide with compass directions.


Any person or persons violations the provisions of this article shall be punishable, upon conviction, as indicated in Chapter 1, General Provisions, Article I, General Penalty, of this Code.

§ 290-54. Repealer.

All ordinances heretofore passed designating certain streets or sides of streets as no-parking zones are hereby repealed as to violations occurring after the effective date hereof. All other ordinances or parts of ordinances inconsistent herewith are repealed to the extent of such inconsistency, but nothing herein shall be construed to repeal ordinances excluded from repeal by § 290-48 hereof, nor ordinances relating to school parking zones, emergency prohibited parking, parking restrictions for special places, nor other ordinances restricting parking, except to the extent that nothing in such ordinances saved from repeal shall be construed to permit parking in an area in which parking is prohibited by §§ 290-46 and 290-47 hereof.

ARTICLE X
Parking Violations and Penalties
[Adopted 6-19-1974 by Ord. No. 572 (Ch. 86, Art. XIII, of the 1967 Codification)]

§ 290-55. Repeal of prior penalties.

Sections 86-17B, 86-19.1, 86-48, 86-57, 86-60 and 86-63 of the Code of the Borough of Norwood, each relating to either violations and penalties with regard to parking ordinances or to notice cards for parking violators are hereby repealed as to offenses committed after the effective date of this article, and replaced as to such offenses by provisions hereinafter set forth.

§ 290-56. Notice cards for certain violations; penalties. [Amended 2-20-1980 by Ord. No. 610]

A. All violations for overnight parking and/or violations in the use of parking meters shall result in the violator's receiving a notice card which shall be left on the vehicle involved, setting forth the violation, the section of the Norwood Borough Code that has been violated and stating that a fine of $8 may be paid directly to the Borough Secretary at the time and place designated, provided that such payment is made within five working days of the date of the violation. The Borough Secretary is authorized to receive such fines within such period without additional costs to the violator in the event that the violator makes such payment as provided in said notice. The Borough Secretary shall keep a record of such payments and shall pay over the total thereof monthly to the Borough Treasurer.

B. All other parking violations shall be punishable, upon conviction, as indicated in Chapter 1, General Provisions, Article I, General Penalty, of this Code. [Amended 8-22-1988 by

32. Editor's Note: Section references are to sections as they appeared in the 1967 Codification.

33. Editor's Note: Original § 86-87, Notice cards for three-dollar fines, was repealed 2-20-1980 by Ord. No. 610.
§ 290-57. Authority to erect signs.

The Police Department or any authorized employee of the Borough is hereby authorized to erect proper signs in accordance with this article.

ARTICLE XI
Speed Limit for Certain Alley
[Adopted 9-17-1975 as part of Ord. No. 584 (Ch. 86, Art. X1A, of the 1967 Codification)]

§ 290-58. Speed limit established.

No person shall operate a motor vehicle upon the alley connecting Cleveland Avenue and East Winona Avenue parallel to Mohawk Avenue for any portion of the entire length of the said alley at a speed in excess of 15 miles per hour.

§ 290-59. Authority to erect signs.

The Police Department or any authorized employee of the Borough is hereby authorized to erect proper signs in accordance with this article.

§ 290-60. Violations and penalties. [Added 8-22-1988 by Ord. No. 2-88]

Any person or persons violations the provisions of this article shall be punishable, upon conviction, as indicated in Chapter 1, General Provisions, Article I, General Penalty, of this Code.

ARTICLE XII
Speed-Timing Devices
[Adopted 3-22-1982 by Ord. No. 2-82 (Ch. 75 of the 1967 Codification)]

§ 290-61. Authorization; conditions for use.

The Police Department of the Borough of Norwood is hereby authorized to use electrical speed-timing devices to enforce the speed restrictions established by the Pennsylvania Motor Vehicle Code and the ordinances of the Borough of Norwood; provided, however, that such devices may only be used under the following conditions:

A. The device must be of a type approved by the Pennsylvania Department of Transportation.

B. The device must have been tested for accuracy within 60 days of its intended use.

C. The device must be operated by a trained and qualified police officer.


The Chief of Police is hereby authorized to purchase an electrical speed-timing device of the type approved by the Pennsylvania Department of Transportation.

34. Editor's Note: Original § 86-87, Notice cards for five-dollar fines, was repealed 2-20-1980 by Ord. No. 610.
§ 290-63. Testing.
The Chief of Police is directed to arrange for periodic testing of the accuracy of the electrical speed-timing device, said testing to be carried out every 60 days or sooner.

§ 290-64. Training of personnel.
The Chief of Police is authorized to arrange for the training of police officers in the operation and use of the electrical speed-timing device.

§ 290-65. Erection of signs.
The Chief of Police is authorized to direct the Superintendent of Highways of the Borough of Norwood to erect official highway signs warning the public of the use of electrical speed-timing devices. Said warning signs are to be posted in a conspicuous place on any highway or street where the Police Department intends to use the electrical speed-timing device.

§ 290-66. Chief of Police to establish regulations.
The Chief of Police shall establish regulations and procedures for the use of an electrical speed-timing device.

Any person or persons violating the provisions of this article shall be punishable, upon conviction, as indicated in Chapter 1, General Provisions, Article I, General Penalty, of this Code.

ARTICLE XIII
Winona Avenue Speed Limit
[Adopted 8-23-1982 by Ord. No. 4-82 (Ch. 86, Art. XIV, of the 1967 Codification)]

§ 290-68. Establishment of speed limit.
No person shall operate a motor vehicle upon Winona Avenue within the Borough of Norwood at a rate of speed in excess of 15 miles per hour, between the eastern side of the intersection of Winona Avenue and Mohawk Avenue and the western intersection of Welcome Avenue and Winona Avenue; provided, however, that the speed limits herein fixed shall not be deemed to permit a speed in excess of any limit otherwise fixed by law.

§ 290-69. Construal.
For the purposes of this article, Winona Avenue shall be considered to extend in an easterly-westerly direction, and Mohawk Avenue and Welcome Avenue shall be considered to extend in a northerly-southerly direction.

§ 290-70. Signs.
The Highway Department of the Borough of Norwood is hereby authorized and directed to remove any existing speed limit signs contrary to this article and is further authorized and
directed to erect speed limit signs in accordance with this article.

§ 290-71. Violations and penalties. [Added 8-22-1988 by Ord. No. 2-88]

Any person or persons violations the provisions of this article shall be punishable, upon conviction, as indicated in Chapter 1, General Provisions, Article I, General Penalty, of this Code.

ARTICLE XIV
Amosland Road Bridge Weight Limit
[Adopted 4-25-1983 by Ord. No. 2-83 (Ch. 86, Art. XV, of the 1967 Codification)]

§ 290-72. Weight limit.

No vehicle shall use, cross or encroach upon the Amosland Road Bridge unless the weight of the vehicle, including any attachments, trailers or cargos, does not exceed 12 tons. The maximum load limit for any vehicle, including any attachments, trailers or cargo of said vehicle, shall be 12 tons when using, crossing or encroaching upon the Amosland Road Bridge.

§ 290-73. Violations and penalties. [Amended 8-22-1988 by Ord. No. 2-88]

Any person operating a vehicle or combination upon the Amosland Road Bridge in violation of this article shall be punishable, upon conviction, as indicated in Chapter 1, General Provisions, Article I, General Penalty, of this Code.

ARTICLE XV
Removal of Certain Parking Meters; Fifteen-Minute Limit Established
[Adopted 10-22-1984 by Ord. No. 5-84 (Ch. 86, Art. XVI, of the 1967 Codification)]

§ 290-74. Borough officials authorized to remove meters.

The proper officials of the Borough of Norwood are hereby authorized to immediately remove the following parking meters from the following locations:

A. The two parking meters being closest to a point 50 feet from the intersection of West Winona Avenue and Chester Pike, on the north side of West Winona Avenue.

B. The one parking meter being closest to a point 305 feet from the intersection of West Winona Avenue and Chester Pike, on the north side of West Winona Avenue.

C. The two parking meters being closest to a point 183 feet from the intersection of West Winona Avenue and Chester Pike, on the south side of West Winona Avenue.

§ 290-75. Meters to be replaced by fifteen-minute parking.

In place of the parking meters removed as above, said proper Borough officials are hereby authorized to erect signs at the locations previously occupied by the removed parking meters, which signs shall indicate that the parking spaces previously controlled by these parking meters have a parking time limit of 15 consecutive minutes.

§ 290-76. Violations and penalties. [Amended 8-22-1988 by Ord. No. 2-88]
Any person, firm or corporation violating the provisions of this article by parking a motor vehicle more than 15 consecutive minutes in any of the above-designated spaces shall be punishable, upon conviction, as indicated in Chapter 1, General Provisions, Article I, General Penalty, of this Code.

ARTICLE XVI
Towing and Storage of Abandoned, Wrecked, Junked, Stripped or Illegally Parked Vehicles
[Adopted 5-18-1992 by Ord. No. 92-3 (Ch. 86, Art. III, of the 1967 Codification)]

§ 290-77. Purpose.

The purpose of this article is to protect the health, safety, morals and welfare of the citizens of the Borough of Norwood by causing the removal of abandoned, illegally parked, stored, wrecked, junked and stripped automobiles, trucks, trailers and other vehicles from both public and private property and to abate public nuisances caused by the storage of, parking of and accumulations of vehicles which are detrimental to the health, safety, morals and welfare of the citizens of the Borough of Norwood or which constitute a peril to highway and traffic safety.

§ 290-78. Definitions.

When used herein, the following terms shall have the meanings indicated:

ABANDONED, WRECKED, ILLEGALLY PARKED, JUNKED and STRIPPED — Any automobile, truck, trailer, motorcycle or other vehicle, as defined in the Vehicle Code, which:

A. Is inoperable and is left abandoned on a street, highway or other public property for a period more than 48 hours.

B. Has remained illegally on a street, highway or other public property for a period more than 48 hours.

C. Does not have a valid registration plate or a current certificate of inspection or title and is left unattended on or along a street or highway.

D. Has remained on private property without the consent of the owner or persons in control of the property for more than 48 hours.

E. Is inoperable and is not a repairable vehicle as defined herein and has remained on private property, except in a completely enclosed structure or building, with or without the consent of the owner, for a period in excess of seven days.

F. Does not have a valid registration plate or a current certificate of inspection or title, is not a repairable vehicle as defined herein and has remained on private property, except in a completely enclosed structure or building, with or without the consent of the owner, for a period in excess of seven days.

ILLEGALLY PARKED VEHICLE — Any vehicle parked contrary to any ordinance of the Borough of Norwood or contrary to any provision of the Pennsylvania Motor Vehicle Code.35

35. Editor's Note: See 75 Pa.C.S.A. § 101 et seq.
PERSON — A natural person, firm, copartnership, association or corporation.

REPAIRABLE VEHICLE — One that has been registered with the Borough of Norwood as a vehicle that will be repaired, properly licensed and inspected within 30 days from the date of registration. For any wrecked, junked, stripped or abandoned automobile, truck or motor vehicle on private property to be considered a "repairable vehicle," an application must be made by the owner of the vehicle to the Borough of Norwood, accompanied by a registration fee as shall be set from time to time by resolution of the Borough Council, certifying that the owner intends to repair said vehicle within 30 days of the date of registration and will have the vehicle properly inspected, licensed and in operating condition within the allotted time. Upon application, the Police Department shall certify that the vehicle may be registered as a "repairable vehicle." The initial thirty-day period may be extended for a further thirty-day period upon the payment of a fee as set from time to time by resolution of the Borough Council and written proof that the owner has made a good-faith effort to repair the vehicle within the initial thirty-day period but has been unable to do so because of the inability to obtain the necessary parts needed to complete the repair. 36

VEHICLE — Every device in, upon or by which any person or property is or may be transported or drawn.

§ 290-79. Approved storage garage or lots.

The Norwood Borough Police Department and the Borough Council, upon recommendation of the Norwood Borough Police Department, shall have the authority to designate one or more salvor(s), selling agents, storage garages or lot(s) as approved for towing and storage of impounded vehicles and shall authorize and issue a certificate of authorization to every licensed salvor that complies with Title 75, Chapter 73, of the Pennsylvania Statutes, as well as the Norwood Borough Code and the regulations adopted by the Norwood Borough Police Department for the towing and storage of abandoned, wrecked, stripped, junked or illegally parked vehicles. Certificates of authorization shall be issued for a period of one year and shall be subject to annual renewal.

§ 290-80. Garage to post bond.

Every such approved salvor, towing agent, storage garage or lot shall post a bond in the amount of $50,000 to be filed with the Borough Secretary for the indemnification of the Borough of Norwood, Norwood Borough Police Department and the owner or lienholder of any such impounded vehicle against the loss thereof, or for injury or damage thereto, while in the custody of said salvor, towing agent, storage garage or lots. Each salvor may have one bond to cover all places of business owned by said salvor.

§ 290-81. Authority to impound vehicles.

A. It shall be unlawful for any person to place, deposit, park, store or leave or permit to be placed, parked, stored, left or deposited any vehicle, or parts thereof, which is illegally parked or in an abandoned, wrecked, junked or stripped condition as defined herein or

36. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).
which is in violation of any provision of law or any of the ordinances of the Borough of Norwood on any public or private property in the Borough of Norwood, whether vacant or occupied, or upon any public street, highway, lane or alley within the Borough of Norwood, unless the same is authorized in conjunction with a business properly operated, pursuant to Chapter 300, Zoning, and other laws of the Borough.

B. Members of the Police Department are hereby authorized to remove or to provide oral and written authorization for a licensed salvor with a current certificate of authorization to remove any automobile, truck, trailer, motorcycle, van or other vehicle from the street or highway or public or private property of the Borough and store the vehicle in the storage facility of the salvor when such vehicle is abandoned, wrecked, junked or stripped, as those words are defined herein, or is parked on any of the streets, highways, public or private property of and in the Borough in violation of any provisions of law or of any ordinance of the Borough; provided that no vehicle shall be removed or impounded except in strict adherence to the following section of this article.

§ 290-82. Towing and storage charges fixed.

A. The following charges shall be as set from time to time by resolution of the Borough Council; such charges shall be made for the towing and storage of any vehicle removed and impounded under the authority of this article:37

   (1) Towing, per vehicle.
   (2) Storage, per vehicle per day or any fraction thereof.

B. The charges referred to above may be increased by a resolution of the Borough of Norwood from time to time.

§ 290-83. Procedure to impound vehicles.

A. Whenever it is found that any person or any owner or occupier of property in the Borough of Norwood parks, places, stores or deposits or permits to be parked, placed, stored or deposited any abandoned, wrecked, stripped or illegally parked vehicle on any private or public property, including but not limited to public streets, highways, lanes or alleys, the Police Department of the Borough of Norwood shall serve notice upon said person, owner or occupier requiring them to remove said abandoned, wrecked, junked or stripped vehicle within five days of receipt of said notice, or any other lesser time as emergency conditions may warrant. The notice shall describe the make, model and registration plate number of the vehicle, if known, along with the exact place where the vehicle is located. It shall be sufficient notice to notify the person, owner or occupier by certified mail at his last known address, if ascertainable, or to place an appropriate notice upon the vehicle in a conspicuous place to remove said vehicle within five days, or any other lesser time as the emergency conditions may warrant.

B. If the violation(s) complained of shall not have been remedied within the time period specified in said notice, the Borough of Norwood Police Department may remove said vehicle...

37. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).
vehicle or provide oral and written authorization to a licensed salvor with a current certification of authorization to remove said vehicle by towing said vehicle and holding said vehicle in storage until the cost of towing and storage as well as all fines and costs associated with the abandoned, wrecked, junked, stripped or illegally parked vehicles are paid in full. All fines and costs shall, after a proper demand and refusal or a failure to pay after 30 days, constitute a lien on the said realty, which shall be filed by the Solicitor upon receipt of all information.

C. It shall be unlawful to park or leave any vehicle on private property or any public street, highway, lane or alley if the presence of the vehicle constitutes an immediate threat to the health, safety, welfare and morals of the citizens of the Borough of Norwood, or if the vehicle poses an immediate danger to the safety and welfare of the traveling public and residents of the Borough of Norwood, or if, in the opinion of the authorized police officials, it constitutes a nuisance which gives rise to the existence of emergency conditions, and the Police Department of the Borough of Norwood may remove any such abandoned, wrecked, stripped or illegally parked vehicle without notice to the owner or person in control of said vehicle, place said vehicle in storage and hold said vehicle until the cost of storage and expenses for moving said vehicle are paid in full and until any fines and costs associated with the abandoned, wrecked, stripped or illegally parked vehicle have been paid.

D. Within 36 hours of receipt of notice by a salvor that a vehicle has been taken into possession under the authority granted by this article notice of the fact that such vehicle has been impounded shall be sent by personal service or by certified mail, return receipt requested, by the Police Department to the last known registered owner of the vehicle and all lienholders of record. Such notice shall designate the make, model, title number, vehicle identification number and registration plate number, if known, the place from which said vehicle was removed, the reason for its removal and impoundment and the location where the vehicle is being held. Said notice shall also inform the owner and any lienholder of their right to reclaim the vehicle and contents thereof within 30 days after the date of notice at the place where the vehicle is being held by the salvor, upon payment of all fines, towing and storage costs, and the notice must state that the failure of the owner or lienholder to reclaim the vehicle is deemed consent by the owner to the destruction, sale or other disposition of the abandoned, wrecked, stripped or illegally parked vehicle and of all lienholders to dissolution of their liens.

E. When the Norwood Borough Police Department receives a report from a salvor who has towed a vehicle at the request of the Police Department, which indicates that the vehicle is valueless except for junk, that fact must be verified by the Norwood Borough Police Department. If the identity of the last known registered owner or lienholder cannot be ascertained with reasonable certainty, no notice shall be required and the Norwood Borough Police Department shall issue a certificate of junk. Issuance by the Norwood Police Department of the certificate of junk for a vehicle junked shall operate as a divestiture of all right, title and interest and the vehicle of the owner and all lienholders.

F. No vehicle shall be removed under the authority of this article if, at the time of the intended removal thereof, the owner or person for the time being in charge of such vehicle is present and expresses a willingness and intention to remove said vehicle immediately.
§ 290-84. Mode of notice.

Notice that a vehicle has been towed shall be given by personal service or registered mail to the last known address of the violator. If the identity of the last known registered owner and of all lienholders cannot be determined with reasonable certainty, the contents of the notice set forth in this article shall be published one time in one newspaper of general circulation in the area where the vehicle was towed from. The notice may contain multiple listings of abandoned, wrecked, stripped or illegally parked vehicles. Notice by publication locally shall be the responsibility of the salvor, and such notice shall have the same effect as notice sent by certified mail, return receipt requested.

§ 290-85. Effect of payment of towing and impounding charges with and without protest; hearing.

A. The payment of any fines, towing and storage charges and impoundment charges authorized by this article shall, unless said payment shall have been made under protest, be final and conclusive and shall constitute a waiver of any right to recover the moneys paid.

B. In the event that any fine, towing, storage and impoundment charges so imposed shall be paid under protest and the offender, within five days of paying all towing, storage, impoundment charges, fines and costs, formally, in writing, requests a hearing with the District Court having jurisdiction, the offender shall be entitled to a hearing before said Magisterial District Judge or court of record having jurisdiction, in which case such defendant shall be proceeded against and shall receive such notice as is provided by the Vehicle Code in other cases of summary offenses and shall have the same rights as to appeal and waiver of hearing. Upon proper request, a hearing on the matter shall be given forthwith, and where more than one party is involved, it shall be the duty of the party requesting said hearing to notify all other parties affected or interested at the time or place of the impending hearing.

C. The payment of towing and storage charges shall not operate to relieve the owner or operator of any vehicle from liability or any fine or penalty for the violation of any law or ordinance because of which said vehicle was removed or impounded.

§ 290-86. Records of vehicles removed and impounded.

The Police Department shall keep a record of all vehicles impounded and shall at all times be able to furnish the owners or agents of the owners thereof with information as to the place of storage of such vehicles.

§ 290-87. Violations and penalties.

A. Any person who violates any provision of this article shall, upon conviction, pay a fine of not less than $50 nor more than $1,000 plus any cost incurred as a result of the violation. If a person convicted defaults in the payment of said fine and costs of prosecution, said person shall be imprisoned for a period not to exceed 30 days.

B. Each day that a person shall be in violation of this article shall constitute a separate offense.

38. Editor's Note: See 75 Pa.C.S.A. § 101 et seq.
for each vehicle and violation of this article.

ARTICLE XVII
Snow and Ice Emergencies
[Adopted 11-25-1996 by Ord. No. 96-9 (Ch. 86, Art. II, of the 1967 Codification)]

§ 290-88. Declaration of emergency.

In order to facilitate the movement of traffic and to combat the hazards of excessive snow and ice on the highways of the Borough of Norwood, the Mayor, the President of Council or the Councilperson in charge of highways or the senior police officer on duty, in his or her discretion, may declare an emergency due to such hazards.

§ 290-89. Parking prohibited and driving restricted on certain streets during emergency.

After any such emergency shall have been declared, it shall be unlawful during the period of such emergency for any person to park a motor vehicle, tractor or trailer, or to allow the same to remain parked on any highway designated as a snow emergency route, as set forth in § 290-90, or to operate any motor vehicle, tractor or trailer on any such highway or portion thereof designated as a snow emergency route, as set forth in § 290-90, unless such vehicle, tractor or trailer shall be equipped with adequate equipment, including snow tires or chains, to provide sufficient traction to keep such vehicle, tractor or trailer in motion so that other traffic on such highways will not be blocked or seriously impeded.

§ 290-90. Snow emergency routes designated.

The following streets are hereby designated as snow emergency routes:

<table>
<thead>
<tr>
<th>Name of Street</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>East Amosland Road</td>
<td>From South Avenue to Tasker Avenue at East Winona Avenue</td>
</tr>
<tr>
<td>Tasker Avenue</td>
<td>From Love Lane to East Amosland Road at East Winona Avenue</td>
</tr>
<tr>
<td>Urban Avenue</td>
<td>From West Amosland Road to Glenolden Borough line</td>
</tr>
<tr>
<td>Welcome Avenue</td>
<td>From West Winona Avenue to West Amosland Road</td>
</tr>
<tr>
<td>Winona Avenue</td>
<td>From Welcome Avenue to East Amosland Road</td>
</tr>
</tbody>
</table>

§ 290-91. Placement of signs; dissemination of information.

A. In order to assist the operators of motor vehicles, tractors or trailers in determining the highways affected by this article, the Borough shall place appropriate signage on the highways designated as a snow emergency route as set forth in § 290-90 of the Borough of Norwood, signage reading as follows:

SNOW EMERGENCY ROUTE NO PARKING DURING EMERGENCY VEHICLES TOWED AWAY

B. The Borough shall also, through radio, newspaper or other available media and information, disseminate information as to the existence of such emergency.
§ 290-92. Violations and penalties.

A. Any person, firm or corporation violating the provisions of this article or the provisions of Article XVII, Snow and Ice Emergencies, or any and all other amendments thereto, or aiding, abetting or assisting in the violation of said provisions, shall, upon conviction, pay a fine of not less than $25, nor more than $1,000, plus any costs incurred as the result of the violation; or, in default thereof, shall be imprisoned for a period not exceeding 30 days. Each day that the ordinance is violated shall constitute a separate offense.

B. Any person, firm or corporation who shall operate a vehicle, tractor or trailer upon any highway of the Borough of Norwood, which such vehicle or tractor shall become stalled or abandoned upon any of such highways during a period of emergency declared as provided in this Article XVII, and such stalling shall have been by reason of the failure to have such vehicle, tractor or trailer equipped with the equipment hereinabove prescribed, shall be guilty of a violation of this article.

ARTICLE XVIII
Speed Limits
[Adopted 9-24-2001 by Ord. No. 2001-4 (Ch. 86, Art. XVII, of the 1967 Codification)]

§ 290-93. Speed limits established.

A. No person shall operate a motor vehicle on any street listed below at a rate of speed in excess of that listed:

<table>
<thead>
<tr>
<th>Name of Street</th>
<th>Speed Limit (mph)</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Love Lane</td>
<td>25</td>
<td>Entire length</td>
</tr>
<tr>
<td>Martin Lane</td>
<td>25</td>
<td>Entire length</td>
</tr>
<tr>
<td>Park Avenue</td>
<td>25</td>
<td>Entire length</td>
</tr>
<tr>
<td>Park Circle</td>
<td>25</td>
<td>Entire length</td>
</tr>
</tbody>
</table>

B. The speed limits herein fixed shall not be deemed to permit a speed in excess of any lower speed limit otherwise fixed by law.

§ 290-94. Signs and enforcement.

The Police Department and Highway Department of Norwood Borough are hereby authorized to erect signs in accordance with this article, and the Police Department is directed to enforce said speed limits.

§ 290-95. Violations and penalties.

The fines, costs and penalties for violation of this article shall be as provided in the Pennsylvania Motor Vehicle Code and the Norwood Vehicle and Traffic Code regarding vehicles traveling in excess of the posted speed limits.

ARTICLE XIX
Yield Intersections
[Adopted 10-22-2001 by Ord. No. 2001-8 (Ch. 86, Art. XVIII, of the 1967 Codification)]
§ 290-96. Yield intersections designated.

No person operating a motor vehicle on the following streets, as indicated, shall enter any of the intersections as indicated without first yielding the right-of-way to vehicles on the intersecting street:

<table>
<thead>
<tr>
<th>Street on Which Vehicle is Operated</th>
<th>Intersecting Street</th>
</tr>
</thead>
<tbody>
<tr>
<td>Creek Lane</td>
<td>Love Lane</td>
</tr>
<tr>
<td>Creek Lane</td>
<td>Martin Lane</td>
</tr>
</tbody>
</table>

§ 290-97. Police Department authorized to erect signs.

The Police Department or any authorized employee of the Borough of Norwood is hereby authorized to erect proper yield signs in accordance with this article.

§ 290-98. Violations and penalties.

Any person, firm or corporation violating any of the provisions of this article shall, upon conviction thereof before a Magisterial District Judge, be sentenced to pay the fine made applicable to such violations by the Pennsylvania Motor Vehicle Code and/or the Vehicle and Traffic Code of Norwood Borough.

§ 290-99. When effective.

This article shall become effective 10 days following passage or five days after the erection of the appropriate yield signs, whichever event shall occur last.

ARTICLE XX
Handicapped Parking

[Adopted 11-25-2002 by Ord. No. 2002-5 (Ch. 86, Art. XIX, of the 1967 Codification)]

§ 290-100. Statutory authority.

This article is enacted pursuant to an Act of Assembly October 5, 1979, P.L. 197, No. 66, Section 1, 53 P.S. § 46202(46).

§ 290-101. Definitions; word usage.

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

HANDICAPPED PARKING SIGN/SPACE — A parking area on the streets and highways of the Borough of Norwood which is designated by the Borough Council of Norwood by way of the erection of a sign issued by the Borough and/or the painting of a restricted parking area upon the street for the parking of one vehicle, which designated area shall be most expeditiously placed to permit access for the person with a disability to residential quarters. The designated space shall not, however, be construed as a private parking space reserved for the applicant. On the contrary, said space may and shall be legally occupied by any vehicle displaying a current handicapped registration or placard.

ISSUING AUTHORITY — The Norwood Borough Council.
OWNER — Actual owner, agent or custodian of the property wherein a handicapped parking area will be designated.

PERSON WITH A DISABILITY — An individual who has applied for and been granted by the Commonwealth of Pennsylvania a registration plate or motor vehicle placard providing that person and/or vehicle with the right to occupy a parking space specifically reserved for persons with physical or mental disabilities.

§ 290-102. Application procedure.

A. At the request of any person with a disability, as defined above, the Borough Council may, upon motion made and seconded, authorize the designation on a street or highway within the Borough, as close as possible to the person with a disability's place of residence, of an area indicating that said place is reserved for a person with a disability and that no parking is allowed thereby other than for a person with a disability.

B. Any person requesting the reservation of a parking space because of a physical or mental disability shall make application therefor, in writing, to the Borough Secretary, which application shall set forth or be accompanied by:

(1) The name and address of the applicant.

(2) The type of physical or mental disability of the applicant.

(3) An evaluation report from a licensed doctor setting forth the specific disability of the applicant.

(4) A handicapped or severely disabled veteran's registration plate or placard.

C. All applications shall be reviewed by the Public Safety Committee and the Norwood Police Department for a recommendation to the Borough Council for approval or denial of the application. In addition to the criteria established elsewhere in this article, said Public Safety Committee and the Norwood Police Department may consider, in determining the granting or denial of the application, whether or not the applicant has sufficient off-street or other private parking available, thereby negating the necessity of an on-street public parking space being allocated for this specific usage.

D. Upon approval of an application, a sign shall be erected and/or a space painted at the applicant's residence designating the handicapped-parking-only space.

E. The Norwood Police Department shall maintain a log of all existing handicapped parking signs at all times, and the issuing authority shall maintain a log of all applications made with the action taken upon the request.

F. All approved applications shall be subject to review every two years from date of issue by the Public Safety Committee.

G. It shall be unlawful for any person or owner to erect a handicapped parking sign upon private grounds of the owner and/or upon the sidewalks of the Borough of Norwood designating a handicapped-parking-only space upon a street or highway of the Borough without first making application for a handicapped parking area to the Borough of
Norwood.

H. The Norwood Building Inspector shall advise the Public Safety Committee of the sale of a property with a designated handicapped parking spot, at which time a determination will be made regarding removal of the handicapped parking sign and street markings.

§ 290-103. Eligibility; updating of stipulations.
Any stipulations made at the time of application regarding the eligibility of an applicant may be updated periodically at the request of the issuing authority.

§ 290-104. Conflict with other provisions.
Handicapped parking signs shall not supersede existing parking regulations, including but not limited to parking permits, street repair, street sweeping, snow ban or snow removal.

§ 290-105. Signs to be Borough property.
Handicapped parking signs will remain the property of the Borough of Norwood.

§ 290-106. Powers and duties of issuing authority.
A. The issuing authority shall be notified immediately if an eligible person no longer qualifies for a handicapped parking sign under this article; for example, if an eligible person enjoys an improved health condition or is required to move from the premises wherein the sign is located.
B. The Norwood Borough Police will police and control areas governed by a handicapped parking sign.
C. The issuing authority will take the following factors into consideration in the issuance of handicapped parking signs:
   (1) Overall availability of parking in the area wherein a sign is requested.
   (2) The living arrangements of an individual applicant herein; for example, a disabled person living alone and responsible for his or her own transportation.
   (3) Existing parking problems in the area wherein a handicapped parking sign is requested.

The Norwood Police Department reserves the right to remove any handicapped parking sign at its discretion.

§ 290-108. Inspection of signs.
The Borough of Norwood Public Works Department will make an annual inspection of all existing handicapped parking signs and repair or replace those signs as needed.
§ 290-109. Violations and penalties.

A. A person owning a vehicle parked in a handicapped parking designated area without a handicapped plate or placard properly displayed shall be guilty of a summary offense and shall be subject to a fine of $50.

B. Any person designating a handicapped parking area without authority under this article shall be guilty of a summary offense and shall be subject to a fine of not less than $50 nor more than $100.

§ 290-110. Designation of certain spaces.

Notwithstanding anything to the contrary elsewhere in this article, Norwood Borough shall have the authority, on its own, to designate certain spaces, either on-street or in municipal parking lots, as restricted to handicapped parking; and, notwithstanding anything to the contrary elsewhere in this article, the owners of private property may set aside one or more parking spaces for the exclusive use of vehicles owned/operated by persons bearing the handicap registration plate and/or placard; however, Norwood Borough and its Police Department shall have no enforcement powers as to handicapped parking spaces on private property, unless such spaces have been designated as so reserved, the same as on-street spaces which are the subject of this article.

ARTICLE XXI
Commercial, Recreational and Utility Vehicle Prohibition
[Adopted 2-28-2005 by Ord. No. 2005-4 (Ch. 86, Art. XX, of the 1967 Codification)]

§ 290-111. Definitions.

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

COMMERCIAL VEHICLE — Any self-propelled or drawn vehicle when used for commercial, nonprofit, or industrial purposes, or any vehicle so registered in accordance with the Commonwealth of Pennsylvania Vehicle Code, or any truck, bus or vehicle with a gross weight capacity of greater than 11,000 pounds.

PARKING — The temporary storage of commercial, recreational or utility vehicles and trailers within a residential district for a continued period of time not to exceed four hours.

RECREATIONAL VEHICLE — Any camper, boat, trailer, house trailer, motor home, recreational trailer or any other device used for the transportation of recreational vehicles containing single-axle or multiaxle structures mounted on wheels or otherwise capable of being made mobile when attached to a motor vehicle for purposes of travel, recreation or vacation use.

UTILITY TRAILER — A separate vehicle not driven or propelled by power, designated to transport vehicles, boats and/or other types of personal property when attached to a motor vehicle for purposes of travel.

§ 290-112. Regulations.

A. It shall be unlawful for any owner or operator of any commercial or recreational vehicle or utility trailer to park, store or keep such vehicle on any public street, avenue, alley,
highway, or other thoroughfare, or any right-of-way within any residential district within the Borough of Norwood for a period in excess of four hours except for the purpose of loading or unloading persons or property or for making deliveries or rendering services to the owner or tenant of the property adjacent to the street or highway where such vehicle is standing or parked or as otherwise provided herein.

B. Commercial and recreational vehicles and utility trailers may be parked or stored on the private residential property of the owner of such vehicle only upon the following conditions:

(1) The commercial or recreational vehicle and utility trailer may be parked on the owner's property only if stored or parked behind the front edge of the building line. It must be parked in such a manner so as not to restrict the visibility of traffic using any adjacent public street. Recreational vehicles wheels and utility trailer wheels must at all times be blocked or otherwise rendered immobile so as to prevent any movement of the vehicle while it is in a stop position.

(2) No more then one commercial, recreational or utility trailer may be parked or stored upon the residential property within the Borough of Norwood unless one of such vehicles is parked in an enclosed garage.

§ 290-113. Exemptions.

Provisions of this article shall not apply to the following:

A. Vehicles owned and operated by the Borough of Norwood, including but not limited to fire/rescue apparatus and/or ambulances or other emergency vehicles of the Borough of Norwood or their affiliates.

B. Vehicles actually engaged in the course of construction or repair of streets or while actually making deliveries or rendering services to the owner or tenant of the property immediately adjacent to the public street or highway where such vehicle(s) is standing or parked.

C. Pickup trucks, vans or similar vehicles with a registered gross weight of 11,000 pounds or less.

D. Those motor vehicles which are permitted by valid special permit.

§ 290-114. Permit procedure.

A. Any resident of the Borough may apply for a special permit waiving the parking prohibitions, limitations and restrictions of this article upon satisfactory proof that the enforcement of this article would constitute a hardship. A hardship shall include, but not be limited to, a resident who does not have access to off-street parking as described herein for at least one vehicle. Permits shall not be provided to a resident who can provide for off-street parking in accordance with the Borough's Zoning ordinances.39 No special permits shall be required for a truck, van or similar vehicle with a registered gross weight of less than 11,000 pounds.

39. Editor's Note: See Ch. 300, Zoning.
B. Application for special permit, or any renewal thereof, shall be made in writing upon an application provided by the Borough Secretary. Upon receipt of the application and the permit fee, Borough Council or its designee shall determine whether the applicant is entitled to a special permit, after which Borough Council or its designee may issue the special permit for the calendar year. The permit shall be renewable annually before its expiration date upon making application for renewal and payment of the permit fee.

C. There shall be a fee for the initial special permit and an annual renewal fee. Such fees shall be as set from time to time by resolution of the Norwood Borough Council.40

§ 290-115. Enforcement procedures.

Borough Council shall prepare, order and install appropriate signs on the streets, avenues and highways of the Borough of Norwood, setting forth the provisions of parking for commercial and recreational vehicles and shall have the authority to instruct the Norwood police to have removed or direct to be removed any vehicles in violation of this article.

§ 290-116. Violations and penalties.

Any person violating any of the provisions of this article shall, upon conviction before a Magisterial District Judge for the Borough of Norwood, be subject to the imposition of a fine of no less than $300 together with the cost of prosecution and, in default thereof, shall be liable to imprisonment for a period not to exceed 30 days. Each day that this article is violated shall constitute a separate offense.

40. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).
Chapter 295
WATER

[HISTORY: Adopted by the Borough Council of the Borough of Norwood as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES
Sewers — See Ch. 238.

ARTICLE I
Wastewater Management
[Adopted 10-26-1992 by Ord. No. 5-921 (Ch. 88, Art. I, of the 1967 Codification)]

§ 295-1. Purpose; title.
A. This article is adopted to promote and protect the public health, safety, comfort, convenience and other aspects of the general welfare. These general goals include, among others, the specific enforcement of the various regulations promulgated by the Delaware County Regional Water Quality Control Authority (DELCORA), the United States Environmental Protection Agency (USEPA), the Pennsylvania Department of Environmental Protection (PADEP) and such other agencies which may succeed the aforementioned agencies to implement the Delaware County Wastewater Management Plan and the National Pretreatment Standards, 40 CFR 401 et seq.
B. This article shall be known and may be cited as the "Norwood Wastewater Treatment Ordinance."

§ 295-2. Adoption of standards. 2
The DELCORA Standards, Rules and Regulations are hereby adopted by the Borough of Norwood to govern the conduct of all discharges to the DELCORA Wastewater Management System.
A. It is intended that this article provide for the enforcement and prosecution of the DELCORA Standards, Rules and Regulations and the National Pretreatment Standards.
B. It is the specific intent of this article to provide a means of enforcement of the National Pretreatment Standards promulgated by the United States Environmental Protection Agency as set forth in 40 CFR 401 et seq. (1983) pursuant to the Clean Water Act, as amended, 33 U.S.C. § 1251 et seq.
C. The DELCORA Standards, Rules and Regulations shall be minimum standards and shall

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1. Editor's Note: This ordinance superseded former Art. III, Wastewater Treatment, adopted 11-26-1984 by Ord. No. 6-84, of Ch. 71, Sewers.
2. Editor's Note: These standards were amended 11-25-1996 by Ord. No. 96-11, a copy of which is on file in the Borough offices.
apply uniformly to each class or kind of user within the Borough of Norwood.

§ 295-3. Violations and penalties.

A. The Borough of Norwood hereby ordains and establishes that any person, firm or corporation who fails or refuses to comply with the DELCORA Standards, Rules and Regulations, embodied in DELCORA Resolution No. 91-03, adopted May 2, 1991, as the same may be amended from time to time, which is incorporated herein by reference and attached hereto as Appendix A, shall be subject to the penalties set forth in this article.

B. Any person, firm or corporation who shall violate any provision of this article shall be subject to pay a fine of up to $1,000 or the maximum legal limit of the fining authority, whichever is greater, and/or, upon conviction thereof, be sentenced to imprisonment for a term not to exceed 30 days. Every day that each violation of this article and/or DELCORA's Standards, Rules and Regulations, as amended, continues shall constitute a separate offense.

§ 295-4. Enforcement.

A. The Borough of Norwood hereby appoints DELCORA or its designee as its agent having the power of the Borough of Norwood against any and all persons, firms or corporations who violate the provisions of this article.

B. In cases involving the enforcement of this article, the Solicitor of DELCORA or its designee may cause subpoenas to be issued for witnesses for the prosecution and may conduct the hearing on behalf of the Borough of Norwood.

3. Editor's Note: Appendix A is on file in the Borough offices.
Chapter 300

ZONING

[HISTORY: Adopted by the Borough Council of the Borough of Norwood as indicated. Amendments noted where applicable.]

GENERAL REFERENCES

Building Codes — See Ch. 105.
Certificates of occupancy — See Ch. 120.
Uniform construction codes — See Ch. 126.
Fences — See Ch. 154.
Signs and billboards — See Ch. 244.
Swimming pools — See Ch. 264.
Trees — See Ch. 282.

Part 1

Zoning Ordinance of 2008

[Adopted 5-19-2008 by Ord. No. 2008-71 (Ch. 90, Part 1, of the 1967 Codification)]

ARTICLE I

General Provisions

§ 300-1. Title.

This Part 1 shall be known and may be cited as the "Norwood Borough Zoning Ordinance of 2008."

§ 300-2. Purpose.

The zoning regulations and districts set forth in this Part 1 are designed to achieve the following purposes as stated in the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended:

A. To promote, protect, and facilitate any or all of the following: the public health, safety, and general welfare; coordinated and practical community development and growth and proper population density; guidance on uses of land and structures, type and location of public grounds and facilities; promotion of energy conservation through planning practices; the provision of adequate light, water, and air, police and fire protection, transportation, sewerage, and schools; and preservation of the natural, scenic, and historic values in the environment, as well as the preservation of wetlands, aquifers, and floodplains.

B. To prevent one or more of the following: overcrowding of land; blight; danger and congestion in travel and transportation; or loss of health, life, or property from fire, flood,

1. Editor's Note: This ordinance also repealed former Ch. 90, Zoning, adopted 9-14-1927 by Ord. No. 217, as amended, with the exception of Ord. Nos. 2007-3, 2007-4 and 2007-5, which are included in Part 2 of this chapter.

2. Editor's Note: See 53 P.S. § 10101 et seq.
panic, or other dangers.

C. To provide for the use of land within the municipality for residential housing of various dwelling types encompassing all basic forms of housing, including single-family and a reasonable range of multifamily dwellings in various arrangements.

D. To accommodate reasonable overall community growth, including population and employment growth, and opportunities for development of a variety of residential dwelling types and nonresidential uses.


The zoning regulations and districts set forth in this Part 1 are based on the goals and objectives which are stated in the Norwood Borough Comprehensive Plan of 2004. This Part 1 is intended to implement the principles, objectives, and recommendations of the Comprehensive Plan and to guide and regulate the orderly development and redevelopment of Norwood Borough.

§ 300-4. Establishment of districts.

For the purposes of this Part 1, Norwood Borough is hereby divided into the following zoning districts:

R-1 Residential District
R-2 Residential District
R-3 Residential District
TC Town Center District
HC Highway Commercial District
HC-A Highway Commercial-A District
OS Open Space District

§ 300-5. Minimum regulations; applicability; conformance required; existing uses and structures.

A. Minimum and uniform regulations. Unless specifically indicated otherwise, the regulations set forth in this Part 1 shall be minimum regulations and shall apply uniformly to each class or kind of structure or land.

B. Proposed uses and structures. In all zoning districts, after the effective date of this Part 1, any new building or other structure or any tract of land shall be constructed, developed, and used only in accordance with the regulations specified herein, except where a variance has been authorized by the Norwood Borough Zoning Hearing Board in accordance with Article XVIII.

C. Existing uses and structures. In all districts, after the effective date of this Part 1, any lawful, existing building or other structure or any tract of land which is not in conformity with the regulations of the district in which it is located shall be deemed to be nonconforming and subject to the regulations of Article XV relating to nonconforming uses, structures and lots.

§ 300-6. Zoning Map; district boundary lines.
A. The zoning district locations and boundaries are those that exist on the legally adopted Official Zoning Map, a copy of which is attached hereto and made a part of this Part 1. The original Zoning Map shall be kept on file in the Norwood Borough Hall. Whenever changes are made in the boundaries or other matter included on the said Zoning Map, such changes in the map shall be made by the Borough Engineer within 30 days after the amendment has been approved by Borough Council.

B. Where possible, the boundaries between districts shall follow natural or man-made boundaries and lines. Unless otherwise indicated, boundaries shall be the center line or extension of the center line of a street, alley, or highway, railroad rights-of-way, streams, or other natural or man-made features that can form logical boundaries to districts.

C. Where a district boundary line divides a lot held in single and separate ownership at the effective date of this Part 1, the regulations of the less restricted district shall extend over the portion of the lot in the more restricted district a distance of not more than 25 feet from the district boundary.

D. Boundaries indicated as appearing to follow platted lot lines shall be construed as following such lot lines. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map. In any other circumstances not covered above or in the event of any uncertainty as to the boundary of any district, the Zoning Hearing Board shall interpret the district boundaries.

§ 300-7. Interpretation.

A. In the interpretation and application of the provisions of this Part 1, the said provisions shall be held to be the minimum requirements for the promotion and protection of the public health, welfare, and safety. Where the provisions of this Part 1 impose greater restrictions than those of any other ordinance or regulation, the provisions of this Part 1 shall be controlling. Where the provisions of any statute, other ordinance, or regulation impose greater restrictions than this Part 1, the provisions of such statute, ordinance, or regulation shall be controlling.

B. In interpreting the language of this Part 1 to determine the extent of the restriction upon the use of the property, the language shall be interpreted, where doubt exists as to the intended meaning of the language written and enacted by the governing body, in favor of the property owner and against any implied extension of the restriction.

§ 300-8. Municipal liability.

The grant of a permit or approval under this Part 1 shall not constitute a representation, guarantee, or warranty of any kind by the Borough as to the safety of the proposed use and shall create no liability upon the Borough, its officials, or employees.

§ 300-9. Repealer.

All provisions in the existing Norwood Borough Zoning Code of 1927, as amended, are hereby repealed. The repeal shall not affect the following:

A. Norwood Borough Ordinance No. 2007-3, "HC-A Highway Commerical-A District," as it
pertains to an adult bookstore or video store.\textsuperscript{3}

B. Norwood Borough Ordinance No. 2007-4, "Body Art Regulations."\textsuperscript{4}

C. Norwood Borough Ordinance No. 2007-5, "Telecommunications Antennas Regulations."\textsuperscript{5}

\section*{ARTICLE II}
\textbf{Terminology}

\section*{§ 300-10. Word usage.}

Unless otherwise expressly stated, the following words and phrases shall be construed throughout this Part 1 to have the meanings indicated herein. Words used in the present tense include the future. The singular shall include the plural, and the plural shall include the singular. The word "building" includes the word "structure." The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," or "occupied for." The word "person" includes an individual, corporation, partnership, incorporated association, or any other similar entity. The word "includes" or "including" shall not limit the term to the specified examples but is intended to extend its meaning to all other instances of like kind and character. The words "shall" and "will" are mandatory and not discretionary, and the word "may" is permissive. Terms not defined herein shall have the meanings customarily assigned to them.

\section*{§ 300-11. Definitions.}

In this Part 1, words, terms, and phrases shall have the following meanings:

\begin{itemize}
  \item \textbf{ABANDONMENT} — Where a building or land is abandoned for six consecutive months for residential uses and 12 consecutive months for nonresidential uses, whereby the owner discontinues the use or occupancy, the building or structure shall be declared abandoned and may be required to be removed. In the case of abandonment of a nonconforming use, Article XV, Nonconforming Uses, Structures and Lots, applies.
  \item \textbf{ACCESSORY STRUCTURE} — A structure detached from a principal building on the same lot and incidental and subordinate to the principal building or use.
  \item \textbf{ACCESSORY USE} — A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with such principal use.
  \item \textbf{ADULT BOOKSTORE or ADULT VIDEO STORE} — A commercial establishment where 15\% or more of the sales floor area is devoted to books, magazines, periodicals, or other printed matter, photographs, motion pictures, videocassettes, slides, or other visual representations that contain or depict material characterized by the depiction or description of specified sexual activities or specified anatomical areas. A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing specified sexual activities or specified anatomical areas and still be characterized as
\end{itemize}

\textsuperscript{3} Editor's Note: See Part 2, Art. XIX, HC-A Highway Commercial-A District, of this chapter.

\textsuperscript{4} Editor's Note: See Part 2, Art. XX, Body Art Regulations, of this chapter.

\textsuperscript{5} Editor's Note: See Part 2, Art. XXI, Telecommunications Antennas, of this chapter.
an adult bookstore or adult video store.

ADULT USE — Any establishment that permits patrons to hear, view, read, lease, purchase, trade, or exchange and/or participate in activities, publications, movies, videotapes, and/or live or televised performances which have as their dominant theme explicit sexual activities and/or the exhibition of human anatomy which is not normally seen in public or in other commercial or club-type operations and which may or may not exclude minors by virtue of age.

ALLEY — A narrow service access to the rear of properties and buildings providing service areas, parking access, and utility easements.

ALTERATION — Any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders, or interior partitions, as well as any change in doors, windows, means of ingress and egress, or any enlargement to or diminution of a building or structure, or the moving of a building from one location to another.

ANTENNA — Any device or mechanism used in the collection, transmission, routing, or receiving of telecommunications transmissions, radio signals, or radio frequency energy, including, but not limited to, use by or provision of wireless communications, cellular communications, satellite communications, and personal communications services. (See §§ 300-91 and 300-131.)

APARTMENT BUILDING — A structure containing three or more apartment units.

APARTMENT UNIT — One or more rooms with individual access, private bath and kitchen facilities, comprising an independent, self-contained dwelling unit in a building.

APPLICANT — A landowner or developer, as hereinafter defined, who has filed an application for development, including his heirs, successors, and assigns.

ARCADE — An establishment containing games of a mechanical and electronic type, such as pinball and video games, that can be played by a customer for a fee.

ASSISTED CARE FACILITY — A residence for individuals which provides rooms, meals, personal care, and supervision of medication. The facility may provide additional services to residents. No new assisted care facilities shall be permitted in the Borough upon enactment of this Part 1.

AUTOMOBILE-ORIENTED USE — In contrast to pedestrian-oriented uses, these uses are generally related to, dependent on, or designed to accommodate customers in automobiles. They are generally located in more remote parts of a community than pedestrian-oriented uses. Frequently, amenities such as sidewalks, trees, benches, and similar amenities are not provided in locations where these uses are found. Typical automobile-oriented uses are drive-through establishments, big-box retail establishments, automobile sales, repair and service, wholesale businesses, and similar uses.

BASEMENT — An enclosed area located partly or completely below grade. A basement shall be considered a story for the purpose of height measurement if the basement ceiling is five feet or more above the average grade level around the building.

BIG-BOX RETAIL — Retail store establishments in freestanding, industrial-style, one-story buildings, with floor areas of 60,000 square feet or more. Examples of such uses are Walmart,
Costco, various retail clubs such as Sam's, and similar establishments.

BILLBOARD — A sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.

BOARD — The Norwood Borough Zoning Hearing Board.

BOARDINGHOUSE — See "rooming house."

BODY ART — The practice of physical body adornment in permitted establishments by operators utilizing tattooing and/or body-piercing cosmetics.

BOROUGH — The Borough of Norwood.

BUFFER — A strip of land intended to separate one use or district from another by providing an open, unobstructed space intended to absorb, shield, or block noise, light, view, or other impacts of the use having the greater impact. Buffers shall be planted with grass or other ground cover and may be part of the required yards. Buffers are often employed between a residential district and an abutting nonresidential district having greater impacts. There shall be no structures, equipment, storage, parking, or trash disposal in buffer areas. Dimensions of buffers shall be as required by the zoning district.

BUILDING — Any structure, either temporary or permanent, having a roof or other covering and designed or used for shelter or enclosure of any person, animal, property, or equipment of any kind.

BUILDING COVERAGE — The ratio obtained by dividing the gross floor area of all principal and accessory buildings on a lot by the total area of the lot upon which buildings are located.

BUILDING HEIGHT — The vertical distance measured from the average level of the ground surrounding the structure to the top of the highest point of the roof for flat roofs and to the ridge of gable, hip, and gambrel roofs. Chimneys, spires, towers, steeples, mechanical equipment, tanks, vessels, antennas, and similar projections of the buildings not intended for human occupancy shall not be included in calculating the height, unless specifically stated otherwise in this Part 1.

BUILDING LINE — A line parallel to the street right-of-way line which establishes the actual location of the front wall of the principal building on the lot.

BUILDING PERMIT — See the definition of "zoning permit."

BUILDING SETBACK LINE — A line parallel to the street right-of-way line at a distance that is equal to the depth of the front yard required for the district in which the lot is located.

CELL SITE — A tract or parcel of land that contains the wireless, cellular, or personal communications service antenna, its antenna support structure, accessory buildings, and parking and may include other uses associated with and ancillary to providing wireless communications, cellular communications, or personal communications services.

CELLULAR COMMUNICATIONS FACILITY — Includes, but is not limited to, the antenna, antenna support structures, and cell sites. (See also "cell site" above.)
CERTIFICATE OF OCCUPANCY — A document issued by a duly authorized local authority allowing the occupancy of a building and certifying that the structure or use has been constructed or will be used in compliance with all applicable local codes and ordinances.

CHILD DAY-CARE CENTER — A facility that is licensed to provide care for seven or more children unrelated to the operator, where the child-care areas are not being used as a family residence.

CODE OFFICIAL — The person appointed by Borough Council in accordance with the Pennsylvania Municipalities Planning Code (MPC)\(^6\) whose duty it shall be to administer this Part 1 and such other ordinances as may be assigned by Council. The Code Official shall have the right to delegate duties of enforcement to other persons, such as the Building Inspector and other qualified individuals.

COLLECTION FACILITY, RECYCLING — A facility that serves as a neighborhood dropoff point for the temporary storage of recyclables, is a maximum of 500 square feet, and is located on public property only.

COMMERCIAL VEHICLE — Any self-propelled or drawn vehicle when used for commercial, nonprofit, or industrial purposes, or any vehicle so registered in accordance with the Commonwealth of Pennsylvania Vehicle Code,\(^7\) or any truck, bus, or vehicle with a gross weight capacity of greater than 11,000 pounds.

COMMON DRIVEWAY — A single way providing vehicular access to two or more properties. Generally, 1/2 of the driveway is in ownership of one owner, and the other half in ownership of the abutting owner. No new common driveways shall be permitted in the Borough.

COMMON OPEN SPACE — Land within or related to a development, not individually owned or dedicated for public use, that is designed and intended for the common use or enjoyment of the residents of the development and their guests. This land may include complementary structures and improvements that are necessary and appropriate.

COMPREHENSIVE PLAN — A comprehensive long-range plan intended to guide the growth and development of a community or region and one that includes analysis, recommendations, and proposals for the community's population, economy, housing, transportation, community facilities, land use, and related areas.

CONDITIONAL USE — A use specifically listed within this Part 1 pursuant to Article VI of the MPC\(^8\) and the applicable provisions of Article XIV of this Part 1. Borough Council may only authorize such use after meeting the requirements of Article XIV and the MPC.

CONSTRUCTION — The construction, reconstruction, renovation, repair, extension, expansion, alteration, or relocation of a structure, including the placement of mobile homes.

CONVENIENCE STORE — A retail store containing less than 5,000 square feet of gross floor area and being open 15 hours to 24 hours per day. It is designed to attract and depends upon a

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6. Editor's Note: See 53 P.S. § 10101 et seq.
7. Editor's Note: See 75 Pa.C.S.A. § 101 et seq.
8. Editor's Note: See 53 P.S. § 10601 et seq.
large volume of traffic.

CONVERSION — A change in the use of a building, such as the change of a single-family dwelling into a multifamily dwelling or the change of a residential or retail use to offices. Such change may be accomplished without subdivision or the introduction of a new owner. Where the use and dimensional regulations of this Part 1 permit, such conversion may be accomplished by appropriate alteration upon the issuance of the necessary permits.

CUBIC CONTENT — The total volume of a structure (height multiplied by length multiplied by width), but excluding that portion of a stack or other projection that is higher than the highest point of the principal building.

DENSITY, GROSS — The number of dwelling units per acre. This term refers to all the land within the boundaries of a particular area, including streets, rights-of-way, easements, etc.

DENSITY, NET — The number of dwelling units per acre. This term refers to land within the boundaries of a particular area but excludes streets, rights-of-way, and easements in calculating net density.

DEVELOPER — Any landowner, agent of such landowner, or tenant with the permission of such landowner who makes or causes to be made a subdivision, land development, or any other development.

DEVELOPMENT — Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, streets and other paving, utilities, dredging, filling, grading, excavation, or drilling operations and the subdivision of land.

DRIVE-THROUGH ESTABLISHMENT — An establishment which offers in-car service or takeout service, including, but not limited to, financial institutions, food stores, and restaurants, but not including drive-in theaters.

DRIVEWAY — A private way used exclusively for circulation and ingress and egress to a street by the landowner or visitors of the lot.

DUMPSTER — See "refuse dumpster."

DWELLING — A building or unit designed and constructed for residential use.

DWELLING, MULTIFAMILY — A building containing three or more dwelling units, including units that are located one over another.

DWELLING, SINGLE-FAMILY ATTACHED (TOWNHOUSE/ROW HOUSE) — A single-family dwelling unit within a building, which unit has at least one party wall in common with other dwelling units in the same row; a townhouse or row house. After the effective date of this Part 1, no such building shall be constructed with more than six attached units.

DWELLING, SINGLE-FAMILY DETACHED — A building designed for and occupied exclusively as a residence for only one family, with yards on all sides of the dwelling.

DWELLING, SINGLE-FAMILY SEMIDETACHED (TWIN) — Two dwelling units, each accommodating one family, which are attached side by side by means of a party wall, with each dwelling unit having only one side yard.
DWELLING UNIT — A grouping of rooms designed, occupied, or intended for occupancy as separate living quarters, with cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.

ENFORCEMENT NOTICE — A notice by an applicable Borough official concerning a violation of existing law.

ESCAPE LANE — An additional lane in any drive-through establishment located outside of a usual drive-through lane to allow vehicles to exit in the event of an emergency.

FAMILY — Any number of individuals living together as a single housekeeping unit when said individuals are related by blood, marriage, or adoption, including foster children, or not more than four unrelated individuals living together as a single housekeeping unit with single kitchen facilities.

FAMILY BASED COMMUNITY RESIDENCE FACILITY — A dwelling, licensed by the appropriate state agency, shared by persons requiring special care and their supervisors who live together as a single housekeeping unit in a family like environment. This facility is designed to create a residential environment for the developmentally disabled, mentally ill or retarded, handicapped, or similar groups unable to live without supervision. The maximum number of residents shall not exceed four, excluding supervisors. These facilities shall not be used to accommodate persons recovering from the effects of drugs or alcohol or inmates of penal institutions.

FAMILY DAY-CARE HOME — A home, other than the child's own home, operated for profit or not for profit, in which child care is provided at any one time to four, five, or six children unrelated to the operator. All required certifications and other requirements must be met before operation begins.

FLOOR AREA, GROSS — The sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls or from the center line of a wall separating two buildings, but not including interior parking spaces, loading space for motor vehicles, or any space for which the floor-to-ceiling height is less than six feet. Gross floor area also includes, but is not limited to, the following:

A. Elevator shaft, stairwell, and attic space providing headroom of six or more feet.

B. The floor areas of roofed terraces, exterior balconies, breezeways, or porches where over 50% of the perimeter is enclosed.

C. Any floor space used for dwelling purposes no matter where located within a building.

FLOOR AREA, NET — The total of all floor areas of a building, excluding stairwells and elevator shafts, equipment rooms, interior vehicular parking or loading, and all floors below the first or ground floor, except when used or intended to be used for human habitation or service to the public.

FREESTANDING BUILDING — Any building located within a development site which is separate from any group or cluster development on such site and which shall comply with the regulations of the district in which it is located.

FRONT YARD PARKING — Any parking in front of the front building line of a structure, not
including off-street parking, that is provided as part of a driveway and/or garage.

GARAGE, PRIVATE — An accessory use which is attached to or an integral part of a residential building or dwelling unit, or an accessory structure used for the storage of motor vehicles and other personal property owned and used by the residents of the residential building or dwelling unit. Human habitation is not permitted in a private garage.

GARAGE, PUBLIC — A building or structure available to the general public in which motor vehicles are temporarily stored but which is not used for the repair or maintenance thereof.

GASOLINE SERVICE STATION — Any area of land, including structures thereon, or any building or part thereof that is used for the sale of gasoline or other motor vehicle fuel or accessories and which may include facilities for lubricating, washing, or otherwise servicing motor vehicles, but which shall not include painting or body and fender repairs.

GASOLINE STATION, SELF-SERVICE — A property and/or place of business where flammable or combustible liquids used as motor fuels are stored and dispensed from fixed equipment into the fuel tanks of motor vehicles by a person other than the service station attendant.

GREEN BUILDING — A building constructed by increasing the efficiency for use and harvesting of energy, water, and materials and reducing building impacts on human health and the environment through better siting, design, construction, operation, maintenance, and removal. Residential developments with over 10 dwellings and commercial buildings with a footprint larger than 5,000 square feet are encouraged to incorporate green building techniques located in Appendix D.9

HAZARDOUS MATERIALS — Those chemicals or substances which are defined as "physical hazards" or "health hazards" in the most recently adopted version of the Uniform Construction Code.10

HEALTH HAZARD — A classification of a chemical for which there is statistically significant evidence that acute or chronic health effects are capable of occurring in exposed persons. The term "health hazard" includes chemicals that are carcinogens, toxic or highly toxic agents, reproductive toxins, neurotoxins, agents that are capable of acting on the hematopoietic system, and agents that damage the lungs, skin, eyes, or mucous membranes.

HIGH MEAN WATERMARK — A mark indicating the highest level, on average, reached by a body of water over a given period of time.

IMPACT, HEAVY — Any use that poses a health hazard or a significant threat from fire or involves the use of hazardous materials in any way that could endanger persons or property in the event of accidental discharge or combustion. Municipal uses with a heavy impact include a highway maintenance department, firehouse, heavy equipment storage, and similar municipal uses.

IMPACT, LIGHT OR MEDIUM — Any use whose impact is not heavy, as herein defined.

9. Editor's Note: Appendix D is included at the end of this chapter.
10. Editor's Note: See Ch. 126, Construction Codes, Uniform.
IMPERVIOUS SURFACE — The coverage of the lot or tract area by materials that prevent the percolation of water into the soil and generate stormwater runoff, such as buildings, streets, parking areas, driveways, and any other similar surfaces.

INFill DEVELOPMENT — Development that occurs on vacant or underutilized lots in otherwise built-up sites or areas. Infill projects can take several forms, such as a small addition in a residential backyard, a single-lot development, a brownfield development, or multiparcel projects in urban downtowns.

LANDSCAPED PLANTING AREA — An area landscaped with grass, ground cover, shrubs, or similar plantings placed where required by this Part 1 and permanently maintained. See Article XII, Specific Regulations.

LOADING SPACE — An off-street space or berth for the loading or unloading of commercial vehicles. Such spaces shall comply with Article X.

LOT — A parcel of land that is or may be occupied by a building and/or accessory structure or use, including open spaces and setbacks as are required within the district in which the lot is located.

LOT AREA — The total horizontal area within the lot lines of a parcel.

LOT, CORNER — A lot bounded by intersecting streets on at least two sides. Both yards adjacent to streets shall be considered front yards. The yard opposite the shorter street frontage shall be the rear yard, and the yard opposite the longer frontage shall be the side yard.

LOT COVERAGE — That percentage of a lot that is covered by all combined structures, paving, or any impervious surfaces. Also see the definition of "impervious surface."

LOT DEPTH — The distance along a straight line measured from the midpoint of the front lot line to the midpoint of the rear lot line.

LOT LINE — A line of public record bounding a lot that divides one lot from another lot or from a public or private street or any other public space.

LOT LINE, FRONT — The line separating the lot from the street right-of-way.

LOT LINE, REAR — Any lot line, except the front lot line, which is parallel to or within 45° of being parallel to the front lot line and does not intersect any street line, except in the case of corner lots.

LOT LINE, SIDE — Any lot line that is not a front or rear lot line.

LOT, MINIMUM AREA OF — The smallest allowable lot area, as established by this Part 1, on which a use or structure may be located in a particular district.

LOT WIDTH — The horizontal distance between the side lot lines, measured at right angles to the lot depth at the building setback line.

MIXED-USE DEVELOPMENT — A single building containing more than one type of land use or a single development of more than one building and use where different types of land uses are in close proximity, planned as a unified complementary whole, and functionally integrated by shared vehicular and pedestrian access, parking areas, landscaping, and other features.
MULTITENANT BUILDING — A building designed or converted to accommodate three or more commercial tenants. Each tenant shall operate a use that is permitted in the district where the building is located.

MUNICIPALITIES PLANNING CODE (MPC) — Pennsylvania Act 247 of 1968 (P.L. 805), as amended, also cited as 53 P.S. § 10101 et seq., or any subsequent act of the Commonwealth of Pennsylvania that replaces, supplements, or repeals any or all of the provisions of Act 247. This law controls planning, zoning, and land development in Pennsylvania.

NEW CONSTRUCTION — A structure for which construction was started after the effective date of this Part 1 and includes any subsequent improvements to such structures.

NO-IMPACT HOME-BASED BUSINESS — A business or commercial activity that is clearly secondary to the residential use and in which no persons other than members of the resident family are engaged. The use shall not provide for on-site parking in addition to that required for the residential use. No equipment is used other than that normally used for household or general office use.

NONCONFORMING BUILDING OR STRUCTURE — A building or structure that does not comply with the provisions of this Part 1, as amended, where such building or structure lawfully existed prior to the effective date of this Part 1 or of amendments thereafter. See Article XV.

NONCONFORMING LOT — Any lawful lot that does not conform to one or more of the applicable provisions of the district in which it is located either on the effective date of this Part 1 or of amendments thereafter.

NONCONFORMING USE — A use, whether of land or a structure, which does not comply with the applicable provisions of this Part 1, where such use was lawfully in existence prior to the effective date of this Part 1 or amendments thereafter.

OFFICIAL MAP — A map that Borough Council adopts by ordinance, pursuant to Article IV of the MPC.11

PARKING SPACE — A reasonably level space, having a surface slope not exceeding 6%, used for parking a motor vehicle. Such space shall have an area as listed in Article X, which shall be exclusive of passageways, driveways, or other means of circulation or access.

PEDESTRIAN (HUMAN) SCALE — A subjective standard that suggests that the relationship between the person and his environment is comfortable and contributes to the individual's sense of accessibility; frequently contrasted with vehicular (or monumental) scale.

PEDESTRIAN-ORIENTED USE — Retail or commercial use that promotes and encourages walking, window shopping, and general pedestrian activity. Examples of these uses are restaurants, retail stores, food stores, service establishments, and similar businesses. These pedestrian-oriented establishments should be located in centralized areas and rely mainly on customers from nearby neighborhoods who could walk to these establishments. Attractive paving, sidewalks, pedestrian-oriented lighting, plazas, benches, and additional shade trees are an integral part of pedestrian-oriented commercial development.

11. Editor's Note: See 53 P.S. § 10401 et seq.
PERMIT — Written municipal permission, issued by the appropriate local official, empowering the holder thereof to do some act not forbidden by law but not permitted without such authorization.

PERSONAL SERVICE SHOP OR ESTABLISHMENT — A business engaged in providing services involving the care or appearance of a person, his or her clothing, or similar personal needs. Included in this definition are barber, beautician, shoe repair, fitness club, laundry or cleaner, or similar establishment, but not including a tattoo parlor, massage parlor, or body-piercing establishment.

PHYSICAL HAZARD — A chemical that is a combustible liquid, compressed gas, cryogenic, explosive, flammable gas, flammable liquid, flammable solid, organic peroxide, oxidizer, or unstable or water-reactive material.

PLACE OF AMUSEMENT — A use whose primary purpose is leisure activities or games, such as a bowling alley, laser tag facility, or other indoor uses, but excluding arcades.

PLANNING COMMISSION — The Planning Commission of the Borough of Norwood.

PLANTED VISUAL SCREEN — A strip of trees, hedges, or other plantings adjacent to the boundary of a property which, at time of planting, shall be not less than six feet high and of sufficient density to constitute an effective visual screen and thereby give visual protection to abutting properties. Such screen shall consist primarily of dense evergreens that shall be planted not farther than seven feet from one another and shall be permanently maintained. Deciduous trees may be added to create interest and variety.

PLAZA — An open space that may be improved and landscaped, usually surrounded by streets, buildings, and/or one or more walls.

PRINCIPAL BUILDING OR USE — A building or use which is the primary building or use on a lot as distinguished from a building or buildings relating to an accessory, incidental, or subordinate use; the primary purpose for which land, a building, or the use thereof is designed, arranged, or intended.

PRIVACY FENCE — A fence, including any gates, constructed of solid material through which no visual images can be seen.

PROFESSIONAL OFFICE — The office of a member of a recognized profession maintained for the conduct of that profession, such as a doctor, dentist, lawyer, and other similar professions.

PUBLIC HEARING — A formal meeting held pursuant to public notice by the Borough of Norwood or a planning agency and in accordance with the MPC, intended to inform and obtain public comment prior to taking action.

PUBLIC IMPROVEMENTS — All roads, streets, walkways, sidewalks, gutters, curbs, sewers, waterlines, stormwater management facilities, landscaping, streetlighting, traffic control devices, and other facilities to be dedicated to or maintained by the Borough of Norwood.

RECREATION, ACTIVE — Leisure-time activities that involve playing fields and team

12. Editor's Note: See 53 P.S. § 10101 et seq.
participation, such as baseball, soccer, lacrosse, etc.

RECREATIONAL AREA — A place designed and equipped for the conduct of sports, leisure-time activities, and other customary and usual recreational activities.

RECREATIONAL VEHICLE — Any camper, boat, trailer, house trailer, motor home, recreational trailer, or any other device used for the transportation of recreational vehicles containing single-axle or multiaxle structures mounted on wheels or otherwise capable of being made mobile when attached to a motor vehicle for purposes of travel, recreation, or vacation use.

RECREATION, PASSIVE — Recreation without sporting fields, more generally trail-based hiking, mountain biking, horseback riding, wildlife viewing, picnicking, etc.

REFUSE CONTAINER — A container utilized solely for the collection of refuse, not to exceed 50 cubic feet.

REFUSE DUMPSTER — A refuse container that exceeds 50 cubic feet in volume. All permanent refuse dumpsters shall employ a planted visual screen.

RELIGIOUS ESTABLISHMENT — A building or use used as a place of religious worship and teaching, which may include schools, day-care centers, auditoriums, residences for persons serving the particular facility, and recreational facilities.

RESTAURANT, STANDARD OR SIT-DOWN — Any premises used for the sale, dispensing, and/or serving of food, refreshments, or beverages where the customer is normally involved with an individual menu and is served by a restaurant employee at the table, booth, or counter at which said items are consumed.

RIGHT-OF-WAY (ROW) — Land acquired by reservation, dedication, prescription, condemnation, or other legal manner and occupied, or intended to be occupied, by a street, crosswalk, electric transmission line, oil or gas pipeline, waterline, watercourse, or similar uses.

RIGHT-OF-WAY LINE — The line that forms the boundary of a right-of-way.

RIPARIAN BUFFER — A permanent area of trees and shrubs located adjacent to streams, lakes, ponds, and wetlands, intended to provide protection and absorb, shield, or block a body of water from open space or development.

ROOFLINE — The line that marks the lowest point of the roof.

ROOF RIDGELINE — The line that marks the highest point of the roof. This term is applicable to most roofs other than flat roofs.

ROOMING HOUSE — A dwelling unit or part thereof arranged or used for lodging, with or without meals, for which nightly, weekly, or monthly accommodations are provided to transient guests for compensation or other consideration. No rooming houses or boardinghouses shall be permitted in the Borough upon enactment of this Part 1.

SCREEN — Any barrier intended and designed to shield properties and uses from other uses or activities having a different sound and other impacts (e.g., screening of industrial uses or activities from nearby residential structures).

SETBACK — The distance between the street right-of-way line or a lot line and any building on
a lot or tract.

SETBACK, REQUIRED — The minimum distance from the street right-of-way line or any other lot line that establishes the area, commonly known as the "building envelope," within which the principal structure must be erected or placed.

SHOPPING CENTER — A group of commercial establishments planned, constructed, and managed as a total entity, including both attached buildings and freestanding buildings with customer and employee parking provided on site.

SIGN — Any object, device, display, or illustration which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, numbers, or symbols.

SIGN AREA — The entire face of a sign, including the advertising surface and framing, trim, or molding, but not including the supporting structure.

SIGN, AWNING OR CANOPY — A sign that is mounted or painted on or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area.

SIGN, DIRECTIONAL — A sign limited to directional messages principally for pedestrians or vehicular traffic, such as "entry" or "exit," "one way," "loading" or "service area," "fire lanes," "parking," or a similar sign incidental to the primary use and not itself advertising or naming that use except as required by law.

SIGN FACE — The area or display surface used for the message.

SIGN, FREESTANDING — A detached sign which shall include any sign placed upon or in the ground, supported by a post, stake, etc., and not attached to any building.

SIGN, GROUND — A freestanding sign, other than a sign supported by a post or pylon, placed upon or supported by the ground, independent of any other structure.

SIGN, IDENTIFICATION — A sign giving the nature, logo, trademark, or other identifying symbol, address, or any combination of the name, symbol, and address of a building, business, development, or establishment on the premises where it is located.

SIGN, ILLUMINATED — A sign lighted by or exposed to artificial lighting either by lights on or in the sign or directed towards the sign.

SIGN, MENU — A sign that depicts the menu of food and/or drink for sale at an eating or drinking establishment.

SIGN, MULTIFACED — A sign with two or more display areas or sides on which messages can be displayed.

SIGN, NAMEPLATE — A sign indicating only the name and/or profession and address of the person(s) residing or legally occupying the premises.

SIGN, NEON — A sign that is internally lighted by lamps, bulbs, tubes, etc., that are filled with neon gas.
SIGN, OFFICIAL — A sign installed by a governmental agency and intended to direct or control traffic; to identify streets, parks, and historical events; or to provide other information deemed necessary by that official agency.

SIGN, PROJECTING — A sign that is wholly or partly dependent upon a building for support and which projects more than 12 inches from such building.

SIGN, SALES OR PRICE CHANGE — A type of temporary sign that has a high turnover, such as those advertising sales and frequent price changes. These signs are most commonly found on windows/doors of supermarkets, grocery stores, and beverage distributors. In most cases, these signs are constructed of paper, cardboard, or other lightweight materials.

SIGN, SANDWICH BOARD/A-FRAME — A movable sign consisting of two faces, possibly hinged at the top.

SIGN STRUCTURE — The supports, uprights, braces, and framework of the sign.

SIGN, TEMPORARY — A sign that is used in connection with an event, situation, or circumstance that is designed or intended to take place or be completed within 30 days after the permit for the sign was issued or is intended to remain on the location where it is placed or erected for not more than 30 days.

SIGN, WALL — A sign posted on, suspended from, or otherwise affixed to a wall or vertical surface of a building that does not project more than 12 inches from the wall or vertical surface to which it is attached. Signs shall not be painted on any surface.

SIGN, WINDOW — A sign attached or affixed to a window or door.

SMALL-SCALE RETAIL ESTABLISHMENT — A small retail store or shop, having a floor area not more than 500 square feet, intended to serve customers of the various uses in the TC Town Center District and passing pedestrians.

SPECIAL EXCEPTION — An authorized use that may be granted only by the Zoning Hearing Board in accordance with express standards and criteria as expressed in Article XIII.

STACKING OF AUTOMOBILES — A parking arrangement where one vehicle is located directly behind another. The rear vehicle must move in order for the vehicle in front to exit the parking.

STORAGE BUILDING — A freestanding structure in a nonresidential district with a height of no more than 15 feet and an area of no more than 200 square feet with its primary purpose being storage.

STORAGE SHED — A freestanding structure in a residential district with a height of no more than 10 feet and an area of no more than 100 square feet with its primary purpose being storage.

STREET — A public or private way used or intended to be used as a means of vehicular and pedestrian travel and access to abutting properties and space for public utilities that is improved in compliance with all Borough requirements for public or private streets.

STREET LINE — The line dividing the street and the abutting property. The street line shall be the same as the street right-of-way line.
STRUCTURE — Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground.

SUPERMARKET — A large retail establishment primarily selling food as well as other convenience and household goods. A supermarket shall have not less than 20,000 square feet of floor area and may contain branch banking facilities, video rentals, a pharmacy, eating areas, and similar accessory establishments.

SWIMMING POOL, PRIVATE — Any body of water, tank, or receptacle of water having a depth at any point of greater than two feet, used or intended to be used for swimming or bathing solely by the owner, his family, and guests of the household and constructed, installed, established, or maintained outside any building in or above the ground upon any premises as an accessory use to the residence. Such swimming pools shall comply with Article XII, Specific Regulations. Also see "swimming pool, wading."

SWIMMING POOL, WADING — Small and sometimes portable pools, generally intended for and used by children, that do not comply with the above definition for private swimming pools and the requirements in § 300-90.

TOWNHOUSE BUILDING — A building containing single-family attached dwelling units (townhouse units) in which each townhouse unit is attached only by a party wall or walls to one or two other townhouse units. Townhouse buildings erected after the effective date of this Part 1 shall contain not more than six attached units.

TRACT — An area, lot, parcel, site, or property which is the subject of a subdivision and/or land development.

TRACT AREA — The total acreage of a subdivision or land development. Tract area shall be measured to the ultimate right-of-way line of public streets.

UNIFIED DEVELOPMENT — A tract of land developed, operated, and maintained as a single entity and containing two or more structures to accommodate retail, service, commercial, office, industrial, and residential uses. The development shall have common accessways, parking areas, and landscaping and shall be developed following a common architectural scheme.

USE — The specific purpose for which land or a building is designed, arranged, or intended or for which it may be occupied or maintained. The term "authorized use" or its equivalent shall not be deemed to include any nonconforming use.

USE, AUTHORIZED — Any principal or accessory use allowed by this Part 1 as a use by right, conditional use, or use by special exception.

USE, PRINCIPAL — The specific primary purpose for which a lot or site is used.

VARIANCE — Relief granted pursuant to Articles VI and IX of the MPC\textsuperscript{13} and Article XVIII, Zoning Hearing Board, of this Part 1.

WALKWAY — A hardscaped pedestrian path of a width required in this Part 1 that does not follow a course parallel to the public street, as in the case of a sidewalk.

\footnotesize{\textsuperscript{13} Editor's Note: See 53 P.S. § 10601 et seq. and 53 P.S. § 10901 et seq., respectively.}
YARD — An unobstructed open space on the same lot with a principal building that extends from a street line or lot line inward to the principal building.

YARD, FRONT — A yard extending the full width of the lot, the depth of which extends from the front lot line to the nearest point of the principal building.

YARD, INTERIOR — The area between the parking lot or an interior driveway in a development and the principal building(s).

YARD, REAR — A yard extending the full width of the lot, the depth of which extends from the rear lot line to the nearest point of the principal building.

YARD, REQUIRED — The open space between a lot line and the buildable area or "building envelope" within which the principal structure must be erected or placed.

YARD, SIDE — A yard extending between the inside lines of the front and rear yards and extending in width from the side lot line to the nearest point of the principal building.

ZONING DISTRICT — An area in the Borough of Norwood in which regulations under this Part 1 uniformly apply, including overlay districts.

ZONING ORDINANCE — The ordinance that divides the Borough into areas or zones that specify allowable uses for real property, size, and locational restrictions for buildings within these areas.

ZONING PERMIT — Written permission, issued by the Zoning Officer or other appropriate municipal official, empowering the holder thereof to erect or alter a building or structure, including signs and fences, to change the use of a building or land, and to change or extend a nonconforming use. Also known in the Borough as a "building permit," this permit is used for all zoning-related matters.

ARTICLE III
R-1 Residential District

§ 300-12. District purposes.
The purposes of the R-1 District are to provide for medium-density residential development and to develop regulations that are designed to stabilize and protect the residential characteristics of the district and encourage a suitable environment for residential activities. The district also allows for protection of open space and recreation, as well as selected residential and municipal uses permitted by special exception and nonresidential uses permitted by conditional use.

§ 300-13. Uses permitted by right.
Land, buildings, or premises shall be used by right for only one or more of the following uses:

A. Single-family detached dwelling.
B. Family based community residence facility, subject to § 300-87.
C. Recreation, park, or play area.
§ 300-14. Uses permitted by special exception.
The following uses shall be permitted by special exception only, subject to the applicable requirements of Article XIII:
A. Municipal use, light impact, as defined in Article II, subject to § 300-106.
B. Conversion of a single-family detached dwelling to not more than two units, subject to § 300-107.

§ 300-15. Uses permitted by conditional use.
The following uses shall be permitted by conditional use only, subject to the applicable requirements of Article XIV:
A. Educational institutions, such as primary schools and related administrative offices, but not including trade and business schools, subject to § 300-119.

§ 300-16. Accessory uses and structures.
A. Off-street parking, subject to Article X, Off-Street Parking and Loading.
B. Family day-care home, subject to § 300-88.
C. No-impact home-based business, subject to § 300-86.
D. Garage for residential use, subject to § 300-85.
E. Storage shed, subject to § 300-85.
F. Fence, subject to § 300-89.
G. Private swimming pool, subject to § 300-90.
H. Satellite antenna, subject to § 300-91.
I. Deck, subject to § 300-92.
J. Sign, subject to Article XI, Signs, and Appendix C.14
K. Any accessory use or structure on the same lot with and customarily incidental to any of the uses permitted above in this district and not detrimental to the neighborhood.

§ 300-17. Dimensional regulations.
Unless otherwise specified, the following shall be minimum requirements:
A. Single-family detached dwelling:
   (1) Lot area: 5,000 square feet.
   (2) Lot width: 50 feet.

14. Editor's Note: Appendix C is included at the end of this chapter.
(3) Front yard: 20 feet, but any infill shall not be less than the average setback on the block.

(4) Side yards: 20 feet aggregate, eight feet minimum.

(5) Rear yard: 25 feet.

(6) Building coverage: 30%, maximum.

(7) Impervious surface: 50%, maximum.

(8) Height: three stories or 35 feet, maximum.

§ 300-18. Development regulations.

A. The area behind the principal dwelling shall not be used for permanent storage or repair of automobiles, trucks, boats, mobile homes, trailers, or similar vehicles or conveyances. Temporary storage of these vehicles or vessels shall not exceed a period of 30 days.

B. Vehicular access shall be provided by individual driveways to serve dwellings or other permitted uses. No common driveways shall be permitted.

C. Developments having 10 or more dwellings shall consult the Green Building Guidelines in Appendix D.15

D. Design considerations shall be in accordance with § 300-101.

E. The Sign Design Guidelines in Appendix C shall be consulted prior to developing signs for any project.16


A. Institutional land has a special impact on the community. This is particularly true in Norwood where the Zoning Map provides for one large district (R-1) where most of the institutional uses in the Borough are permitted. Accordingly, the Borough has a special interest in the future of such properties in the event of abandonment or change of use.

B. It is the intent of this section to ensure a reasonable choice of appropriate use in the event of abandonment, change of use, or nonuse of land where institutional uses are located. In such event, on its own motion or upon petition for rezoning, the Planning Commission shall consider whether the land is suitable for continued institutional use or whether it is best suited for another use and shall make appropriate recommendations to Borough Council.

ARTICLE IV
R-2 Residential District

§ 300-20. District purposes.

15. Editor's Note: Appendix D is included at the end of this chapter.

16. Editor's Note: Appendix C is included at the end of this chapter.
The purposes of this district are to provide for medium- and medium/high-density residential development, mainly in the form of single-family semidetached dwellings. Townhouse developments are permitted by special exception only. The district also contains regulations designed to stabilize and protect its residential characteristics, encourage a suitable environment for residential activities, and accommodate the impacts from higher-density development.

§ 300-21. Uses permitted by right.

Land, buildings, or premises shall be used by right for only one or more of the following uses:

A. All uses permitted by right in § 300-13 of the R-1 Residential District.
B. Single-family semidetached dwelling (twin).

§ 300-22. Uses permitted by special exception.

The following uses shall be permitted by special exception only, subject to the applicable requirements of Article XIII:

A. Townhouse development, subject to § 300-108.

§ 300-23. Uses permitted by conditional use.

The following uses shall be permitted by conditional use only, subject to the applicable requirements of Article XIV:

A. Church or other religious use, including rectory, classrooms for religious instruction, or similar customary religious activities, subject to § 300-118.


All accessory uses and structures permitted by § 300-16 in the R-1 Residential District shall also be permitted in the R-2 District.

§ 300-25. Dimensional regulations.

Unless otherwise specified, the following shall be minimum requirements:

A. Single-family detached dwelling:
   (1) Lot area: 4,500 square feet.
   (2) Lot width: 45 feet.
   (3) Front yard: 20 feet, but any infill shall not be less than the average setback on the block.
   (4) Side yards: 18 feet aggregate, eight feet minimum.
   (5) Rear yard: 25 feet.
   (6) Building coverage: 35%, maximum.
(7) Impervious surface: 55%, maximum.
(8) Height: 35 feet or three stories, maximum.

B. Single-family semidetached dwelling (per unit - two twins):
   (1) Lot area: 3,500 square feet.
   (2) Lot width: 35 feet.
   (3) Front yard: 20 feet, but any infill shall not be less than the average setback on the block.
   (4) Side yard: 10 feet on one side.
   (5) Rear yard: 25 feet.
   (6) Building coverage: 45%, maximum.
   (7) Impervious surface: 65%, maximum.
   (8) Height: 35 feet or three stories, maximum.

C. Single-family attached dwelling (townhouse). Townhouses shall be permitted in this district only as part of a development based on an overall plan on a tract with an area of not less than two acres and not as independent dwellings on individual lots, subject to § 300-108.

A. Common driveways for single-family semidetached dwellings shall not be allowed.
B. Developments having 10 or more dwellings shall consult the Green Building Guidelines in Appendix D.17
C. Design considerations shall be in accordance with § 300-101.
D. Sign Design Guidelines in Appendix C shall be consulted prior to developing signs for any project.18

ARTICLE V
R-3 Residential District

§ 300-27. District purposes.
The purposes of this district are to provide for medium/high-density residential development in the form of apartments and townhouses, to protect and preserve existing medium/high-density developments, and to provide for certain uses with higher impacts by special exception or conditional use.

17. Editor's Note: Appendix D is included at the end of this chapter.
18. Editor's Note: Appendix C is included at the end of this chapter.
§ 300-28. Uses permitted by right.
A. Single-family attached dwelling in the form of one townhouse building, not exceeding six units.
B. Multifamily dwelling in the form of an apartment building containing not more than six units.

§ 300-29. Uses permitted by special exception.
A. Townhouse development, subject to § 300-108.
B. Family day-care home as an accessory use, except in apartments, subject to §§ 300-88 and 300-110.

§ 300-30. Accessory uses and structures.
A. All accessory uses permitted in § 300-24 of the R-2 Residential District shall also be permitted in the R-3 District. However, a family day-care home shall require a special exception, as noted in § 300-29B.
B. Swimming pool for townhouse development, subject to § 300-90.

§ 300-31. Dimensional regulations.
Unless otherwise specified, the following shall be minimum requirements:
A. Single-family attached dwelling (single townhouse unit):
   (1) Lot area: 2,000 square feet.
   (2) Lot width: 20 feet.
   (3) Front yard: 20 feet.
   (4) Side yard: 10 feet at end of row, 20 feet where an access driveway is provided.
   (5) Rear yard: 25 feet.
   (6) Distance between buildings: 20 feet.
   (7) Building coverage: 50%, maximum.
   (8) Impervious surface: 70%, maximum.
   (9) Height: 35 feet or three stories, maximum.
B. Multifamily dwelling (apartment building):
   (1) Lot area: 2,500 square feet per unit.
   (2) Lot width: 150 feet.
   (3) Front yard: 20 feet.
   (4) Side yards: 20 feet on each side.
(5) Rear yard: 25 feet.
(6) Building coverage: 60%, maximum.
(7) Impervious surface: 80%, maximum.
(8) Height: 35 feet or three stories, maximum.

§ 300-32. Development regulations.
A. Developments having 10 or more dwellings shall consult the Green Building Guidelines in Appendix D.19
B. Design considerations shall be in accordance with § 300-101.
C. The Sign Design Guidelines in Appendix C shall be consulted prior to developing signs for any project.20
D. Landscaping for multifamily dwellings shall be in accordance with § 300-96.

ARTICLE VI
TC Town Center District

§ 300-33. District purposes.
The purposes of this district are to create a traditional, pedestrian-oriented, town center by providing for retail, service, and other commercial establishments, as well as civic, municipal, recreational, and mixed uses. District provisions combined with the Norwood Town Revitalization Plan call for providing or improving sidewalks, street furniture, trees, and gathering places intended to help achieve this goal. Additionally, the district provides for residential accommodations on second floors and public transit in the form of rail. Secondary purposes include retaining and preserving existing buildings and parking areas. This district will also serve to create a focal point that emphasizes a sense of place, identity, and character of the Borough.

§ 300-34. Uses permitted by right.
Land, buildings, or premises shall be used by right for only one or preferably a mix of the following uses:
A. Small-scale retail establishment, as defined in Article II, such as a convenience store, bakery, grocer or farmer's market, local hardware and pharmacy, music store, bookstore, travel agency, street vendor, and similar uses.
B. Personal service shop such as dry cleaner, barber, beauty salon, and other similar uses, excluding adult uses.
C. Studio for music, dance, fitness, art, and similar uses.

19. Editor's Note: Appendix D is included at the end of this chapter.
20. Editor's Note: Appendix C is included at the end of this chapter.
D. Food and beverage establishment, including outdoor dining such as a restaurant, coffee shop, delicatessen, and similar uses.

E. Municipal use, light impact.

F. Public park, plaza, square, courtyard, and similar uses.

G. Apartment, located on the second floor only.

H. Public transit and related facility, rail only.

I. Gallery space, museum, and similar uses.

§ 300-35. Uses permitted by conditional use.

The following shall be permitted as conditional uses only, subject to the applicable provisions of Article XIV:

A. Public parking garage, subject to § 300-120.

B. Business and professional office building, subject to § 300-121.

C. Theater and live entertainment, subject to § 300-122.

D. Firehouse, subject to § 300-136.

E. Any use of the same general character as those permitted in §§ 300-34 and 300-35. Such use shall be permitted by Borough Council upon the recommendation of the Planning Commission, shall be consistent with the purposes of the district, comply with the performance standards in Article XVI, and not be detrimental to the surrounding neighborhood. To determine if a proposed use is of the same general character as any of the listed permitted uses, Borough Council and the Planning Commission shall evaluate its impacts against the compatibility standards in Article XII, Specific Regulations.

§ 300-36. Accessory uses and structures.

A. Off-street parking, subject to Article X.

B. Sign, subject to Article XI and Appendix C.21

C. Satellite antenna, subject to § 300-91.

D. Deck, subject to § 300-92.

E. Any accessory use on the same lot with and customarily incidental to any of the uses permitted above and not detrimental to the area.

§ 300-37. Prohibited uses.

No building or premises may be erected, altered, or used for any trade, industry, or business that is clearly automobile-related, as defined in Article II, or is noxious or offensive by reason of

21. Editor's Note: Appendix C is included at the end of this chapter.
odor, dust, smoke, gas, noise, or similar impacts or is dangerous to public health or safety. No drive-in or drive-through business or activity shall be permitted, and no gas or diesel internal combustion engine shall be used in any commercial activity. Also, consistent with § 300-33, District purposes, no large, single uses, including big-box uses, as defined in Article II, shall be permitted.

§ 300-38. Dimensional regulations.

Unless otherwise specified, the following shall be minimum requirements:

A. Lot area:
   (1) Retail, commercial service: 3,000 square feet to 6,000 square feet.
   (2) Recreational, municipal, parking: 3,000 square feet to 12,000 square feet.

B. Lot width: 50 feet, maximum.

C. Front yard: the average of the closest structures on the same side of the street (10 feet, maximum).

D. Side yard(s):
   (1) Attached/end of row: 10 feet.
   (2) Detached: 20 feet aggregate, six feet minimum.

E. Rear yard: 25 feet.

F. Height: three stories or 35 feet, maximum.

G. Building coverage:
   (1) Attached: 60%, maximum.
   (2) Detached: 40%, maximum.

H. Impervious surface:
   (1) Attached: 80%, maximum.
   (2) Detached: 60%, maximum.


A. No goods, articles, or equipment shall be stored, displayed, or offered for sale in front of the front line of a building, except for temporary sales or promotions lasting not more than three days. Any event or sale exceeding three days' duration, including street vendors, shall obtain a permit from the Borough.

B. All signs, lighting fixtures, and similar facilities and amenities shall be designed and constructed in keeping with the architectural character and theme of the Town Center District and surrounding buildings and facilities.

C. All principal uses shall be completely enclosed in a building, and no drive-through
establishment shall be permitted.

D. Where feasible, deliveries shall be made to the rear of each building or row of buildings.

E. Screening and landscaping shall comply with §§ 300-95 and 300-96, respectively.

F. No outdoor storage shall be permitted.

G. The storage of refuse shall comply with applicable provisions of Article XII, Specific Regulations.

H. All applicable provisions of Article XI, Signs, shall be followed. The Sign Design Guidelines in Appendix C shall be consulted prior to developing signs for any project.22

I. Furnishings for outdoor dining shall be limited to tables, chairs, and umbrellas. Refuse facilities shall be required. A minimum pathway of at least five feet shall be provided so as not to impede pedestrian traffic flow.

§ 300-40. Design standards.

This section shall apply to structures constructed after this Part 1 is adopted and to new additions of 400 square feet or more.

A. Pedestrian system.

(1) Sidewalks or walkways that are hard-surfaced and not less than five feet wide shall be required in front of and/or adjacent to residential, commercial, or mixed-use buildings to connect with the pedestrian walkway system and to provide connection to the transit station.

(2) Sidewalks shall be constructed along the frontage of all public streets.

(3) Stairs and ramps consistent with ADA standards shall be provided where necessary to provide a direct route to the walkway system.

(4) Walkways that cross parking, loading, or driveway areas must be clearly identifiable through the use of elevation changes, different paving materials, or other similar methods.

(5) Buildings shall be oriented toward the pedestrian by providing a direct link between the building and the pedestrian walkway network, with emphasis on directing people toward transit stops/stations.

(6) All parking areas, driveways, and loading areas shall be lighted adequately for safety and convenience of customers, delivery vehicles, and other users. All lighting fixtures shall be shielded from street traffic and from abutting residential properties.

(7) Where practicable, plazas shall be provided. Not less than one seating space for each 250 square feet of plaza area shall be provided.

B. Building walls and facades.

22. Editor's Note: Appendix C is included at the end of this chapter.
(1) Unscreened, flat, blank walls shall be avoided to provide a pleasant pedestrian experience by connecting activities within a structure to the adjacent sidewalk and/or transit stop.

(2) While architectural styles shall be compatible throughout the development, building facades should be visually interesting and diverse.

(3) Buildings must have at least a five-foot offset in all facades for every 40 feet of continuous facade. Such offsets may be met through the use of bay windows, porches, porticos, building extensions, towers, and other architectural treatments.

C. Parking lots and garages.

(1) Surface parking shall preferably be located at the rear of the building or, if not feasible, at the side.

(2) Parking garages and surface parking lots shall not dominate the development site.

(3) Surface parking areas with 20 or more spaces shall be screened along all sidewalks by a masonry wall, fence, or similar treatment, not less than three feet high, that is compatible with adjacent structures.

(4) Shared parking is encouraged. Where applicable, a shared parking plan must be approved by the Borough. Shared parking and off-site parking shall comply with § 300-67.

(5) Parking garages shall be served by pedestrian walkways and connection to the sidewalk/pedestrian system. These walkways shall be clearly marked and continuous in design.

(6) Vehicles shall be visually screened from adjacent buildings and the street, and such screening shall be in keeping with the remainder of the building's architectural style and materials.

(7) Parking garages shall be architecturally integrated or designed with an architectural theme similar to that of surrounding buildings.

(8) Surface parking areas with 20 or more spaces shall be divided into separate areas by landscaped islands not less than 10 feet in width. Such parking areas shall have not more than 20 continuous parking spaces.

(9) Not less than 20% of any parking lot shall be landscaped.

D. Streetscapes.

(1) Street trees, planted at intervals of not less than every 50 feet, shall be required along all sidewalks. Existing trees may count toward this requirement.

(2) Pedestrian amenities, such as benches, public art, picnic areas, seating areas, fountains, planters, etc., shall be located in landscaped areas, open spaces, and plazas or along public streets.

E. Bicycle parking.
(1) Parking lots should include one bicycle parking space per 20 vehicle spaces, with a minimum of two.

F. General.

(1) Nonresidential buildings shall contain materials, doors, and architectural detailing that are compatible with adjoining residential buildings within the Town Center.

(2) Where possible, utilities shall be placed underground in new developments.

(3) Applicants for new building construction with a footprint greater than 5,000 square feet shall consult the green building standards in Appendix D.23

ARTICLE VII
HC Highway Commercial District

§ 300-41. District purposes.

The purposes of this district are to provide for a wide range of highway-oriented retail and service uses that serve both local and regional customers and allow sufficient space for automobile-related merchandising. A secondary purpose is to provide apartments above street-level commercial uses. Large-scale uses and those having greater impacts on the surrounding area are permitted as conditional uses only.

§ 300-42. Uses permitted by right.

Land, buildings, or premises shall be used by right for only one or more of the following uses. However, any use below with a lot area greater than 25,000 square feet shall require a conditional use permit.

A. All uses permitted by right in the TC Town Center District.

B. A drive-through business such as a restaurant, bank, or similar drive-through use, including a remote automated teller machine and standard walk-in or sit-down business.

C. Caterer.

D. Convenience store.

E. Technological use, including data processing, telecommunications, broadcasting, laboratory, research and development, and similar uses.

F. Establishment that contains both a workshop and a retail outlet or showroom, provided that the workshop is in the rear half of the building.

G. Trade shop, such as electrician, carpenter, plumber, or similar practitioner.

H. Laundry or laundromat.

I. Beverage distributor.

23. Editor's Note: Appendix D is included at the end of this chapter.
J. Business and professional office, such as dental, medical, physical therapy, accountant, lawyer, and similar professions.

K. Municipal use, light impact.

L. Municipal firehouse.

M. Apartment above first floor only.

N. Open space, park, or recreational area.

§ 300-43. Uses permitted by conditional use.

The following shall be permitted as conditional uses only, subject to the applicable provisions of Article XIV, Conditional Uses, and the specific sections cited below:

A. Church or other religious use, including rectory, classrooms for religious instruction, or similar customary religious activities, subject to § 300-118.

B. Sale, lease, repair, and painting of automobiles and trucks, subject to § 300-123.

C. Gasoline service station, subject to § 300-124.

D. Car wash, subject to § 300-125.

E. Funeral home or mortuary, subject to § 300-126.

F. Supermarket, subject to § 300-127.

G. Child day-care center, as defined in Article II, subject to § 300-128.

H. Private club, subject to § 300-129.

I. Place of amusement, such as a bowling alley, laser tag, and similar indoor amusement uses, but not including arcades, subject to § 300-130.

J. Telecommunications antennas, subject to Part 2, Article XXI, Telecommunications Antennas, of this chapter.

K. Shopping center, subject to § 300-137.

L. Any use that is permitted by right in § 300-42 but has a lot area of 25,000 square feet or greater, subject to § 300-132.

M. Any use of the same general character as those permitted in §§ 300-42 and 300-43. Such use shall be permitted by Borough Council upon the recommendation of the Planning Commission, shall be consistent with the purposes of the district, comply with the performance standards in Article XVI, and not be detrimental to the surrounding neighborhood. To determine if a proposed use is of the same general character as any of the listed permitted uses, Borough Council and the Planning Commission shall evaluate its impacts against the compatibility standards in Article XII, Specific Regulations.

§ 300-44. Accessory uses and structures.
A. Off-street parking, subject to Article X.
B. Sign, subject to Article XI and Appendix C.24
C. Satellite antenna, subject to § 300-91.
D. Storage, subject to §§ 300-85 and 300-95. Unhitched trailers shall not be permitted as a form of outdoor storage.
E. Collection facility for recycling, subject to § 300-85.
F. Deck, subject to § 300-92.
G. Any accessory use on the same lot with and customarily incidental to any of the uses permitted above and not detrimental to the area.

§ 300-45. Dimensional regulations.

Unless otherwise specified, the following shall be minimum requirements:
A. Lot area:
   (1) Attached: 3,500 square feet.
   (2) Detached: 10,000 square feet.
B. Lot width:
   (1) Attached: 30 feet.
   (2) Detached: 75 feet.
C. Front yard: not less than the average setback on the block or 10 feet.
D. Side yard(s):
   (1) Attached (end of row): 15 feet.
   (2) Detached: 30 feet aggregate, 10 feet minimum.
E. Rear yard: 20 feet.
F. Building coverage:
   (1) Attached: 60%, maximum.
   (2) Detached: 45%, maximum.
G. Impervious surface:
   (1) Attached: 80%, maximum.
   (2) Detached: 65%, maximum.
H. Height: three stories or 40 feet.

24. Editor's Note: Appendix C is included at the end of this chapter.
I. Shopping center dimensional regulations in accordance with § 300-137.

§ 300-46. Development regulations.

A. All applicable provisions of Article X, Off-Street Parking and Loading, and Article XI, Signs, shall be followed. The Sign Design Guidelines in Appendix C shall be consulted prior to developing signs for any project.25

B. Storage shall be permitted in accordance with §§ 300-85 and 300-95.

C. Where feasible, deliveries shall be made to the rear of each building or row of buildings.

D. All parking areas, driveways, and loading areas shall be lighted adequately for safety and convenience of customers, delivery vehicles, and other users. All lighting fixtures shall be shielded from street traffic and from abutting residential properties.

E. No fluorescent, flashing lights shall be employed at any establishment in the HC Highway Commercial District. Simple neon lights such as those often used in restaurant windows shall be permitted.

F. Where a new building or addition to an existing building is proposed, a planted visual screen as defined in Article II shall be provided at the boundary line with all residential districts.

G. Landscaping shall be in accordance with § 300-96.

H. Developers of new buildings with a footprint greater than 5,000 square feet shall consult the green building standards in Appendix D.26

I. Design considerations shall be in accordance with § 300-101.

ARTICLE VIII
HC-A Highway Commercial-A District 27

§ 300-47. District purposes.

The purposes of this district are to provide for a wide range of highway-oriented retail and service uses that serve both local and regional customers and allow sufficient space for automobile-related merchandising. A secondary purpose is to provide apartments above street-level commercial uses. Large-scale uses and those having greater impacts on the surrounding area are permitted as conditional uses only. This district also allows for adult-oriented uses and provides controls to protect nearby residential neighborhoods.

§ 300-48. Uses permitted by right.

Land, buildings, or premises shall be used by right for only one or more of the following uses. However, any use below with a lot area greater than 25,000 square feet shall require a

25. Editor's Note: Appendix C is included at the end of this chapter.
26. Editor's Note: Appendix D is included at the end of this chapter.
27. Editor's Note: See also Part 2, Art. XIX, HC-A Highway Commercial-A District.
conditional use permit.

A. All uses permitted by right in § 300-42 of the HC Highway Commercial District shall also be permitted in the HC-A District.

§ 300-49. Uses permitted by conditional use.

The following shall be permitted as conditional uses only, subject to the applicable provisions of Article XIV, Conditional Uses:

A. All conditional uses permitted in § 300-43 of the HC Highway Commercial District shall also be permitted in the HC-A District, excluding child day-care centers.

B. Adult bookstore and adult video store, as defined in Article II, and subject to Part 2, Article XIX, HC-A Highway Commercial-A District, of this chapter.

C. Body art establishment, as defined in Article II, and subject to Part 2, Article XX, Body Art Regulations, of this chapter.

D. Any use that is permitted by right in § 300-42 of the HC Highway Commercial District but is 25,000 square feet or greater, subject to § 300-132.

E. Uses of the same general character as those permitted in §§ 300-42 and 300-43. Such use shall be permitted by Borough Council upon the recommendation of the Planning Commission, shall be consistent with the purposes of the district, comply with the performance standards in Article XVI, and not be detrimental to the surrounding neighborhood. To determine if a proposed use is of the same general character as any of the listed permitted uses, Borough Council and the Planning Commission shall evaluate its impacts against the compatibility standards in Article XII, Specific Regulations.

§ 300-50. Accessory uses and structures.

A. All accessory uses permitted in § 300-44 of the HC Highway Commercial District shall also be permitted in the HC-A District.

B. Any accessory use on the same lot with and customarily incidental to any of the uses permitted above and not detrimental to the area.

§ 300-51. Dimensional regulations.

Unless otherwise specified, the following shall be minimum requirements:

A. Lot area:
   (1) Attached: 3,500 square feet.
   (2) Detached: 10,000 square feet.

B. Lot width:
   (1) Attached: 30 feet.
   (2) Detached: 75 feet.
C. Front yard: not less than the average setback on the block or 10 feet.

D. Side yard(s):
   (1) Attached (end of row): 15 feet.
   (2) Detached: 30 feet aggregate, 10 feet minimum.

E. Rear yard: 20 feet.

F. Building coverage:
   (1) Attached: 60%, maximum.
   (2) Detached: 45%, maximum.

G. Impervious surface:
   (1) Attached: 80%, maximum.
   (2) Detached: 65%, maximum.

H. Height: three stories or 40 feet.

§ 300-52. Development regulations.

A. All applicable provisions of Article X, Off-Street Parking and Loading, and Article XI, Signs, shall be followed.

B. The Sign Design Guidelines in Appendix C shall be consulted prior to developing signs for any project.28

C. Storage shall be permitted in accordance with §§ 300-85 and 300-95.

D. Where feasible, deliveries shall be made to the rear of each building or row of buildings.

E. All parking areas, driveways, and loading areas shall be lighted adequately for safety and convenience of customers, delivery vehicles, and other users. All lighting fixtures shall be shielded from street traffic and from abutting residential properties.

F. No fluorescent, flashing lights shall be employed at any establishment in the HC-A Highway Commercial-A District. Simple neon lights such as those used in restaurant windows shall be permitted.

G. Where a new building or addition to an existing building is proposed, a planted visual screen as defined in Article II shall be provided at the boundary line with all residential districts.

H. Landscaping shall be in accordance with Article XII, Specific Regulations.

I. Developers of new buildings with a footprint greater than 5,000 square feet shall consult

28. Editor's Note: Appendix C is included at the end of this chapter.
the green building standards in Appendix D.\textsuperscript{29}

J. Design considerations shall be in accordance with § 300-101.

ARTICLE IX
OS Open Space District

§ 300-53. District purposes.
The primary purpose of this district is to provide for the retention and enhancement of open space, recreation, and conservation areas such as Darby Creek, Muckinipates Creek, Norwood Park, Kugler Park, and other waterways and undeveloped areas near or adjacent to the John Heinz National Wildlife Refuge. Other purposes are to assure the preservation of significant natural resources such as bodies of water, marshlands, and wooded areas and to establish reasonable controls in order to maintain the benefits of open space, recreation, and conservation areas. Single-family detached dwellings are permitted by conditional use only. In addition, municipal uses will be permitted by special exception only. District regulations for uses permitted by right, conditional use, and special exception are strict in their nature with the intent to ensure that there will be no adverse effect on the natural resources and wildlife in the district or nearby residential areas.

§ 300-54. Uses permitted by right.
Land, buildings, or premises shall be used by right for only one or more of the following uses:

A. Wildlife refuge, forest preserve, nature center, arboretum, and similar preservation and conservation uses.

B. Passive recreational use, including hiking, walking, bicycling, picnicking, fishing, boating, ice skating, and similar recreational uses.

C. Camping, provided that all applicable regulations of the facility are followed, such as registration, obtaining permits, etc.

D. Active recreational use, as defined in Article II, including play fields and areas and materials necessary for the competition or scorekeeping of games, such as backstops, bleachers/benches, scoreboards, and similar items that are not detrimental to the area.

E. Any use of the same general character as the above permitted uses, provided that such use is consistent with the purpose of the district and not detrimental to the surrounding area.

§ 300-55. Uses permitted by special exception.
The following uses shall be permitted as special exceptions only, subject to the applicable provisions of Article XIII, Special Exceptions:

A. Municipal use, subject to § 300-109.

§ 300-56. Uses permitted by conditional use.

\textsuperscript{29} Editor's Note: Appendix D is included at the end of this chapter.
The following uses shall be permitted as conditional uses only, subject to the applicable provisions of Article XIV, Conditional Uses:

A. Single-family detached dwelling, subject to § 300-135.

§ 300-57. Accessory uses and structures.

A. Parking, subject to Article X.
B. Sign, subject to Article XI.
C. Storage building, subject to § 300-85.
D. Satellite antenna, subject to § 300-91.
E. Deck, subject to § 300-92.
F. Concession related to a use permitted by right.
G. Any accessory use on the same lot with and customarily incidental to any of the uses permitted above in §§ 300-54 and 300-55 and not detrimental to the area.

§ 300-58. Special regulations.

A. Open space character. Buildings or other structures shall not compromise the natural value of floodplains, stream valleys, wooded areas, or other sensitive areas and shall be planned, designed, and located to minimize the disturbance of such areas or features.
B. Use of appropriate materials. Where possible, parking areas, driveways, and similar areas should be covered with pervious materials, consistent with the open space character of this district. Any construction that takes place should be completed using recyclable materials that are not detrimental to the purposes of this district.
C. Legal mechanisms to permit access. Public access easements, deed restrictions, or other legal mechanisms to permit access to or through privately owned land for such purposes as walking, hiking, fishing, bicycling, and similar activities are strongly encouraged.
D. Commercial activity limitation. No commercial activity shall be permitted except as it directly relates to uses permitted in §§ 300-54 and 300-55.
E. Consistency with other studies. Recommendations contained within the Delaware County Coastal Zone Compendium of Waterfront Provisions of 1998 and the Darby Creek Greenway Plan, as to be adopted in the future, shall be consulted prior to construction of or addition to any building or facility.
F. Developers of new buildings with a footprint greater than 5,000 square feet shall consult the green building standards in Appendix D.\(^{30}\)
G. Design considerations shall be in accordance with § 300-101.
H. The Sign Design Guidelines in Appendix C shall be consulted prior to developing signs for

\(^{30}\) Editor’s Note: Appendix D is included at the end of this chapter.
§ 300-59. Dimensional regulations.

Unless specifically stated otherwise, the following shall be minimum requirements for uses permitted by right:

A. Tract area: five acres.
B. Tract width: 200 feet.
C. Setbacks: 30 feet from all property lines and public streets and 50 feet from the mean high-water mark.
D. Building coverage: 2%, maximum.
E. Impervious surface: 5%, maximum.
F. Height: two stories or 30 feet.

ARTICLE X
Off-Street Parking and Loading

§ 300-60. Purposes.

The primary purposes of this article are to adequately provide for the parking needs of all uses in the Borough and to reduce traffic congestion on public streets by allowing provisions for off-street parking facilities in order to support faster emergency access to all districts. The secondary purposes include providing for the special parking needs of handicapped drivers, allowing flexibility in meeting parking needs by utilizing methods such as off-site and shared parking arrangements, and creating requirements for all loading, landscaping, and design of parking facilities.

§ 300-61. Applicability.

A. Basic requirements. Off-street parking shall be provided in accordance with the requirements in § 300-65 below, except as modified for the TC Town Center District in § 300-63 and the HC Highway Commercial and HC-A Highway Commerical-A Districts in § 300-64.

B. Existing structures and uses. No building or use of land lawfully in existence prior to the effective date of this Part 1 shall be subject to the requirements of § 300-63, 300-64 or 300-65 so long as the kind or extent of use is not changed so as to require additional parking.

C. Provision and retention of facilities. All required parking facilities should be provided and maintained so long as the use exists which the facilities were designed to serve. Off-street parking facilities shall not be reduced in total extent except when such reduction is in conformity with this article.

31. Editor's Note: Appendix C is included at the end of this chapter.
D. Change or extension of use. Within all districts, whenever a structure is altered or a use is changed or extended, the total additional parking required for the alteration, change, or extension shall be provided in accordance with §§ 300-63, 300-64 and 300-65 as long as the use remains.

§ 300-62. General regulations.

A. Where a use is not specifically listed in this Part 1, the Zoning Hearing Board shall apply the standards of the most similar use listed to determine the number of parking spaces required.

B. If the computation of the parking ratios listed in § 300-65 results in a fraction, an additional parking space shall be required.

C. All parking areas of 10 spaces or more, loading areas, and driveways shall be graded and surfaced with bituminous paving or equivalent surfacing and graded to properly dispose of all surface water accumulation within the parking area in conformance with municipal standards so as not to allow drainage onto any adjoining property.

D. In off-street parking areas with five or more spaces, each space shall be clearly line-striped and maintained.

E. All parking areas with five or more spaces shall be adequately lighted so as to assist in the safe maneuvering of motor vehicles and to provide security for users of the lot. All lighting shall be arranged to avoid glare on adjacent properties.

F. Parking or storage of disabled, partially dismantled, or junked cars, trucks, boats, or other vehicles shall be permitted on a lot for a continuous period of not more than five days.

G. Front yard parking, as defined in Article II, is prohibited. No unpaved, front yard parking shall be permitted. Expansion of the driveway or parking pad into an area otherwise utilized for the front yard is considered front yard parking and is not permitted.

H. Except for light maintenance, heavy repair work on vehicles shall not be permitted in parking areas.

I. All off-street parking lots shall comply with provisions of the Delaware County Land Development and Subdivision Ordinance of 2007, as now exists or may be adopted, for any standards not explicitly stated within this Part 1.

J. In addition to meeting parking requirements in §§ 300-63, 300-64 and 300-65, zoning districts shall supplement these standards with bicycle racks or lockers for persons, residents, and customers who choose to travel by bicycle as per § 300-70.

K. Where off-street parking lots abut walkways, walls, fences, buildings, or public rights-of-way, bumper guards, curbs, or wheel stops shall be installed to ensure that vehicles will not strike or obstruct them.

L. No commercial or recreational vehicle over 11,000 pounds may park for a period of more than four hours in an on-street parking space.

M. A commercial or recreational vehicle and utility trailer may be parked on the owner's
property only if stored or parked behind the front edge of the building line. It must be parked in such a manner so as not to restrict the visibility of traffic using any adjacent public street. Recreational vehicle wheels and utility trailer wheels must at all times be blocked or otherwise rendered immobile so as to prevent any movement of the vehicle while it is in a stopped position.

N. Refer to Chapter 290, Article XXI, Commercial, Recreational and Utility Vehicle Prohibition, §§ 290-109 and 290-110, for specific exemptions and permitting procedures relating to these vehicles.

O. New common driveways shall not be permitted in the Borough.

§ 300-63. Parking regulations for TC District.

A. New construction and/or expansion of existing uses must provide the off-street parking spaces required in § 300-65. However, in the TC Town Center District, the required spaces in § 300-65 below may be provided in any one or any combination of the following types of facilities or arrangements:

1. Off-street/on-site.
2. On-street.
3. Off-site area (§ 300-67).
4. Shared parking area (§ 300-67).
5. Municipal parking lot.

B. Proposals for uses that would utilize parking in any arrangement other than the standard on-site/off-street manner must be accompanied by a written agreement between the applicant and the owner of the parking facility indicating that such parking space will be provided to serve the proposed use or expansion of an existing use. Prior to the approval of any proposed use or expansion necessitating other than the standard off-street/on-site parking, the Code Official must certify in writing that such parking arrangements have been executed and that all required spaces have thereby been provided.

§ 300-64. Parking regulations for HC and HC-A Districts.

New construction and/or expansion of existing uses in the HC Highway Commercial and HC-A Highway Commercial-A Districts shall provide off-street parking as follows:

A. Any permitted use in the HC or HC-A District shall provide one off-street parking space for the first 4,000 square feet of gross floor area (GFA).

B. Uses with a GFA larger than 4,000 square feet shall provide off-street parking spaces in accordance with the ratios identified for that respective use in § 300-65 below.

C. Stacking of automobiles, as defined in Article II, shall be permitted in the HC and HC-A Districts for employees of institutional and office uses only to assist in reaching the required off-street parking requirements in § 300-65. Any stacking of automobiles shall be located in the rear or side yard only, be limited to a maximum of two vehicles, and not
interfere with the ingress or egress of other vehicular traffic.

§ 300-65.  Required parking ratios.

A. Residential uses:

<table>
<thead>
<tr>
<th>Use</th>
<th>Off-Street Parking Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single- and two-family dwelling</td>
<td>2 spaces for every dwelling unit</td>
</tr>
<tr>
<td>Townhouse</td>
<td>2 spaces for every dwelling unit</td>
</tr>
<tr>
<td>Multifamily dwelling</td>
<td>2 spaces per dwelling unit, plus 1 space for every 4 dwelling units for guests in developments/buildings of 12 or more units</td>
</tr>
<tr>
<td>Conversion</td>
<td>2 spaces per unit</td>
</tr>
<tr>
<td>Community residence facility</td>
<td>1 space for every 2 bedrooms, plus 1 for each employee</td>
</tr>
</tbody>
</table>

B. Public or private recreational uses:

<table>
<thead>
<tr>
<th>Use</th>
<th>Off-Street Parking Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Private club</td>
<td>1 space for every 100 square feet of gross floor area</td>
</tr>
<tr>
<td>Bowling alley</td>
<td>4 spaces for each lane</td>
</tr>
<tr>
<td>Outdoor commercial recreation</td>
<td>1 space for every 2,000 square feet of area devoted to such use</td>
</tr>
<tr>
<td>Indoor recreation</td>
<td>1 space for every 100 square feet of gross floor area</td>
</tr>
</tbody>
</table>

C. Governmental, institutional, and educational uses:

<table>
<thead>
<tr>
<th>Use</th>
<th>Off-Street Parking Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Auditorium, church, and other places of public assembly</td>
<td>1 space for every 5 seats, plus 1 space for every 150 square feet of meeting room area</td>
</tr>
<tr>
<td>Community center, municipal building, library, or similar use</td>
<td>1 space for every 300 square feet of gross floor area</td>
</tr>
<tr>
<td>Child day-care center</td>
<td>1 space for every 500 square feet of gross floor area, plus 1 space for each adult attendant or teacher. This shall be in addition to the parking requirements of the primary use, such as a school or church, if applicable</td>
</tr>
<tr>
<td>Nursery, primary, and secondary school</td>
<td>1 space for each faculty member or other full-time employee, plus 2 spaces for each classroom, and 1 space for every 12 students aged 16 years or older</td>
</tr>
</tbody>
</table>
D. Retail, commercial, and other business uses:

<table>
<thead>
<tr>
<th>Use</th>
<th>Off-Street Parking Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Retail store or shop</td>
<td>1 space for every 200 square feet of gross floor area</td>
</tr>
<tr>
<td>Furniture or appliance store</td>
<td>1 space for every 400 square feet of gross floor area</td>
</tr>
<tr>
<td>Convenience store</td>
<td>1 space for every 125 square feet of gross floor area</td>
</tr>
<tr>
<td>Supermarket</td>
<td>1 space for every 125 square feet of gross floor area</td>
</tr>
<tr>
<td>Personal service business such as barbershop, tailor, shoe repair, etc.</td>
<td>1 space for every 150 square feet of gross floor area</td>
</tr>
<tr>
<td>Professional and other office use</td>
<td>1 space for every 300 square feet of gross floor area</td>
</tr>
<tr>
<td>Bank, credit union, and savings-and-loan institution</td>
<td>1 space for every 200 square feet of gross floor area</td>
</tr>
<tr>
<td>Medical, dental, or veterinary office or clinic</td>
<td>1 space for every 100 square feet of waiting room space, plus 1 space for each practitioner</td>
</tr>
<tr>
<td>Restaurant</td>
<td></td>
</tr>
<tr>
<td>Sit-down</td>
<td>1 space for every 150 square feet of gross floor area, plus 1 space for every 2 employees on the shift of greatest employment</td>
</tr>
<tr>
<td>Restaurant with drive-through</td>
<td>1 space for every 75 square feet of gross floor area, plus 1 space for every 2 employees on the shift of greatest employment</td>
</tr>
<tr>
<td>Bar, tavern</td>
<td>1 space for every 150 square feet of gross floor area</td>
</tr>
<tr>
<td>Movie theater or amusement venue</td>
<td>1 space for every 3 seats, plus 1 space for every employee on the shift of greatest employment</td>
</tr>
<tr>
<td>Funeral home</td>
<td>1 space for every 75 square feet of floor area in viewing rooms or parlors, plus 1 space for each official funeral car, and 1 space for every 2 employees, exclusive of the resident family members</td>
</tr>
<tr>
<td>Hotel, motel, or inn</td>
<td>1 space for every guest room, plus 1 space for every 2 full-time employees, plus the required parking for accessory uses such as restaurants, bars</td>
</tr>
<tr>
<td>Car wash</td>
<td></td>
</tr>
<tr>
<td>Standard</td>
<td>10 spaces per bay for stacking, plus 4 spaces for standing between the exit of the facility and the street, plus 1 space for each employee on the shift of greatest employment</td>
</tr>
<tr>
<td>Self-service</td>
<td>4 spaces per bay for stacking, plus 1 space for standing between the exit of the facility and the street</td>
</tr>
<tr>
<td>Laundromat, self-service</td>
<td>1 space for every 2 washing machines</td>
</tr>
</tbody>
</table>
Use
Automobile service and repair
Repair or tradesman shop, e.g., carpenter, plumber, etc.
Temporary use, such as sales of Christmas trees, flowers, produce, and other goods

Off-Street Parking Requirements
2 spaces, either within or outside the structure, for every 200 square feet of floor or ground area devoted to repair or service facilities and, in addition, such space as is necessary for vehicles purchasing gasoline or being stored. In no case shall the spaces for permitted motor vehicle storage in conjunction with a service station be fewer than 5

1 space for every 400 square feet of gross floor area
1 space for every 200 square feet of sales area

§ 300-66. Design regulations; handicapped parking.

A. The size of a standard parking space shall be nine feet wide by 18 feet long, an area of 162 square feet.

B. Parking spaces for the handicapped shall be 12 feet wide by 18 feet long, an area of 216 square feet, or meet the most recently adopted ADA standards. Parking spaces for the handicapped must be located as close as possible to public entrances and ramps to buildings. Each space must be clearly marked with proper signage.

C. All off-street parking areas shall include paved handicapped-accessible parking spaces.

D. Handicapped spaces shall be provided in the amounts required below:

<table>
<thead>
<tr>
<th>Total Parking Spaces</th>
<th>Number of Required Handicapped Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 to 25</td>
<td>1</td>
</tr>
<tr>
<td>26 to 50</td>
<td>2</td>
</tr>
<tr>
<td>51+</td>
<td>3</td>
</tr>
</tbody>
</table>

E. All parking areas for five or more vehicles shall be designed so that vehicles need not back directly onto a public street but can enter and leave the parking area in a forward motion.

F. All parking shall be accessible to and from a street, driveway, and/or alleyway.

G. Every parking lot or area with 10 or more off-street spaces shall be separated from the street or highway by a raised curb, planting strip, wall, or other suitable barrier against unchanneled motor vehicle entrance or exit, except for necessary accessways.

H. Drive-through establishments, such as fast order and pickup, drive-up bank tellers, and similar uses, shall provide no fewer than five waiting spaces for each drive-through lane. This is in addition to the space for the car being serviced.

§ 300-67. Off-site and shared parking.
A. Nothing in this article shall be construed to prevent the collective off-site parking facilities for two or more nonresidential buildings or uses. However, the total of such off-site parking spaces shall be not less than the sum of the requirements for the various uses compiled separately and provided that such off-site parking is not farther than 500 feet from the use in question. The parties entering the partnership must enter a formal, written agreement to be approved by the Borough Solicitor.

B. Two or more nonresidential uses may provide for required parking in a shared parking area, provided that such area is on or adjacent to such uses. The number of spaces required in such a shared parking area may be reduced below the sum of the total requirements if it can be demonstrated to the Code Official that the hours or days of peak parking demand for the uses are so different that a lower overall total of parking spaces will adequately provide for the uses to be served. In such case, sufficient parking shall be provided to meet the minimum needs of the use that requires the greater parking area.

§ 300-68. Off-street loading facilities.

A. The minimum-size loading space shall be 50 feet long by 12 feet wide, with an overhead clearance of 14 feet, exclusive of drives and maneuvering space, and located entirely on the lot being served. Any overhead canopy should extend a minimum of four feet beyond a loading dock.

B. All loading spaces shall have adequate access from a street or way that does not block or interfere with required parking as specified in §§ 300-63, 300-64, and 300-65. This required space must be provided in addition to the established requirements for patron and employee parking.

C. Every building or use of land consisting of over 5,000 square feet of gross floor area designed or used for commercial or industrial uses shall be provided with a loading space as follows:

<table>
<thead>
<tr>
<th>Total Gross Floor Area (square feet)</th>
<th>Number of Loading Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to 15,000</td>
<td>1</td>
</tr>
<tr>
<td>15,000 to 50,000</td>
<td>2</td>
</tr>
<tr>
<td>50,000 to 100,000</td>
<td>3</td>
</tr>
<tr>
<td>Each additional 100,000</td>
<td>1 additional</td>
</tr>
</tbody>
</table>

D. In no case shall public rights-of-way be used for loading or unloading of materials. Furthermore, no loading dock or space shall be located or arranged in such a way that it is necessary to back any vehicle into or off any public right-of-way or require the use of any public right-of-way maneuvering space.

E. All off-street loading berths shall be provided on either the side or rear of the lot. In no case shall off-street loading berths be provided in the front of the lot.

F. All off-street loading shall be designed so as to minimize the nuisance, hazard, or impediment to pedestrian travel and traffic flow on public streets.
§ 300-69. Screening and landscaping requirements.

A. Screening between any parking area and the street line shall be effective at the time of occupancy, subject to the following provisions:

(1) All off-street parking areas that provide more than five parking spaces shall be screened from any abutting property in a residential or other more restrictive zoning district.

(2) Screening may be accomplished through the use of the following: plant materials, fencing or walls, and/or mounding through the use of an earthen berm forming a continuous visual buffer.

(3) Such screens shall not be less than four feet in height.

(4) The area for planting and fencing, walls, or earthen berms shall not extend beyond the street line.

B. Landscaping within any parking area which provides 20 or more parking spaces shall be subject to the following provisions:

(1) Off-street parking areas shall be landscaped to reduce wind and air turbulence, heat, noise, and the glare of automobile lights; to reduce the level of carbon dioxide; to provide shade; to reduce stormwater drainage problems; to replenish the groundwater table; and to provide for a more attractive setting.

(2) The interior of each parking lot constructed or enlarged after the effective date of this Part 1 shall have at least one three-inch-caliper deciduous shade tree for every 15 parking spaces if there are no existing shade trees to satisfy this requirement. Shrubs and other plant materials are encouraged to be used to complement the trees but shall not be the sole contribution to the landscaping. These trees shall be in addition to those required as an effective screen. Trees selected for landscaping in parking areas shall be of a species proven to be salt and dust resistant.

(3) Landscaped areas at least five feet wide shall be provided along all street frontages in parking lots with 20 or more parking spaces.

(4) Planted landscaped islands between every 20 parking spaces or at the end of each parking row, whichever is less, shall be provided and shall be the length and width of the parking spaces.

(5) Existing plant material and trees with a caliper of six inches or more shall be preserved wherever possible during construction. Such existing plants may be credited toward the amount of required plantings.

§ 300-70. Bicycle parking.

A. Bicycle parking facilities shall be provided for all multifamily structures and commercial, office, and municipal/civic uses.

B. The number of bicycle parking spaces required for each use shall be as follows:
Use                                      Required Spaces
Multifamily residential 1 space per 4 dwelling units
Commercial            1 space per 2,000 square feet of gross floor area
Office                 1 space per 1,000 square feet of gross floor area
Municipal/civic       1 space per 20 vehicle spaces

C. Bicycle parking facilities must be located in a secure, well-lighted area and afford the opportunity for bicyclists to lock their bicycle.

D. All bicycle racks, lockers, or other facilities shall be securely anchored to the ground or to the structure.

ARTICLE XI
Signs

§ 300-71. Purposes.
The purposes of this article are to provide for and to regulate the types, dimensions, and other features of signs in Norwood Borough, to recognize the commercial communication needs of the business community, to protect the public from damage or injury attributable to distractions and obstructions from improperly designed or located signs, to safeguard property values, and to assure that signs are consistent and harmonious in relation to the scale, appearance, and character of buildings and areas where they are located.

§ 300-72. General provisions.
A. Any sign hereafter erected shall conform to the provisions of this article and any other ordinance or regulations of the Borough relating thereto. Any sign not specifically authorized by the provisions of this article shall not be erected in the Borough.

B. It shall be unlawful for any person, firm, or corporation to erect, alter, rebuild, enlarge, extend, or relocate signs listed in § 300-76 without first obtaining a permit from the Borough, except for those signs listed in § 300-75.

C. Application for such permits shall be made in writing to the Borough in accordance with § 300-80.

D. The Code Official is hereby authorized to revoke any permit issued by the Borough upon failure of the holder thereof to comply with any provision of this article.

E. The Sign Design Guidelines located in Appendix C shall be consulted prior to developing signs for any project.32

§ 300-73. Determination of size and area.
A. The size of any sign shall be determined in accordance with the provisions of this article and the following:

32. Editor's Note: Appendix C is included at the end of this chapter.
(1) When a sign consists of letters, numbers, and/or logos and not a lettered board, and such sign is erected on or attached to a building wall, pole, or other similar surface or support, the size of such sign shall be measured by the geometric shape formed by the extreme outside edge of the largest letters, numbers, or logos contained in the sign.

(2) When a sign consists of a lettered board and such sign is erected on or attached to a building wall, pole, or other similar surface or support, the size of such sign shall be determined by calculating the area of the lettered board.

B. Area of multifaced signs. The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces part of the same sign structure are placed back to back so that both faces cannot be viewed from any point at the same time, and when such sign faces are not more than 42 inches apart, the sign area shall be computed by the measurement of one of these faces.

§ 300-74. Restrictions and standards.

A. Prohibited signs. It is unlawful to erect or maintain the following signs:

(1) Flashing, blinking, spinning, animated, inflatable, aerial, or lighted moving signs, including automatic color-changing and rotating lamps and other moving objects that call attention to the sign. The use of rotating searchlights for advertising is allowed after obtaining a permit from the Borough as per § 300-80.

(2) Digital, lighted signs such as those utilized for sales and price changes as both stand-alone and those located at the base of a freestanding sign (e.g., Walgreens or CVS).

(3) Signs that display vulgar, indecent, or obscene advertising matter.

(4) Advertising cloth or banners or signs of any similar character suspended or hung on any property, excluding civic events.

(5) Wall bulletins or any other signs painted directly on the facade of a building or other structure.

(6) Curb or sidewalk signs or signs painted on, attached to, or suspended from any outdoor bench, chair, or similar structure.

(7) Swinging and hanging signs.

(8) Signs pasted, tied, pulled, or otherwise attached to a vehicle that refer to a business or activity unrelated to the purpose or activity for which the vehicle is used.

(9) Signs placed, inscribed, or supported upon the roofline or any structure that extends above the roofline of any building.

(10) Signs that state or imply that the property on which they are placed is used for purposes or activities not permitted by this Part 1.

(11) Neon signs, excluding neon window signs.
B. Projecting signs. New projecting signs shall not be erected after the date of enactment of this Part 1 except along Chester Pike in the HC Highway Commercial and HC-A Highway Commercial-A Districts. In the HC and HC-A Districts, projecting signs shall extend a maximum of five feet from the front building line while still adhering to the general provisions located in Subsection C(1) below. Projecting signs in existence at the enactment of this Part 1 shall be considered nonconforming signs and shall be allowed to continue, subject to § 300-78.

C. Standards and restrictions. The following standards and restrictions shall apply to all permitted signs:

(1) General.

   (a) No sign shall be located, arranged, or placed in a position where it will cause danger to traffic or will interfere with traffic through glare; block required sight lines for streets, sidewalks, or driveways; or cause confusion with a traffic control device by reason of color, location, shape, or other characteristics.

   (b) Where not inconsistent with this article, all signs constructed or erected under the provisions of this article shall comply with the standards set forth in the Pennsylvania Uniform Construction Code most recently adopted by the Borough.33

   (c) Except for official/traffic, directional, and incidental signs, no sign shall be erected within the right-of-way lines of any public street. In all other zoning districts, any such sign shall not be closer than six feet to the right-of-way line of a public street, unless specifically authorized by other ordinances and regulations of the Borough of Norwood or other governmental bodies or agencies having jurisdiction or regulatory authority in the matter.

   (d) No illuminated sign shall be lighted on days when the business or permitted use is not open for business.

   (e) All signs must be constructed of durable materials and shall be solidly and firmly attached and/or anchored to their supports or framework.

   (f) All permanent signs over four square feet in size shall be constructed by a professional sign company.

   (g) Every sign must be kept in good condition and repair. Any sign that becomes dilapidated or abandoned shall be removed by or at the expense of the landowner or lessee of the property on which it is located.

   (h) Where applicable, the requirements of the Pennsylvania Department of Transportation in relation to signs shall be followed.

   (i) Except for official signs, incidental signs, directional signs, wayfinding signs, or billboards, all permanent signs shall be located on the property to which the text or message applies.

33. Editor's Note: See Ch. 126, Construction Codes, Uniform.
(j) Freestanding signs, canopy signs, and awning signs shall have a clearance of not less than eight feet between the ground and the bottom of the sign.

(k) Where a business ceases to operate and vacates the premises, the owner/operator must remove all signs and sign structures within one year after ceasing business operations. However, the sign structure may remain if the owner or occupant can demonstrate that a subsequent owner or occupant will utilize the sign or sign structure.

(2) Freestanding signs.

(a) The bottom or lowest edge of any freestanding sign shall be no closer to the ground than eight feet or six feet in residential districts. No more than two feet above the ground level can be devoted to and maintained for plantings. If such plantings are installed, they shall be maintained at the maximum height of two feet and shall be free of weeds, debris, and other undesirable material.

(b) The maximum height of freestanding signs shall be 30 feet, measured from grade level.

(c) All single-post freestanding signs shall be made of metal, except for those used in residential districts, which may be made of pressure-treated timbers. All such posts shall be embedded in the ground at least three feet six inches unless otherwise directed by the Code Official.

(d) Freestanding signs will be permitted in residential areas only when set back a minimum distance of six feet behind the front property line, and no portion of such sign shall be less than six feet behind the front property line.

(e) Freestanding signs in residential districts shall be illuminated only by concealed or indirect lighting.

(f) There shall be a distance of not less than 100 feet between freestanding signs along the same road frontage.

(3) Ground signs.

(a) The top edge of a ground sign shall be a maximum of six feet above ground level.

(b) Ground signs shall be supported and permanently placed by embedding, anchoring, or connecting the sign in such a manner as to incorporate it into the landscape or architectural design scheme.

(c) The setback shall be as required for freestanding signs in § 300-74C(2)(d) above.

(d) Illumination shall be by concealed or indirect lighting.

(4) Window signs. A maximum of 20% of the total window area may be used for permanent signs that are etched, painted, or permanently affixed to the window. Neon signs in a window shall have a maximum of ten-percent coverage or eight square feet,
whichever is less.

(5) Temporary signs.

(a) The use of any temporary sign, except for signs exempt by § 300-75, shall require a permit that shall be effective for not more than 30 days in accordance with § 300-80.

(b) Temporary signs shall be placed so as not to obstruct vehicular or pedestrian traffic or create a safety hazard.

(c) Such signs shall not obstruct access to or from any door, window, fire escape, or ventilating equipment, nor be attached to any standpipe or fire escape.

(d) Temporary signs shall be removed immediately upon expiration of the permit.

(e) The size of these signs shall not exceed 1/3 square foot of sign area for each linear foot of building width.

(f) Temporary commercial advertising signs shall not be attached to fences.

(g) After expiration of a thirty-day period for the temporary sign permit, the applicant may apply for another such permit. However, not more than four such permits for a temporary sign shall be issued to the same applicant within any twelve-month period.

§ 300-75. Signs not requiring permits.

The following signs are exempt from the need to secure a permit but are subject to all other applicable provisions of this article:

A. Public notice, warning, or official/traffic sign required by a federal, state, or local law, regulation, or ordinance.

B. Any sign inside a building not attached to a window or door that is not legible from a distance of more than three feet beyond the lot line of the property on which such sign is located.

C. Building markers that only include building name, date of construction, or historical data on an historical site, provided that there is only one per building with a maximum area of six square feet.

D. Flags of the United States, the Commonwealth of Pennsylvania, foreign nations having diplomatic relations with the United States, or any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction, provided that such flag does not exceed 60 square feet in area and shall be flown from a pole not more than 40 feet in height.

E. Decorative flags, not exceeding 12 square feet.

F. Incidental signs containing no commercial message of any kind, provided that such signs do not exceed eight square feet.

G. Temporary window signs advertising the sale or price change of goods, provided that such
signs do not exceed 1/3 of total window coverage and are arranged in such a manner as not to obstruct the view of goods and business activity being conducted inside.

H. Signs advertising the sale or rental of the premises or lot upon which they are erected, provided that there is not more than one such sign per street frontage. Such sign shall be neither illuminated nor exceed eight square feet in residential districts and 32 square feet in nonresidential districts. All such signs shall be removed on or before the date of settlement.

I. Signs advertising the development of the premises where they are erected. Such signs shall not exceed 16 square feet in residential districts and 40 square feet in nonresidential districts. All such signs shall be removed on or before the date of settlement.

J. Nameplate signs on private residences, provided that they do not exceed 144 square inches.

K. Decorations for a recognized officially designated holiday, provided that they do not create a traffic or fire hazard.

L. Yard sale or garage sale signs, provided that they do not exceed two square feet and are removed within 24 hours after such sales.

M. Signs announcing educational, charitable, civic, religious, or similar campaigns or events, provided that such signs are erected for a period not to exceed 30 days nor more than four times in any calendar year, for a maximum annual total of 120 days. Such signs shall not exceed eight square feet.

N. Changeable copy signs for churches, schools, and other uses which, by their nature require changeable copy signs, provided that only one such sign shall be permitted. However, in the case of a corner property, one additional sign is permitted on the side of the property. The size of such signs shall not exceed 16 square feet.

O. Directional signs.

P. Freestanding signs of an official nature identifying a civic event.

Q. Signs, letters, posters, and advertisements which are tacked, pasted, tied, or otherwise affixed to poles, posts, buildings, fences, bus shelters, or other structures located on public property or within public street lines. These signs shall be removed within seven days of the event's end.

R. A-frame, sandwich board, or similar temporary signs, provided that the sign size is no larger than eight square feet.

S. "Grand opening" signs shall be removed from the premises within 30 days of the date of opening.

§ 300-76. Signs requiring permits.

The following signs, as described under each zoning district or group of districts, are permitted, provided that they meet the conditions in § 300-74 and a sign permit has been obtained in accordance with § 300-80:

A. Signs in residential districts. The following types of signs and no others shall be permitted
in the R-1, R-2, and R-3 Residential Districts:

(1) Identification signs for apartment buildings or complexes, residential developments, churches/religious uses, and similar permitted uses other than individual dwellings, provided that:
   (a) Such signs shall be freestanding signs, ground signs, or wall signs only.
   (b) Not more than one wall sign and one freestanding or ground sign shall be permitted for each frontage.
   (c) The size of freestanding, ground, and wall signs shall not exceed 16 square feet.

(2) Signs identifying nonresidential uses permitted as valid nonconforming uses, provided that they meet the same requirements as Subsection A(1) above.

(3) Illumination of signs in Subsection A(1) above shall be by external white light only.

(4) Signs in residential districts shall be harmonious with other signage, as well as consistent with the appearance of housing types and permitted uses in each respective district.

B. Signs in the TC Town Center District. The following types of signs that require a permit and no others shall be permitted in the TC District, subject to the following regulations:

(1) Wall signs, awning signs, window signs, and ground signs.

(2) Wall signs that identify the primary use of a principal building shall not exceed one square foot for each foot of building width.

(3) There shall not be more than one wall sign for each street frontage. However, should the frontage be greater than 100 feet, two signs may be permitted. In this case, a special exception shall be required.

(4) In cases where multiple tenants or uses are in one building, a wall sign shall be permitted for each use, provided that the sign area does not exceed 10 square feet.

(5) Awning signs may be substituted for wall signs in accordance with the requirements in Subsection B(2) and (3) above.

(6) Ground signs shall not exceed 16 square feet.

(7) Any illuminated sign shall be lit using internal or external white light only.

(8) Signs in the TC District shall reflect and be consistent with the character and appearance of buildings and consistent with district purposes of the TC District.

C. Signs in the HC Highway Commercial and HC-A Highway Commercial-A Districts. The following signs that require a permit and no others shall be permitted in the HC and HC-A Districts, subject to the following requirements:

(1) Any sign permitted in a residential district with the requirements in that district, as noted in § 300-76A.
(2) Wall signs, awning signs, window signs, freestanding signs, and ground signs.

(3) There shall not be more than one wall sign for each frontage. However, for buildings that have a front width of 100 feet or more, two wall signs shall be permitted at that frontage. In this case, a special exception shall be required.

(4) The size of wall signs shall not exceed one square foot of sign area for each linear foot of building width.

(5) On corner lots, signs fronting on side streets along the long side of a building shall not exceed 1/2 square foot of sign area for each linear foot of building width. However, where the side street is an arterial street, the size of the wall sign shall be the same as on the front street.

(6) Awning or canopy signs may be substituted for wall signs in accordance with the requirements in Subsection C(3), (4) and (5) above.

(7) The awning or canopy on which a canopy or awning sign is depicted or placed shall not extend more than seven feet from the front wall of the building.

(8) Where there is a business or professional office on the second floor, one additional wall sign, not greater than eight square feet, shall be permitted. Such signs shall be located on the second story.

(9) Wall or window signs identifying apartment space above the first floor shall be permitted in addition to the principal wall sign permitted. Such additional wall or window signs shall not exceed six square feet.

(10) Freestanding or ground signs that advertise a business shall not exceed 20 square feet.

(11) Any illuminated sign lit by any means other than neon, excluding neon window signs.

D. Signs in the OS Open Space District. The following signs that require a permit and no others shall be permitted in the OS District, subject to the following requirements:

(1) Signage for any residential use shall be in accordance with § 300-76A.

(2) Wall, freestanding, and ground signs.

(3) Not more than one wall sign shall be permitted for each building frontage.

(4) Such wall signs shall not exceed 1/2 square foot of sign area for each linear foot of building frontage.

(5) Freestanding or ground signs shall not exceed 12 square feet.

(6) All signs in the OS District shall be harmonious and consistent with the natural features of the area and any new buildings that may be erected.

§ 300-77. Billboards.

A. Billboards shall be permitted along Chester Pike in the HC Highway Commercial and HC-A Highway Commerical-A Districts only.
B. No billboard shall be erected within 1,000 feet of another billboard or within 500 feet of the TC Town Center District.
C. The maximum size of billboards shall be 150 square feet.
D. The minimum distance from a street right-of-way shall be 30 feet.
E. No billboard shall be placed in a location where it will obscure the vision of motorists and thereby create a safety hazard.
F. The height of any billboard shall not exceed 50 feet, measured from street level.
G. Billboards shall be illuminated with external base lighting only.
H. Digital, moving billboards that display more than one advertisement shall be prohibited.
I. All billboards shall be inspected in accordance with § 300-80.
J. Where a billboard contains no message for a period of 60 consecutive days, the Code Official shall forward a notice to the owner of the sign advising the owner of the unused status of the structure. The owner shall be required to remove the sign and sign structure, provided that no advertising or message is placed thereon within 180 days from the original notice.

§ 300-78. Nonconforming signs.

Signs that are nonconforming or identify nonconforming uses shall be governed by the following requirements:
A. A sign which is nonconforming at the effective date of this Part 1 may be continued even though such sign does not conform with the provisions of this Part 1, but the size of any such nonconforming sign shall not be enlarged, except as permitted in § 300-140.
B. A nonconforming sign may be changed to or replaced by another nonconforming sign, provided that the degree of nonconformity is not greater than that of the original sign. Whenever a nonconforming sign has been changed to a more restricted nonconforming sign, such sign shall not thereafter be changed to a less restricted nonconforming sign.
C. When the name of an establishment is changed, any nonconforming sign at such establishment must be removed, and any new sign must conform to the provisions of this Part 1.
D. A nonconforming sign which has been damaged to more than 75% of its value or has been removed or discontinued for 90 days shall not be repaired, rebuilt, or replaced except as a conforming sign.
E. If a nonconforming use of a building ceases or is discontinued for a continuous period of one year or more and such nonconforming use is deemed to be abandoned as per § 300-143 of this Part 1, any nonconforming sign on the premises shall also be considered abandoned, and any subsequent signs erected or maintained on the premises shall be in conformity with the provisions of this Part 1.
§ 300-79. Amortization of nonconforming signs.

A. Temporary, movable freestanding signs, banners, pennants, and similar types of signs shall be abated, removed, or brought into compliance within 90 days after enactment of this Part 1.

B. Signs painted on walks, fences, or benches shall be removed, abated, or brought into compliance within one year after enactment of this Part 1.

C. Wall signs and projecting signs shall be removed, abated, or brought into compliance within five years after the enactment of this Part 1.

§ 300-80. Permit requirements; unsafe and unlawful signs; inspections.

A. Except as otherwise provided in § 300-75 relating to exempt signs, no sign shall be erected in the Borough until a permit therefor has been obtained in the following manner:

(1) Applications in writing for proposed signs shall be submitted to the Code Official (CO) by the person/entity desiring the permit. The CO shall then have the option of referring the permit request to the Planning Commission for its evaluation as to whether the proposed sign complies with the purposes of the district where the sign is located and the Norwood Borough Comprehensive Plan of 2004. The CO or Planning Commission may offer suggestions to modify the proposed sign so that it is in accordance with the goals for the district in question, as well as those as noted in the Comprehensive Plan. Permits for a temporary sign shall be effective for not longer than 30 days.

(2) The application submitted to the CO shall give full particulars regarding the size, shape, material, and supports of the sign, as well as a sketch or sketches showing the location of the sign on the building or lot, the distance from the curbline, and the height of the sign. The application shall be sufficiently specific to enable the CO to determine if the sign complies with this Part 1, as well as any other ordinance or regulation of the Borough relating thereto. A fee shall accompany such application as the Borough Council may establish from time to time by resolution.

B. Whenever any sign or sign face is replaced by another sign, enlarged in any manner, or altered, dismantled, damaged, or otherwise destroyed, a permit shall be required as provided in § 300-80A above before the sign is replaced, enlarged, altered, or repaired.

C. Unsafe and unlawful signs. If the CO finds that any sign or other advertising structure regulated herein is unsafe or insecure or is a menace to the public or has been constructed or erected or is being maintained in violation of the provisions of this Part 1, he shall give written notice thereof to the permittee. If the permittee fails to remove or alter the structure so as to comply with the standards set forth herein within 10 days after such notice, such sign or other advertising structure may be removed or altered to comply by the CO at the expense of the permittee or owner of the property upon which it is located. The CO shall refuse to issue a permit to any permittee or owner who refuses to pay costs so assessed. The CO may cause any sign or other advertising structure that causes immediate peril to persons or property to be removed summarily and without notice.
D. Inspections and fees. The CO may cause a routine inspection of all signs in the Borough to be made at least once every three years and at any other times when he deems such inspection necessary. At intervals determined by Council, the CO shall conduct a thorough inspection of signs to determine the signs' conformity with the provisions within this article. All fees for sign permits shall be paid by the individual requesting the permit and shall be determined by Borough Council.

ARTICLE XII
Specific Regulations

§ 300-81. Purpose.
The purpose of this article is to identify regulations and standards for certain uses that are either common to all zoning districts or applicable to more than one district.

§ 300-82. General requirements.
A. No building or structure, or part thereof, shall hereafter be erected, constructed, or altered, and no new use or change shall be made or maintained of any building, structure, land, or part thereof, except in accordance with this Part 1.
B. Every principal building shall hereafter be built on a lot with frontage on a public or private street.
C. No lot or premises shall hereafter be subdivided or reduced in area or size in any manner so as to violate the provisions of this Part 1.

§ 300-83. Projections into required yards.
A. No principal building, or part thereof, shall be erected within or shall project into any required yard in any district, except for unenclosed porches, decks, one-story bay windows, eaves, chimneys, balconies, fire escapes, buttresses, cornices, or steps. None of these, except unenclosed decks or similar projects, shall encroach more than three feet into any required yard.
B. In residential districts, unenclosed decks and similar projects shall not extend more than seven feet into required rear yards.

§ 300-84. Visibility at corner lots.
A. On any corner lot, no wall, fence, or other structure shall be erected or maintained and no hedge, tree, shrub, or other growth shall be planted, grown, or maintained which may cause danger to vehicular traffic by obscuring the view or in any other way be a source of danger.
B. Where a lot is located at the intersection of two or more streets, no obstruction of any kind with a height greater than 24 inches from the grade level of the adjacent street shall be maintained or permitted within a sight triangle, the legs of which shall be 20 feet measured from the intersection of the street lines. See Appendix E, Figure 3, for an illustration of the
aforementioned sight triangle. Where an alley intersects a street, the legs of such sight triangle shall be 10 feet.

C. The Borough shall have the right to declare any obstruction to vision within the lines of the sight triangle a safety hazard and shall direct the owner of the property to have it removed. If the owner fails to do so within 30 days after written notice, the Borough shall remove the obstruction and bill the owner and lien the property for the expense involved.

§ 300-85. Accessory uses and structures.

A. No accessory structures shall be placed in front of the principal building.

B. On corner lots, accessory structures shall be placed no closer to the side street than the principal building.

C. Except for decks and fences, there shall be a distance of not less than three feet between an accessory structure and a side or rear lot line.

D. Accessory structures shall not exceed 15 feet in height.

E. In residential districts, not more than one storage shed, as defined in Article II, shall be placed on a lot.

F. No storage shed shall exceed 100 square feet with a maximum height of 10 feet.

G. In nonresidential districts, not more than one storage building, as defined in Article II, shall be placed on a lot.

H. No storage building shall exceed 200 square feet with a maximum height of 15 feet.

I. Storage in all nonresidential districts that is not enclosed in a storage building, as defined in Article II, or is otherwise nonconforming, shall comply with § 300-150.

J. Before the construction or placement of any shed on a lot, the applicant shall obtain a permit from the Code Official.

K. Accessory structures shall not be used for permanent or temporary human habitation.

L. If a shed or garage is served by electricity, it shall be subject to the Uniform Construction Code or the most recently adopted Electrical Code.

M. Garages in residential districts may be attached to or detached from a dwelling unit, but all garages must be behind the front building line. If a garage is detached, there shall be no less than 10 feet separating it from the principal building.

N. Collection facilities for recycling shall have a maximum area of 500 square feet, employ a planted visual screen as per § 300-95, and be located on public property only.

§ 300-86. No-impact home-based businesses.

34. Editor's Note: Appendix E is included at the end of this chapter.

35. Editor's Note: See Ch. 126, Construction Codes, Uniform.
A. A no-impact home-based business shall be permitted as an accessory use in all residential districts.

B. The business activity shall be compatible with the residential use of the property.

C. The business shall have no employees other than family members residing in the dwelling.

D. There shall be no display or sale of retail goods and no stockpiling of inventory.

E. The business may not use any process or equipment that creates noise, vibration, glare, fumes, odors, or electrical or electronic interference with radio or television reception.

F. The business may not discharge any solid waste or sewage discharge that is not normally associated with residential use.

G. The business may not occupy more than 25% of the gross floor area of the dwelling.

H. There shall be no outside appearance of the business.

§ 300-87. Family based community residence facilities.

A family based community residence facility shall be permitted by right in the R-1 and R-2 Residential Districts, subject to the following regulations:

A. No facility shall be located within 400 feet of an existing facility.

B. There shall be not more than two residents per bedroom, and this is not to exceed a maximum number of four residents per facility, excluding staff.

C. There must be a twenty-four-hour-a-day on-duty supervisor who possesses proper qualifications for the position.

D. Parking shall comply with Article X.

E. Any alterations or additions to the exterior of a community residence facility shall be compatible with the existing structure and in keeping with the neighborhood character, excluding safety modifications.

F. All other applicable requirements of this Part 1, the Building Code, the Fire Code, and all other applicable Borough codes and ordinances and state regulations must be met.

G. All community residence facilities will be available for reasonable periodic inspections by the Code Official and other parties holding jurisdiction.

H. Each facility must receive all pertinent approvals and/or licenses from the appropriate state agencies.

I. The operator of the facility must register the facility annually with the Code Official and provide the following information:

(1) Name of operator.

(2) Profit or nonprofit status of the facility.

(3) The registration of the facility with the Department of Public Welfare.
(4) The name of each resident currently residing on the premises.
(5) Other information as may be reasonably requested by the Borough.

§ 300-88. Family day-care homes.

A family day-care home, as defined in Article II, shall be permitted as an accessory use in the R-1 and R-2 Residential Districts and as an accessory use by special exception in the R-3 Residential District, but not in apartments, subject to the following regulations:

A. Any outdoor play area must be enclosed with a fence that shall be not less than four feet high and shall extend to the ground to prevent children from crawling underneath.
B. Outdoor play activities shall be limited to the hours between 9:00 a.m. and 7:00 p.m.
C. Outdoor play shall not be permitted in the front yard or adjacent to an arterial road.
D. The area for dropoff and pickup of children must be free from traffic hazards.
E. The appearance and exterior design of the facility shall be compatible with the surrounding dwellings.
F. The facility shall display no sign that is inconsistent with the residential character of the neighborhood and shall be subject to § 300-76A.
G. No portion of the facility shall be within 200 feet of a gasoline service station, underground gasoline storage tanks, truck loading areas, or other hazardous uses or activities.
H. Each facility must have the appropriate certificates, as required by the Pennsylvania Department of Public Welfare (DPW), that shall be prominently displayed in the main entrance of the facility. All day-care homes must meet all current DPW regulations and any applicable federal, state, or local laws, ordinances, and regulations, including building and firesafety codes.

§ 300-89. Fences and walls.

A. Except as specifically noted otherwise, no wall, fence, hedge, or similar growth in a residential district shall exceed 42 inches in height in front of the rear building line and six feet in height behind the rear building line.
B. In nonresidential zoning districts, no wall, fence, hedge, or similar growth may exceed six feet in height and shall be located in the rear yard only.
C. Fences between properties shall be erected or placed at least six inches inside the property line of the person erecting the fence and one foot from the sidewalk if in the front yard.
D. No barbed wire, razor wire, or similar fence shall be permitted in the Borough, unless the applicant demonstrates a clear and compelling need for security prior to obtaining a building permit.
E. The fence shall be installed so that the finished side faces toward the outside of the property.
F. Hedges and other plantings, whether or not they constitute a fence, shall be trimmed so as not to grow out over sidewalks, streets, or adjoining properties.

G. Before erecting a fence, a sketch plan shall be provided and a permit must be obtained from the Code Official as required in Article XVII, Administration and Enforcement; Amendments.

H. All fences shall also be in accordance with provisions contained within Chapter 154, Fences, of the Norwood Borough Code.

I. Owners of structures with barbed wire and similar fencing must remove said fencing within one year of the effective date of this Part 1, unless the owner can demonstrate a clear and compelling security need to Borough Council for erecting and maintaining such fencing.

§ 300-90. Private swimming pools.

A. A private swimming pool shall not be permitted in the front yard, and no pool on a corner lot shall be placed closer to the side street than the principal building.

B. All swimming pools shall be located not less than three feet from any property line and six feet from the principal building.

C. For safety purposes, a fence of not less than six feet in height must surround all swimming pools.

D. All fences surrounding pools shall have a self-locking gate and shall be of a design and quality to adequately prevent unauthorized children or animals from entering the pool area.

E. The drainage of a pool shall comply with the discharge provisions in the Stormwater Management Ordinance of 2005.36

F. No swimming pool shall be located under electric lines.

G. Pool lighting fixtures shall be placed, directed, or shielded to protect neighboring properties from light or glare.

H. The applicant for a pool shall first submit a sketch plan of such pool to the Borough.

I. A permit must be obtained from the Code Official prior to construction or placement of a swimming pool.

§ 300-91. Satellite antennas.

A. A satellite antenna shall be permitted in all zoning districts.

B. All wiring for ground-based antennas shall be underground.

C. All satellite antennas shall be adequately grounded for protection against a direct strike of lightning.

D. The installation of satellite antennas shall meet all other local, state, or federal codes where

36. Editor's Note: Said ordinance is on file in the Borough offices.
possible.
E. Satellite antennas in the TC Town Center District shall not be located on the front wall of any structure but preferably on the roof.

§ 300-92. Decks.
A. A deck shall be permitted in all zoning districts, provided that the Code Official issues a permit prior to construction.
B. The deck shall be placed not less than one foot from the party wall of a twin or row dwelling or building for access and maintenance purposes.
C. Prior to constructing a deck or porch, a sketch shall be provided, and a permit must be obtained from the Code Official.
D. In an area where motor vehicles may park or drive, decks or porches shall have support posts constructed of concrete-filled steel columns which shall be at least four inches wide and be fastened into footings not less than six inches wide.
E. After a zoning permit is issued for a deck or porch, no change in plans regarding setbacks, dimensions, or heights is permissible without first receiving written permission from the Code Official.
F. All materials used in the construction of a deck or porch shall comply with the most recently adopted Uniform Construction Code.37

§ 300-93. Refuse.
A. All refuse shall be placed in closed, verminproof containers.
B. In the case of multifamily buildings, nonresidential buildings, and townhouses in the R-2 Residential District, all refuse containers, as defined in Article II, shall be effectively screened from the view of residents, public streets, and sidewalks by means of a fence, wall, or plantings. All such refuse containers shall be placed on the property responsible for the refuse.
C. In all districts, dumpsters, as defined in Article II, must have a fence or planted visual screen that shall be at least the height of the receptacle. The screening mechanism employed must provide adequate access for refuse removal.
D. Temporary dumpsters shall be permitted in all districts for a period not to exceed 90 days, provided that a permit is obtained from the Borough as per § 300-161 prior to its placement on a lot where it remains for over 30 days. A maximum of two temporary permits may be obtained per calendar year.
E. Dumpsters that are not in accordance with § 300-93C above, or are otherwise nonconforming, shall refer to § 300-151.
F. Provisions within Chapter 250, Article III, Refuse Collection, and Article VI, Recycling, of

37. Editor's Note: See Ch. 126, Construction Codes, Uniform.
the Norwood Borough Code shall continue to be enforced.

§ 300-94. Lighting.

A. Multifamily dwellings and nonresidential buildings shall be properly lit to assure safe driving conditions at night as well as the security and safety of residents and patrons. All lighting shall be designed to protect neighboring properties from glare.

B. All driveways and parking areas must be adequately lit to assure safe driving and maneuvering conditions at night as well as safety and security for residents and patrons.

C. The maximum height of light poles shall be 25 feet in the HC Highway Commercial and HC-A Highway Commerical-A Districts and 20 feet in all other districts.

§ 300-95. Planted visual screens.

A. A planted visual screen, as defined in Article II, shall be provided and maintained under the following circumstances. In case of conflict between a regulation in this article and that in any individual district, the regulation in the individual district shall prevail.

   (1) When a commercial or institutional structure is constructed or extended adjacent to an existing residential use or district.

   (2) When a multifamily or townhouse building or addition thereto is proposed to abut an existing single-family detached dwelling.

   (3) Where any proposed or expansion of an institutional use abuts an existing residential use or residential district.

   (4) Any other instance where screening is required by this Part 1, the Borough, or the Zoning Hearing Board.

B. Screening shall comply with the following requirements:

   (1) The planted visual screen shall consist of species indigenous to the area so as to provide a year-round visual barrier.

   (2) Such screens shall incorporate earthen mounds or berms, where possible, to improve sound as well as visual buffering.

   (3) Plants shall be at least six feet high when planted, and no plantings shall be placed closer than five feet to the property line.

   (4) Placement of screening material shall not obscure sight lines at intersections.

   (5) All mechanical equipment not enclosed in a structure shall be fully and completely screened and landscaped in a manner compatible with the style of the buildings on the site.

C. Upon a recommendation of the Planning Commission, an opaque privacy fence or wall may be substituted for the planted screen required above. Such alternate screening must be constructed and placed so as to clearly provide an effective visual barrier.
§ 300-96. Landscaping.

A. General regulations.

(1) Any part or portion of a site that is not used for buildings, other structures, loading, parking spaces and aisles, sidewalks, and designated storage areas shall be planted and maintained with landscaping. Maximum advantage shall be taken of existing trees and shrubs in landscaping.

(2) All landscaped planting areas shall be planted with grass seed, sod, or other ground cover and shall be maintained and kept clean of all debris, rubbish, weeds, and tall grass; provided, however, that if such land is naturally wooded, it may continue in its natural state.

(3) Unless otherwise specified, landscaped planting areas may be part of the required front, side, and rear yards.

(4) Except for single-family and two-family dwellings, any part or portion of a site which is not used for loading and parking spaces, aisles, sidewalks, and designated storage areas shall be landscaped according to an overall plan prepared and approved as part of the development plan or shall be left in its natural state. A replacement program for nonsurviving plant material should be included.

B. Landscaping plans.

(1) Landscaping shall be installed and maintained in accordance with a landscaping plan approved by Borough Council. The landscaping plan shall depict all proposed plantings which relate to, complement, screen, or accentuate buildings, roads, parking areas, sidewalks, walkways, sitting areas, service or maintenance structures, courtyards, and other site features.

(2) The landscaping plan shall be coordinated with the development plan and shall show the location, type, size, height, and other characteristics of the proposed landscaping.

(3) The plan shall be accompanied or shall include information regarding the continued maintenance of plantings, indicating that all plantings will be replaced, if damaged, diseased, or dead, in locations shown on the approved plan.

C. Specific requirements.

(1) In addition to complying with § 300-96A(1) above, every new building or alteration or expansion erected after the effective date of this Part 1 shall provide specific landscaping components as noted below. Unless specifically stated otherwise in the specific zoning district, landscaping shall be provided as required below:
Zoning District or Use | Minimum Landscaping Components
--- | ---
HC Highway Commercial and HC-A Highway Commercial-A | 1 tree or 2 shrubs shall be placed in the ground or in planters for every 20 feet of building width in front of the principal building. Landscapeed strip not less than 6 feet wide at front and at 1 side of the principal building, where feasible.
TC Town Center | 1 tree or 2 shrubs placed in the ground or in planters every 15 feet at the front and at one side of the principal building. Landscaped strip with grass or other ground cover not less than 4 feet wide at the front and at one side of the building.
Apartment buildings and nonresidential buildings in residential districts | Same as Town Center

§ 300-97. Drive-through establishments.

A drive-through establishment, as defined in Article II, shall be permitted by right in the HC Highway Commercial and HC-A Highway Commerical-A Districts, subject to the following regulations:

A. No drive-through establishment shall be located within 30 feet of an abutting residential district, a school, a place of worship, or another drive-through establishment.

B. Points of vehicular ingress and egress shall be limited to streets having business-zoned frontage at the drive-through establishment.

C. Driveways at the property line shall be not less than 24 feet nor more than 30 feet in width.

D. No driveway shall be less than 10 feet from a property line, 30 feet from a right-of-way of an intersecting street, or within 50 feet of another driveway serving the same parcel.

E. Outdoor refuse containers shall be accessible to customers and shall be emptied whenever filled, but in no case less than once each day that the establishment is open for business.

F. A planted visual screen in accordance with § 300-95 shall be employed where a drive-through establishment abuts any residential district.

G. Any drive-through establishment shall incorporate an escape lane to allow vehicles to exit in the event of an emergency.

§ 300-98. Condominiums.

In the event that a multifamily dwelling is converted or developed as a condominium, such condominium shall be owned and operated in accordance with the Pennsylvania Uniform
§ 300-99. Compatibility standards for uses of same general character.

In determining if a proposed use is of the same general character as the listed uses, Borough Council and the Planning Commission shall consider the compatibility standards listed below:

A. Type and volume of sales, retail, or wholesale activity, size and type of items sold, and nature of the inventory on the premises.

B. Extent of processing, assembly, warehousing, shipping, and distribution done on the premises of any dangerous, hazardous, toxic, or explosive materials.

C. The nature and location of storage and outdoor display of merchandise and the types of items stored.

D. The type, size, and nature of buildings and structures supporting the use.

E. The number of employees and customers in relation to business hours and employment shifts.

F. The business hours the use is in operation or open for business.

G. The transportation requirements for people and freight, by volume, type, and characteristics of traffic generation to and from the site, trip purposes, and whether trip purposes can be shared with other uses on the site.

H. Parking characteristics, turnover and generation, ratio of the number of spaces required per unit area or activity, and potential for shared parking with other uses.

I. The tendency for attracting or repelling criminal activities to and from or on the premises.

J. The amount and nature of nuisances generated on the premises, such as noise, smoke, odor, glare, vibration, radiation, and fumes.

K. Any special public utility requirements for serving the use, such as water supply, wastewater output, pretreatment of wastes, and emissions recommended or required, and significant power structures and communications towers or facilities.

§ 300-100. Airport zoning.

No structure shall exceed the maximum height as calculated by reference to the Height Limitation and Zoning District Map for Norwood Borough and the Model Airport Zoning Ordinance to Limit the Height of Objects Around Airports. The calculation of maximum heights for municipalities in airport hazard areas is required by Pennsylvania Act 164 of 1984. Norwood Borough falls within the airport hazard area affected by Philadelphia International Airport.

38. Editor's Note: See 68 Pa.C.S.A. § 3101 et seq.

39. Editor's Note: See the Airport Zoning Act, 74 Pa.C.S.A. § 5911 et seq.
§ 300-101. Design standards.

This section shall apply to structures constructed after this Part 1 is adopted and to new additions of 400 square feet or more.

A. Unless stated otherwise, the following provisions apply to design considerations in the HC Highway Commercial and HC-A Highway Commercial-A Districts:

1. Buildings shall contain materials, windows, doors, and architectural details that are generally compatible with those features in nearby and adjoining buildings.

2. Unscreened, flat, blank walls shall be avoided in order to provide a pleasant pedestrian experience by connecting activities within a structure to the adjacent sidewalk and/or transit stop.

3. At the street level of commercial, institutional, and mixed-use buildings, not less than 50% of the length and 25% of the wall surface must be in public entranceways, windows, or retail/service display windows.

4. Buildings must have at least a five-foot offset in all facades for every 50 feet of continuous facade. Such offsets may be met through the use of bay windows, porches, porticos, building extensions, towers, and other architectural treatments.

5. The street facade of principal structures shall have at least one street-oriented entrance and contain the principal windows of the structure.

6. Where practicable, utilities shall be placed underground in new developments.

7. Automobile entrances to the site shall be placed in such a way as to maximize safety and efficient traffic circulation and minimize impact on the surrounding area.

8. Along new public streets, developments, and redevelopment, including commercial, institutional, and mixed-use buildings, sidewalks or walkways not less than five feet wide shall be required in front of and/or adjacent to said street, development, or principal building.

9. Walkways that cross parking, loading, or driveway areas must be clearly identifiable through the use of elevation changes, different paving materials, or other similar methods.

10. Pedestrian amenities such as benches, public art, picnic areas, seating areas, fountains, planters, etc., shall be located in landscaped areas, open spaces, or plazas or along public streets.

11. Lighting shall be provided for parking areas and pedestrian paths to ensure safety and convenience.

12. Where feasible, plazas shall be provided in developments greater than two acres in area. Not less than one seating space for each 250 square feet of plaza area shall be provided.

13. Parking garages shall be served by pedestrian walkways and connected to the sidewalk/pedestrian system. These walkways shall be clearly marked and continuous
in design.

B. Unless stated otherwise, the following provisions apply to design considerations in the R-1, R-2, and R-3 Residential Districts:

(1) New residential dwellings shall be generally consistent with the design of existing neighboring dwellings.

(2) Sidewalks shall be constructed along the frontage of all new residential buildings and new additions of 400 square feet or more.

(3) Where practicable, utilities shall be placed underground in new developments.

(4) Stairs and ramps consistent with ADA standards shall be provided where necessary to provide a safe route between the dwelling and the street and sidewalk.

(5) The street facade of principal structures should have at least one street-oriented entrance and contain the principal windows of the structure.

ARTICLE XIII
Special Exceptions

§ 300-102. Purpose.

The purpose of this article is to provide conditions and standards for uses permitted by special exception. In these cases, the Zoning Hearing Board may attach reasonable conditions and safeguards, in addition to those expressed in this article, in order to implement the provisions of this Part 1 and those of the MPC, as amended.

§ 300-103. General requirements.

In any instance where the Zoning Hearing Board is required to consider a request for a special exception, the Zoning Hearing Board shall consider the provisions of this article.

§ 300-104. Standards for review of special exceptions.

See § 300-169B of this Part 1.

§ 300-105. Requirements for review where dimensional standards not provided.

In cases where this Part 1 does not provide specific dimensional standards for uses permitted by special exception, the Zoning Hearing Board shall apply the following general dimensional standards:

A. In residential districts, the area, bulk, and any other applicable requirements shall be no less stringent than those for single-family dwellings in the district where the use is proposed.

B. In nonresidential districts, the area, bulk, and any other applicable requirements shall be no less stringent than those for the use that requires the greatest dimensions in the applicable nonresidential district.

40. Editor's Note: See 53 P.S. § 10101 et seq.
C. The Zoning Hearing Board may require additional, reasonable but more stringent standards than those required in Subsections A and B above, provided that the Board makes one or more of the following determinations:

(1) That the requirements of Subsections A and B above are clearly insufficient to accommodate the proposed building, facility, or use, and that greater dimensional requirements would substantially alleviate that condition.

(2) That the requirements of Subsections A and B above are clearly insufficient to provide adequate area for parking and loading, as required by Article X, and that greater requirements would substantially alleviate that condition.

(3) That the requirements of Subsections A and B above are clearly insufficient to provide for lot areas and dimensions necessary to protect the adjacent area from the potential adverse impacts of the proposed use, such as noise, vibration, air pollution, and similar impacts, and that greater dimensional requirements would substantially alleviate that condition.

D. All parking requirements of Article X shall otherwise be followed.

§ 300-106. Light-impact municipal uses.

A municipal use limited to one with a light impact, as defined in Article II (such as administrative office, community center, etc.), shall be permitted as a special exception in the R-1 Residential District only, subject to the following regulations (Unless stated otherwise, all requirements are minimums.):

A. Lot area: 10,000 square feet.
B. Lot width: 75 feet.
C. Front yard: 35 feet.
D. Side/rear yard: 30 feet.
E. Impervious surface: 60%, maximum.
F. Landscaping: 40%.
G. Height: 40 feet, maximum.
H. Screening and landscaping shall be in accordance with §§ 300-95 and 300-96, respectively.
I. Parking shall be in accordance with Article X.
J. Signs shall be in accordance with Article XI.
K. Applicable development regulations in § 300-18 of the R-1 Residential District shall be followed.

§ 300-107. Residential conversions.

A conversion of a single-family detached dwelling to a two-unit dwelling shall be permitted as a
special exception in the R-1 Residential District only, subject to the following regulations:

A. In order to be eligible for conversion of a dwelling from one unit to two units, a lot shall have an area of not less than 12,000 square feet.

B. Two off-street parking spaces shall be required for each unit created by the conversion. Such parking spaces shall be paved and have direct access to a street or an alley.

C. No external alterations inconsistent with the residential use and architectural character of the neighborhood shall be permitted.

D. Each unit shall be a complete, separate housekeeping unit that is independent of any other unit.

E. The maximum number of units to be created shall be two.

F. Conversions on lots where there is currently no existing sidewalk shall install a sidewalk along the frontage of the property.

G. All utility connections shall meet utility standards.

H. Prior to conversion, the applicant shall obtain a permit from the Code Official.

I. Applications for conversions shall contain the following items:
   (1) A floor plan showing the layout, including all dimensions of each unit.
   (2) A site development plan showing and locating the dwelling and other existing buildings; all property lines; any proposed additions; building setback lines; location, size, and extent of all underground utilities; length, width, and function of all rights-of-way and easements; required parking spaces; and the one-hundred-year floodplain.
   (3) All plans shall be drawn to a scale of not less than one inch equals four feet for the floor plans and one inch equals 20 feet for the site development plans.

J. The Code Official may inspect any conversion for compliance with the building, maintenance, zoning, and any other applicable Borough codes, provided that twenty-four-hour notice is given.

§ 300-108. Townhouse developments.

A townhouse development shall be permitted as a special exception in the R-2 and R-3 Residential Districts only, subject to the following regulations:

A. Unless otherwise stated, the following shall be minimum requirements for townhouses:
   (1) Lot area: 2,000 square feet.
   (2) Lot width: 20 feet.
   (3) Front yard: 20 feet.
   (4) Side yard: 25 feet at the end of a row where traversed by an access driveway.
(5) Rear yard: 25 feet.
(6) Distance between buildings: 30 feet.
(7) Building coverage: 50%, maximum.
(8) Impervious surface: 70%, maximum.
(9) Units in row: 6%, maximum.
(10) Height: 35 feet or three stories, or consistent with the prevailing height.

B. Development requirement.
(1) Overall, townhouse developments shall not be less than two acres.

C. Open space.
(1) Not less than 25% of the net area of the tract shall be devoted to common open space.
(2) Not less than 25% of the common open space shall be usable by the residents for active or passive recreation.

D. Variations in setback and design.
(1) In each townhouse development, not more than two consecutive units shall have the same roofline or front setback line.
(2) Variations in setback shall not be less than four feet.
(3) Dwelling units shall be distinguished from adjacent units in some appropriate manner, such as varying unit width, using different exterior materials, or providing a different arrangement of entrances or windows.
(4) In order to avoid a monotonous linear arrangement and to facilitate privacy, townhouse buildings shall not be placed parallel to one another or in a straight linear fashion.

E. Architectural plans.
(1) The developer or applicant shall submit an architectural plan as part of the final development plan submittal for the townhouse development in accordance with the County Land Development and Subdivision Ordinance as now exists or may be adopted.
(2) The architectural plan shall include applicable design elements of the townhouse development, including, but not limited to, roof design, exterior appearance, overhangs, front setback lines, and other architectural design elements unique to the proposed development.

F. Landscaping.
(1) Any part of the site not covered by buildings, parking, or other impervious surfaces shall be landscaped by trees, shrubs, or ground cover in accordance with a landscaping plan that shall be reviewed by the Planning Commission against the
requirements of § 300-96 and the County Land Development and Subdivision Ordinance.

(2) Trees and/or shrubs shall be planted in areas of high visibility, such as along entrance driveways, in front of buildings, between and within parking areas, and along the tract boundaries. Landscaping shall comply with § 300-96.

G. Lighting.

(1) Lighting facilities shall be provided and arranged in a manner that will protect the internal road and the townhouses from excessive glare.

(2) All internal roads, driveways, parking areas, and pedestrian facilities shall be properly lighted to assure safe conditions and security for residents.

H. Internal roads and parking.

(1) Internal roads, driveways, and parking areas shall be located not less than 20 feet from any principal townhouse building.

I. Refuse.

(1) All refuse shall be placed in covered, verminproof containers and comply with § 300-93.

J. Parking and signs.

(1) Off-street parking shall comply with Article X.

(2) Signage shall comply with Article XI.

K. Maintenance of public areas and open spaces. All public areas and open spaces that are part of the townhouse development shall be attractively maintained, and such maintenance shall be performed as follows:

(1) Where the ownership of the development remains in one person or entity for the purpose of leasing individual dwelling units, that person or entity shall have the sole responsibility for properly maintaining all common areas (open space, parking areas, etc.) in the development.

(2) Where all individual dwelling units of the development are conveyed in fee, responsibility for maintenance of the common areas shall be upon an entity such as a homeowners' association, trust, or other organization deemed capable of carrying out its responsibilities by the Borough Solicitor.

(3) Where all common areas are dedicated to and accepted by the Borough, the Borough shall maintain such areas.

§ 300-109. Municipal uses.

A municipal use, including a firehouse, library, administrative building, community center, maintenance department, and similar municipal use, shall be permitted only as a special exception in the OS Open Space District, subject to the following regulations:
A. Dimensional regulations. Unless otherwise specified, the following shall be minimum requirements:

(1) Lot area: one acre.
(2) Lot width: 100 feet.
(3) Road setback: 75 feet.
(4) Setback from other lot lines: 40 feet.
(5) Distance between buildings: 50 feet.
(6) Impervious surface: 60%, maximum.
(7) Landscaping: 40%.
(8) Height: 50 feet, maximum.

B. Development regulations.

(1) Development may be on individual lots or by addition of new buildings on a lot or parcel with one or more existing buildings or uses.
(2) More than one building is permitted on a single lot, provided that the setback and spacing requirements of § 300-109A are met.
(3) The lot area and lot width requirements shall not apply where a new principal building or buildings are added to an existing building(s) on a lot, provided that the setback, distance between buildings, and height requirements in § 300-109A are met.
(4) Screening and landscaping shall be in accordance with §§ 300-95 and 300-96, respectively.
(5) Off-street parking shall comply with Article X, Off-Street Parking and Loading, and signage shall comply with Article XI, Signs.
(6) Where practicable, utilities shall be placed underground in new developments.
(7) Sidewalks or walkways not less than five feet wide shall be required in front of and/or adjacent to municipal buildings.
(8) Pedestrian paths and walkways shall be provided between buildings in a development.
(9) Lighting shall be provided for parking areas and pedestrian paths to ensure safety and convenience.
(10) Surface parking shall preferably be located at the rear of the building or, if not feasible, at the side.

§ 300-110. Family day-care homes.

In the R-3 Residential District, a family day-care home, which is by definition an accessory use, requires a special exception because of the more dense residential dwelling types permitted. The
requirements are listed in § 300-88.

ARTICLE XIV
Conditional Uses

§ 300-111. Purpose.
The purpose of this article is to provide conditions and standards for conditional uses as identified within this Part 1. In reviewing conditional uses, Borough Council may attach reasonable conditions and safeguards, in addition to those expressed in this article, as it may deem necessary to implement the purposes of this Part 1 and those of the MPC, Act 247,41 as amended.

§ 300-112. General requirements.
In any instance where Borough Council is required to consider a request for a conditional use permit, Council shall consider the provisions of this article.

§ 300-113. Procedures and standards for review of conditional uses.
A. Application and fees. Application for a conditional use shall be made to the Borough Council and shall be accompanied by a plan of the property showing the details of the use proposed, along with such other written and graphic material as required by the applicable provisions of the most recently adopted Delaware County Land Development and Subdivision Ordinance and the applicable provisions of this Part 1 to adequately determine the appropriateness of the use at the location proposed. The application shall be accompanied by such fees as shall be established by Council in an amount to cover all costs incurred by the Borough.

B. Borough Council hearing.
(1) Within 60 days after the applicant files an application for a conditional use, Borough Council shall hold a hearing pursuant to public notice. The cost of such hearing(s) shall be borne by the applicant. Notice of the hearing shall be given to those persons and agencies who would be entitled to notice if the same premises were subject to an application to the Zoning Hearing Board of Norwood Borough as a special exception and to all others who have registered their names with the Norwood Borough Zoning Officer for that purpose.

(2) After a full review of the application, Council shall render a written decision or, when no decision is called for, make written findings on the application. When the application is contested or denied, the decision shall be accompanied by findings of fact or conclusions based thereon, together with any reasons therefor. Such decision or written finding shall be made by Council no later than 45 days after the last hearing.

(3) Council shall approve or disapprove the application by resolution and shall send a written notification to the applicant within 10 days of a decision.

41. Editor’s Note: See 53 P.S. § 10101 et seq.
C. Method of determination.

(1) Council shall, within 45 days of the date of the last hearing, render a final decision and shall, by official communication to the applicant, either:

(a) Approve the application as presented.
(b) Disapprove the application as presented.
(c) Approve the application, subject to specified conditions.

(2) Failure to act within the said period shall be deemed to be a grant of approval of the application.

(3) If the application involves a land development, a detailed plan review shall be required by the Borough after Council has acted upon the application for the conditional use. This review shall be in accordance with the procedures outlined in the County Land Development and Subdivision Ordinance. If the applicant wishes to provide the necessary documentation, Council may consider the concurrent review of the conditional use requested and the detailed plans for the development. Time limits for review of the detailed plans, if necessary, will be governed by the County Land Development and Subdivision Ordinance as now exists or may be adopted.

D. In any instance where Council is required to consider a request for a conditional use, Council shall consider the following factors where appropriate:

(1) That the proposed use is appropriate for the site in question in terms of size, topography, natural features, drainage, sewage disposal, water supply, accessibility, and availability of public services and that adequate provisions be made to protect sensitive environmental features such as streams, wetlands, slopes, and mature trees.

(2) That the proposed use is compatible with the character of the surrounding neighborhood and will not interfere with or detract from legitimate uses and adjacent properties, and that adequate measures will be provided through building design, site layout, landscaping, planting, and operational controls to minimize any impacts caused by noise, lights, glare, odors, smoke, fumes, traffic, parking, loading, and signage.

(3) That the proposed conditional use will serve the best interest of the Borough, convenience of the community, and the public health, safety, and welfare.

(4) That the proposed use is consistent with the Norwood Borough Comprehensive Plan of 2004.

(5) That the proposed use promotes orderly development, proper population density, and the provision of adequate community facilities and services, including police and fire protection.

(6) That the proposed use is suitable in terms of its effect on highway safety and traffic circulation, and that access, on-site circulation, and parking are adequate in view of anticipated traffic.
E. In cases where conditional uses are not accompanied by specific standards or where area, bulk, dimensional, or development regulations are not listed below in this article, the regulations in § 300-114 below shall apply.

F. Financial hardship shall not be construed as a basis for granting conditional uses.

G. In granting any request for a conditional use, Council may attach reasonable conditions and safeguards, in addition to those expressed in this article, as it may deem necessary to implement the purposes of the MPC and this Part 1, which conditions and safeguards may relate to, but not be limited to, screening, lighting, noise, safety, aesthetics, and the minimization of noxious, offensive, or hazardous elements. Such conditional use shall be clearly authorized by a provision in this Part 1 and shall, where applicable, comply with the more specific standards relating to such use contained in appropriate sections of this article.

§ 300-114. Requirements for review where dimensional standards not provided.

In cases where this article does not provide specific standards for conditional uses, the following dimensional requirements will be applied by Borough Council:

A. In residential districts, the area, bulk, and any other applicable requirements shall be no less stringent than those for single-family dwellings in the district where the use is proposed.

B. In nonresidential districts, the area, bulk, and any other applicable requirements shall be no less stringent than those for the use that requires the greatest dimensions in the applicable nonresidential district.

C. Borough Council may require reasonable requirements in addition to those in Subsections A or B above, provided that Council makes one or more of the following determinations:

(1) That the requirements of Subsections A and B above are clearly insufficient to accommodate the proposed building, facility, or use.

(2) That the requirements of Subsections A and B above are clearly insufficient to provide adequate area for parking and loading, as required by Article X.

(3) That the requirements of Subsections A and B above are clearly insufficient to provide for lot areas and dimensions necessary to protect the adjacent area from the potential adverse impacts of the proposed use, such as noise, vibration, air pollution, and similar impacts.

§ 300-115. Standards of proof.

An applicant for a conditional use permit shall have the burden of establishing both:

A. That the application falls within the provisions of this Part 1, which affords to the applicant the right to seek a conditional use permit; and

B. That the allowance of a conditional use permit will not be contrary to the public interest.


In determining whether the allowance of a conditional use permit is contrary to the public
interest, Council shall consider whether the application, if granted, will:

A. Adversely affect the public health, safety, and welfare due to changes in traffic conditions, drainage, air quality, noise levels, neighborhood property values, natural features, and neighborhood aesthetic characteristics.

B. Be in accordance with the Norwood Borough Comprehensive Plan of 2004.

C. Provide required parking in accordance with Article X.

D. Adversely affect the logical, efficient, and economical extension or provision of public services and facilities such as public water, sewers, refuse collection, police, fire protection, and public schools.

E. Otherwise adversely affect the public health, safety, or welfare.

§ 300-117. Expiration of conditional use permits.

Unless otherwise specified by Council, a conditional use permit shall expire if the applicant fails to obtain a building permit within six months from the date of authorization thereof, unless the applicant can show that there were permitting delays beyond his control.

§ 300-118. Churches or other religious uses.

Churches and other religious uses, including rectories, classrooms for religious instruction, or similar customary religious activities, shall be permitted as a conditional use in the HC Highway Commercial and HC-A Highway Commercial-A Districts only, subject to the following regulations (Unless stated otherwise, all requirements are minimums.):

A. Lot area: 1/4 acre.

B. Front yard: 15 feet.

C. Side yards: 15 feet.

D. Rear yard: 15 feet.

E. Building coverage: 55%, maximum.

F. Impervious surface: 75%, maximum.

G. A planted visual screen and landscaping shall be in accordance with §§ 300-95 and 300-96, respectively.

H. Design standards shall be in accordance with § 300-101.

I. Parking and signage shall be in accordance with Articles X and XI, respectively.

§ 300-119. Educational institutions.

An educational institution, such as a primary school and its related administrative offices, but not including trade and business schools, shall be permitted as a conditional use in the R-1 Residential District only, subject to the following regulations (Unless stated otherwise, all
requirements are minimums.):
A. Lot size: two acres.
B. Lot width: 150 feet.
C. Front yard: 50 feet on each side street the lot abuts.
D. Side yards: 30 feet.
E. Rear yard: 50 feet.
F. Building coverage: 40%, maximum.
G. Impervious surface: 60%, maximum.
H. Height: 50 feet, maximum.
I. Parking: as required in Article X.
J. Signs: as required in Article XI.

§ 300-120. Public parking garages.
A public parking garage as an independent use shall be permitted as a conditional use in the TC Town Center District only, subject to the following regulations:
A. A public parking garage may be the principal use on the lot.
B. Lot size shall be between 8,000 square feet and 15,000 square feet.
C. The height of the parking garage shall not exceed 35 feet or three stories.
D. Parking garage structures shall have awnings, landscaping elements, street furniture, and other design treatments to create the appearance of an occupied building.
E. Vehicles shall be visually screened from adjacent buildings and the street, and such screening shall be in keeping with the remainder of the building's architectural style and materials.
F. Any public parking garage shall provide bicycle parking at the ratio of one bicycle space per 20 vehicle spaces, or a minimum of two. These spaces shall be located on a paved surface within the garage. Bicycle parking shall also be in accordance with the provisions of § 300-70.
G. Parking garages shall also be in accordance with the provisions of § 300-40, Design standards, Subsection C, Parking lots and garages.

§ 300-121. Business and professional office buildings.
A business and professional office building shall be permitted only as a conditional use in the TC Town Center District, subject to the following regulations:
A. The lot area shall be not less than 6,000 square feet, and lot width shall be not less than 60 feet.
B. All other provisions of § 300-38, Dimensional regulations, shall apply.

C. All applicable provisions of §§ 300-39, Development regulations, and 300-40, Design standards, shall be followed.

§ 300-122. Theater and live entertainment.

A theater and live entertainment shall be permitted as conditional uses in the TC District only, subject to the following regulations:

A. In accordance with § 300-114.

§ 300-123. Automobile and truck sale, lease, repair and painting facilities.

The sale, lease, repair, and painting of trucks shall be permitted as a conditional use in the HC Highway Commercial and HC-A Highway Commercial-A Districts only, subject to the following regulations:

A. Automobile and truck sale, lease, repair, or painting facilities shall be permitted in a detached building only.

B. All applicable provisions of § 300-45, Dimensional regulations, shall apply.

C. Exterior lighting shall be shielded from adjacent and nearby properties and public streets and sidewalks.

D. Section 300-74, relating to prohibited signs, as well as other applicable provisions of Article XI, Signs, shall be strictly followed.

E. Article X, Off-Street Parking and Loading, shall apply.

F. Sections 300-93, Refuse; 300-94, Lighting; 300-95, Planted visual screens; 300-96, Landscaping; 300-101, Design standards; and all other applicable provisions of Article XII, Specific Regulations, shall apply.

§ 300-124. Gasoline service stations.

A gasoline service station shall be permitted as a conditional use in the HC Highway Commercial and HC-A Highway Commercial-A Districts only, subject to the following regulations:

A. All pumps and principal buildings shall be located not less than 30 feet from all property lines.

B. All pumps shall be located outside of buildings.

C. All fuel containers in excess of 100 gallons shall be located underground.

D. No service station shall be located within 100 feet of a school, church, day-care center, or place of public assembly having a capacity of more than 50 persons. The required 100 feet shall be measured in the shortest distance between the service station property and any of the above-noted uses.
E. Hydraulic hoists, pits, and all lubrication, greasing, washing, and repair equipment shall be entirely enclosed within a building.

F. Exterior lighting shall be shielded so that it is deflected from adjacent or nearby properties and from motorists on public streets.

G. Gasoline service stations shall also comply with all applicable regulations of the Fire Marshal Division of the Pennsylvania State Police and with those of any other applicable state or federal agency.

§ 300-125. Car wash establishments.

A car wash establishment shall be permitted as a conditional use in the HC Highway Commercial and HC-A Highway Commerical-A Districts only, subject to the following regulations:

A. Exterior lighting shall be shielded or deflected from adjacent or nearby properties and public sidewalks and streets.

B. The facility shall be designed to accommodate not less than eight waiting vehicles on the property.

C. A planted visual screen shall be provided in accordance with § 300-95.

D. Where applicable, the facility shall be designed and/or screened so that the headlights of automobiles approaching, waiting, or exiting the facility do not shine directly on adjacent properties.

§ 300-126. Funeral homes or mortuaries.

A funeral home or mortuary shall be permitted as a conditional use in the HC Highway Commercial and HC-A Highway Commerical-A Districts only, subject to the following regulations:

A. The site shall be located so as to have one property line abutting a major or secondary thoroughfare.

B. Adequate points of access shall be provided to and from any major or secondary thoroughfare.

C. No building shall be located within 30 feet of a residential district.

D. Where a funeral home or mortuary abuts a residential district, a planted visual screen, subject to § 300-95, shall be employed.

E. Parking shall be in accordance with Article X, Off-Street Parking and Loading.

§ 300-127. Supermarkets.

A supermarket shall be permitted as a conditional use in the HC Highway Commercial and HC-A Highway Commerical-A Districts only, subject to the following regulations:

A. There shall be a floor area not less than 20,000 square feet, as noted in Article II,
Terminology.
B. Loading facilities shall comply with Article X, Off-Street Parking and Loading.
C. Trash facilities shall be fully screened as per §§ 300-93 and 300-95.
D. Access shall be from an arterial street that shall abut at least one side of the supermarket property.
E. There shall be a freestanding sign identifying the supermarket situated near an arterial road. Such sign shall not exceed 50 square feet. Signage shall also comply with applicable provisions of Article XI, Signs.
F. Parking shall comply with Article X, Off-Street Parking and Loading, and specifically § 300-65.

§ 300-128. Child day-care centers.
A child day-care center shall be permitted as a conditional use in the HC Highway Commercial District only, subject to the following regulations:
A. Child day-care centers shall be permitted as a part of a church, school, or other similar institution or as an independent use.
B. A fence not less than four feet high shall be placed around all outdoor play areas. The bottom end of such fence must reach the ground to prevent children from crawling underneath.
C. Outdoor play activities shall be limited to the hours between 9:00 a.m. and 7:00 p.m.
D. Outdoor play shall not be permitted in the front yard or adjacent to an arterial road.
E. Parking shall be in accordance with Article X.
F. Signs shall be in accordance with Article XI.
G. Each facility shall provide for the dropoff and pickup of children on a driveway, approved parking area, or directly in front of the facility. This area must be free from traffic hazards to children. The dropoff area shall be located immediately adjacent to the facility.
H. No part of a facility may be located within 200 feet of gasoline pumps or underground storage tanks or any other storage area for explosive or hazardous materials.
I. A planted visual screen shall be provided to protect the day-care center from an adjacent use or to protect a less intense adjacent use from the activity of the day-care center. Planted visual screens, where required and as defined in Article II, shall comply with regulations in § 300-95. Opaque fences or walls may be used in place of planted visual screens.
J. When streets of different classifications are involved, access shall be provided by way of the street of lesser functional classification, if possible.
K. Each operator of a newly established day-care center shall notify the Borough in writing at least 30 days prior to the initiation of a day-care center for the purpose of allowing the Borough to establish a record of such use.
L. A permit for operation shall be obtained from the Borough.

M. The Pennsylvania Department of Public Welfare and all other appropriate agencies must license the facilities.

§ 300-129. Private clubs.

A private club shall be permitted as a conditional use in the HC Highway Commercial and HC-A Highway Commercial-A Districts only, subject to the following regulations:

A. Private clubs shall be operated for civic, cultural, educational, social, or recreational purposes only.

B. The activity shall be noncommercial, nonprofit, and clearly not carried on as a business.

C. Each building or facility shall be devoted to members and their guests only.

D. No private club shall provide for eating or dining except on an incidental basis.

§ 300-130. Places of amusement.

A place of amusement such as a bowling alley, laser tag facility, or other indoor amusement uses, excluding arcades, shall be permitted as a conditional use in the HC Highway Commercial and HC-A Highway Commercial-A Districts only, subject to the following regulations:

A. In accordance with § 300-114.

§ 300-131. Telecommunications antennas.

A telecommunications antenna shall be permitted as a conditional use in the HC Highway Commercial and HC-A Highway Commercial-A Districts only, subject to the following regulations:

A. In accordance with Part 2, Article XXI, Telecommunications Antennas, of this chapter.

§ 300-132. Uses with lot area greater than 25,000 square feet.

Uses with a lot area in excess of 25,000 square feet shall be permitted as a conditional use in the HC Highway Commercial and HC-A Highway Commercial-A Districts only, subject to the following regulations:

A. In accordance with § 300-114.

§ 300-133. Adult bookstores or video stores.

An adult bookstore and/or an adult video store shall be permitted as a conditional use in the HC-A Highway Commercial-A District only, subject to the following regulations:

A. In accordance with Part 2, Article XIX, HC-A Highway Commercial-A District, of this chapter.

§ 300-134. Body art establishments.
A body art establishment shall be permitted as a conditional use in the HC-A Highway Commercial-A District only, subject to the following regulations:

A. In accordance with Part 2, Article XX, Body Art Regulations, of this chapter.

§ 300-135. Single-family detached dwellings in OS District.

A single-family detached dwelling shall be permitted as a conditional use in the OS Open Space District only, subject to the following regulations:

A. Dimensional regulations. Unless otherwise specified, the following shall be minimum requirements:

(1) Lot area: 5,000 square feet.
(2) Lot width: 50 feet.
(3) Front yard: 20 feet, but any infill shall not be less than the average setback on the block.
(4) Side yards: 40 feet aggregate; 15 feet, minimum.
(5) Rear yard: 20 feet.
(6) Building coverage: 30%, maximum.
(7) Impervious surface: 50%, maximum.
(8) Height: three stories or 35 feet, maximum.

B. Development regulations.

(1) An overall development plan encompassing a minimum of 10 acres shall be provided.
(2) In order to be eligible for development, not less than 25% of the buildable area within the tract shall be dedicated to common open space; areas covered by water shall not be included in the calculation.
(3) The developer shall meet with the Urban Waterfront Action Group prior to submitting any development proposal to identify potential permitting issues.
(4) The applicant shall obtain all federal, state, and local permits relating to wetlands, floodplains, environmental protection, rare and endangered species, air quality, hazardous waste, and similar conditions prior to construction of any development.
(5) Any development proposal shall be in accordance with the following reports and studies:

(a) The most recently adopted Norwood Borough Floodplain Ordinance; 42
(b) Federal Emergency Management Agency floodplain maps;

42. Editor's Note: See Ch. 170, Flood Damage Prevention.
(c) Norwood Borough Stormwater Management Ordinance; 43
(d) Delaware County Waterfront Resources Management Plan (1992); and
(e) Natural Areas Inventory, Delaware County, Pennsylvania (1992), by the Pennsylvania Science Office of the Nature Conservancy, which analyzes natural areas that are either environmentally significant or contain rare/endangered species.

(6) If archaeological resources are contained within any tract for proposed residential development as per the Delaware County Archaeological Resource Inventory and Management Plan (1991), the developer shall first perform a Phase I (systematic shovel testing to a depth of 18 inches) archaeological study of the site.

(7) A riparian buffer of 50 feet shall be maintained from the mean high water mark and the nearest principal building.

(8) Should the provisions of this Part I differ from those of another applicable ordinance, statute, or regulation, the more restrictive provisions shall be controlling.

(9) Landscaping of a proposed development shall be in accordance with § 300-96.

(10) Parking and signage shall be in accordance with Articles X and XI, respectively.

§ 300-136. Firehouses.

A firehouse shall be permitted as a conditional use in the TC Town Center District only, subject to the following regulations (The following requirements are minimums unless otherwise specified.):
A. Lot area: 1/4 acre.
B. Lot width: 75 feet.
C. Front yard: 10 feet.
D. Each side and rear yard: 15 feet.
E. Impervious surface: 80%, maximum.
F. Height: 40 feet, maximum.

§ 300-137. Shopping centers.

A shopping center shall be permitted as a conditional use in the HC Highway Commercial and HC-A Highway Commercial-A Districts only, subject to the following regulations (All requirements are minimums unless otherwise stated.):
A. Tract area: 30,000 square feet.
B. Tract width: 120 feet.

43. Editor's Note: Said ordinance is on file in the Borough offices.
C. Front yard: 10 feet.
D. Side yards: 15 feet on each side of the tract.
E. Rear yard: 20 feet.
F. Impervious surface: 75%, maximum.
G. Distance between buildings: 20 feet.
H. Height: three stories or 40 feet.
I. Landscaping: in accordance with § 300-96.
J. Parking: in accordance with Article X.
K. Buildings in a shopping center may be constructed in an attached or detached fashion while complying with the above dimensional regulations.

ARTICLE XV
Nonconforming Uses, Structures and Lots

§ 300-138. Purpose.
Within the districts established by this Part 1 or amendments thereto, there exist certain uses, structures, and/or lots that were lawful before this Part 1 was enacted but which do not conform to the provisions of this Part 1 or amendment thereto. These uses, structures, and/or lots are referred to as "nonconformities." The regulations governing existing nonconforming uses, structures, and/or lots are set forth in this article and are intended to provide a gradual remedy for the undesirable conditions resulting from such nonconformities and to bring about their gradual reduction.

§ 300-139. Continuation.
All structures, lots, uses of structures, and uses of land that do not conform to the regulations of the district in which they are located after the effective date of this Part 1 or amendment thereto shall be regarded as nonconforming and may be continued so long as they remain otherwise lawful, including subsequent sales of property. Such uses must comply with all safety-related and other applicable regulations.

§ 300-140. Enlargement.
A nonconforming use or structure may be extended, enlarged, or altered, provided that the following conditions are met and a zoning permit is obtained as per the requirements in Article XVII:

A. It is clear that such enlargement or extension is not materially detrimental to the health, safety, and welfare of the surrounding area.
B. The proposed enlargement or extension only occurs on the tract where the nonconformity is located.
C. The area devoted to the nonconforming use shall not be increased by more than 25%. The
nonconforming structure shall not be increased by more than 25% of its cubic content.

D. Any extension or enlargement of a building shall conform to the area, height, and setback regulations of the district in which it is located. In determining cubic content, the portion of a stack or projection above the highest point of the principal building shall be excluded from the calculation.

E. Not more than one extension or enlargement to a nonconforming use or structure shall be granted.

§ 300-141. Change of use.

Once changed to a conforming use, no structure or land shall be permitted to revert to a nonconforming use. A nonconforming use may be changed to another equally restrictive or more restrictive nonconforming use, subject to the following conditions:

A. The applicant shall show that the nonconforming use cannot be reasonably changed to a conforming use.

B. The applicant shall show that the proposed change will not increase external effects more than the existing nonconforming use or will be more appropriate than the existing nonconforming use with regard to:

   (1) Traffic generation and congestion.
   (2) Parking.
   (3) Noise, smoke, dust, fumes, vapors, gases, heat, odor, glare, or vibration.
   (4) Outdoor storage.
   (5) Sanitary sewage disposal.

C. A zoning permit shall be obtained from the Borough as per § 300-161.

§ 300-142. Enclosures.

Where a nonconforming use is conducted entirely on unenclosed premises, no structure to house or enclose such use, whether or not such structure would otherwise conform to zoning regulations, shall be permitted to be erected on the premises.

§ 300-143. Abandonment.

If a nonconforming use of a building or land is abandoned for 12 consecutive months or more, whereby the owner discontinues the use, the subsequent use of such a building or land shall conform to the regulations of the district in which it is located.

§ 300-144. Reconstruction.

A nonconforming structure, a conforming structure devoted to a nonconforming use, or a structure that has been legally condemned or destroyed by fire or other cause to not more than 75% of the current value of the structure may be reconstructed and used for the same
nonconforming use, provided that:

A. The reconstructed structure shall not exceed the height, area, and volume of the building destroyed or condemned.

B. Reconstruction of the structure shall commence within 12 months from the date the structure was destroyed or condemned, unless Borough Council shall authorize a conditional use for an extension of this time limit. However, an extension may be granted if permitting causes any delay in construction.

§ 300-145. Repairs and maintenance.

A. On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done in any period of six consecutive months on ordinary repairs or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing, provided that the cubic content existing when it became nonconforming shall not be increased.

B. If a nonconforming structure becomes physically unsafe due to lack of repairs and maintenance and is declared by the Code Official or applicable party to be unsafe by reason of physical condition, it shall not thereafter be restored or repaired except to conform to the regulations of the district in which it is located.

C. Nothing in this Part 1 shall be construed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by the Code Official.

§ 300-146. Displacement of conforming uses prohibited.

No nonconforming use shall displace a conforming use.

§ 300-147. Nonconforming lots.

A lot held in single and separate ownership on the effective date of this Part 1 which does not contain the required minimum area or width as stated in this Part 1 may be used for the construction, alteration, or reconstruction of a building if the construction, alteration, or reconstruction is in compliance with the use, yard, and setback provisions of this Part 1.

§ 300-148. Reduction of lot area.

No lot area shall be so reduced that the area of the lot or the dimensions of the open space shall be smaller than herein prescribed.

§ 300-149. Nonconforming signs.

Regulations for nonconforming signs are in Article XI, Signs.

§ 300-150. Nonconforming storage.

A. This section shall apply to existing outdoor storage not contained within a storage building, as defined in Article II, in the TC Town Center, HC Highway Commercial, and HC-A Highway Commercial-A Districts.
B. The owner of said storage shall relocate all storage to the rear yard and employ a storage building within 180 days of the effective date of this Part 1.

C. The Borough is attempting to bring these nonconforming accessory uses into conformity and keeping in line with the goals and purposes of the TC Town Center, HC Highway Commercial, and HC-A Highway Commercial-A Districts.

D. The Code Official shall inspect the new storage structure in accordance with these provisions within 30 days of its erection.

§ 300-151. Nonconforming refuse dumpsters.

A. This section shall apply to all refuse dumpsters, as defined in Article II, which are not temporary, with a maximum of 90 days, and which do not employ any form of screening. A permit shall be obtained from the Borough as per § 300-161 prior to placement of a dumpster on a lot.

B. The Borough is attempting to bring these nonconforming accessory uses into conformity and in line with the goals and purposes of the nonresidential districts.

C. The owner of the property in which the dumpster is located shall remove said dumpster or employ screening in accordance with §§ 300-93 and 300-95 within 90 days of the effective date of this Part 1.

§ 300-152. List of nonconforming uses.

As needed, the Code Official may prepare, or cause to be prepared, a complete list of all nonconforming uses, structures, lots, and signs in the Borough.

§ 300-153. Continuation upon sale of lot.

Whenever a lot is sold to a new owner, a previously lawful nonconforming use shall be allowed to continue by the new owner.

§ 300-154. Continuing violations.

A nonconforming structure altered or a nonconforming use created in violation of any provision in this article shall be regarded as continuing in such violation and shall not enjoy the privilege of legal continuance conferred by § 300-139 upon other nonconforming structures and uses.

ARTICLE XVI
Performance Standards

§ 300-155. Purpose.

The purpose of this article is to ensure adequate protection for the residents of the Borough against the possible negative effects of certain uses, processes, or activities applicable to all districts but particularly to commercial districts.

§ 300-156. Interpretation; applicability; administration and enforcement.
A. Interpretation and application of standards.

(1) The performance standards contained herein shall be the minimum standards to be met and maintained by all uses established after the effective date of this Part 1. Standards established by the Pennsylvania Department of Environmental Protection, the United States Environmental Protection Agency, or other applicable county, state, or federal agencies shall apply where those standards are more restrictive than the standards set forth below.

(2) If any existing use or building or other structure is extended, enlarged, or reconstructed, the performance standards herein shall only apply to such extended, enlarged, or reconstructed portion or portions of such use, building, or other structure.

B. Application review. All applications for commercial uses shall be reviewed by the Borough Engineer for compliance with the performance standards listed in § 300-157. No application for a use shall be approved until it is certified in writing by the Borough Engineer that the proposed use can meet these performance standards.

C. Enforcement and costs.

(1) The Code Official shall investigate any purported violation of the performance standards noted below. Enforcement procedures shall be in accordance with Article XVII, Administration and Enforcement; Amendments.

(2) If violations, as alleged, are found, costs of such determinations shall be charged against those responsible for the violations, in addition to such other penalties as may be appropriate. If, however, it is determined that no violation exists, the Borough shall pay for the costs of the determination.


A. Air quality. There shall be no emission of smoke, ash, dust, fumes, vapors, gases, or other matter, toxic or noxious, to air which violates the Pennsylvania Air Pollution Control Act of 1959, as amended, including the standards set forth in Chapter 123, Standards for Contaminants, and Chapter 131, Ambient Air Quality Standards, of Article III, Air Resources, of Title 25, Environmental Protection, of the Pennsylvania Code.

B. Fire and explosive hazards. All activities and all storage of flammable and explosive material at any point shall be provided with adequate safety devices against the hazard of fire and explosion, adequate firefighting, fire-suppression equipment, and devices as detailed and specified by the laws of the Commonwealth of Pennsylvania. All buildings, structures, and activities within such facilities shall conform to the most recently adopted Pennsylvania Uniform Construction Code, the National Fire Code, and any applicable Borough ordinances. Any explosive material shall conform to the requirements of Chapter 211, Storage, Handling and Use of Explosives, of Article IV, Occupational Health and Safety, of Title 25, Environmental Protection, of the Pennsylvania Code for storing, handling, and use of explosives.

44. Editor's Note: See 35 P.S. § 4001 et seq.
C. Glare and heat. No direct or sky-reflected glare, whether from floodlights or high-temperature processes such as combustion, welding, or otherwise, visible at the lot line shall be permitted, except for emergency industrial operations and safety purposes. These regulations shall not apply to signs or floodlighting of parking areas. There shall be no emission or transmission of heat or heated air discernible at the lot line.

D. Liquid and solid waste. There shall be no discharge of materials at any point into any public or private sewage system, watercourse, or the ground in such a way or nature as will contaminate or otherwise cause the emission of hazardous materials in violation of the ordinances of Norwood Borough and the laws of the Commonwealth of Pennsylvania, specifically of Chapters 73, Standards for Onlot Sewage Treatment Facilities, and 95, Wastewater Treatment Requirements, and Article VII, Hazardous Waste Management, of Title 25, Environmental Protection, of the Pennsylvania Code.

E. Noise. No person shall operate or cause to be operated on private or public property any source of continuous sound (any sound which is static, fluctuating, or intermittent, with a recurrence greater than one time in any fifteen-second interval) in such a manner as to create a sound level which exceeds the limits set forth in the following table when measured at or within the property boundary of the receiving land use:

<table>
<thead>
<tr>
<th>Receiving Land Use Category</th>
<th>Time</th>
<th>Sound Level Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential, public space, open space, or institutional</td>
<td>(1) 7:00 a.m. to 10:00 p.m.</td>
<td>60 dBA</td>
</tr>
<tr>
<td></td>
<td>(2) 10:00 p.m. to 7:00 a.m. (including Sundays and legal holidays)</td>
<td>50 dBA</td>
</tr>
<tr>
<td>Commercial or business</td>
<td>(1) 7:00 a.m. to 10:00 p.m.</td>
<td>65 dBA</td>
</tr>
<tr>
<td></td>
<td>(2) 10:00 p.m. to 7:00 a.m. (including Sundays and legal holidays)</td>
<td>60 dBA</td>
</tr>
</tbody>
</table>

(1) For any source of sound that emits a pure tone, the maximum sound level limits set forth in the above table shall be reduced by five dBA. For any source of sound which emits an impulsive sound (a sound of short duration, with an abrupt onset and rapid delay and an occurrence of not more than one time in any fifteen-second interval), the sound pressure level shall not exceed 20 dBA over the ambient sound level, regardless of time of day or night, of receiving land use, using the "fast" meter characteristics of a Type II Meter, meeting the ANSI specifications S1.4-1971.

(2) The maximum permissible sound levels as listed in the above table shall not apply to any of the following noise sources:

(a) The emission of sound for the purpose of alerting persons to the existence of an emergency or associated practice drills.

(b) Emergency work to provide electricity, water, or other public utilities when public health or safety is involved.
(c) Public celebrations specifically authorized by the Borough.

(3) Motor vehicle operations shall not exceed the noise levels established in Chapter 157, Established Sound Levels, of Article VII, Vehicle Characteristics, of Title 67, Transportation, of the Pennsylvania Code.

F. Odors. No uses shall emit odorous gases or other odorous matter in such quantities so as to be offensive at any point on or beyond its lot lines. The guide for determining such quantities of offensive odors shall be the fifty-percent response level of Table 1, Odor Thresholds in Air, "Research of Chemical Odors: Part I - Odor Thresholds for 53 Commercial Chemicals," October 1986, Manufacturing Chemists Association, Inc., Washington, D.C.

G. Vibration. No vibration shall be produced that is transmitted through the ground and is discernible without the aid of instruments at or at any point beyond the lot line except for repair and construction work.

H. Radioactivity or electrical disturbances. There shall be no activities that emit dangerous radioactivity at any point. There shall be no radio or electrical disturbances adversely affecting the operation of equipment belonging to someone other than the creator of the disturbance. If any use is proposed which incorporates the use of any radioactive material, equipment, or supplies, such use shall be in strict conformity with Chapters 221, X-rays in the Healing Arts; 225, Radiation Safety Requirements for Industrial Radiographic Operations; and 227, Radiation Safety Requirements for Analytical X-ray Equipment, X-ray Gauging Equipment, Electron Microscopes, and X-ray Calibration Systems, of Article V, Radiological Health, of Title 25, Environmental Protection, of the Pennsylvania Code.

I. Public health and safety. No use shall create any other objectionable condition in an adjoining area that will endanger public health and safety or be detrimental to the public use of the surrounding area.

ARTICLE XVII
Administration and Enforcement; Amendments

§ 300-158. Purpose.

The purpose of this article is to set forth procedures for the administration, enforcement, and amendment of this Part 1, in accordance with the Pennsylvania MPC,45 as amended.

§ 300-159. Administration; violations and penalties.

A. The administration, enforcement, and amendment of this Part 1 shall be in accordance with the provisions of Article VI46 and any other applicable sections of the Pennsylvania MPC, Act 247, as amended, hereinafter referred to in this article as the "Planning Code."

B. There shall be a Code Official (CO) who shall be appointed by Borough Council. The

45. Editor's Note: See 53 P.S. § 10101 et seq.
46. Editor's Note: See 53 P.S. § 10601 et seq.
Borough Manager may also exercise the powers and duties of the CO listed in this article. Additionally, the CO may delegate the power of enforcement to another qualified employee of the Borough. All employees engaged in the administration and enforcement of this Part 1 shall report to the appropriate Council committee person and the Borough Manager.

C. The CO and Borough Manager shall not hold any elected office in the Borough.

D. The CO shall administer this Part 1 in accordance with its literal terms and shall not have the power to permit any construction, use, or change of use that does not conform to this Part 1.

E. The CO may be authorized to institute civil and criminal enforcement proceedings as a means of enforcing this Part 1.

F. Duties. The following duties shall be performed by the CO:

1. Enforce all provisions of this Part 1 and all amendments thereto.

2. Receive, examine, record, and file all applications and fees for zoning permits, and issue zoning permits only for any structure or use that conforms to this Part 1.

3. Issue permits for uses and construction by conditional use, special exception, or variance only after Borough Council or the Zoning Hearing Board, in accordance with the provisions of this Part 1, approves such uses or buildings. Permits requiring approval by Borough Council shall be issued only after receipt of an authorization from Council.

4. Receive all required fees.

5. Regularly inspect all areas of the Borough to determine if there are any violations of this Part 1, and review the validity of any reported zoning violations.

6. Issue all necessary stop orders and order, in writing, the correction of all conditions found to be in violation of this Part 1. It shall be unlawful for any person to violate any such order lawfully issued by the CO, and any person violating such order shall be guilty of a violation of this Part 1.

7. Maintain, or cause to be maintained, a map or maps showing the current zoning classification of all land in the Borough.

8. Upon request of Borough Council, the Planning Commission, or Zoning Hearing Board, present facts, records, and any similar information to such body on specific requests to assist these bodies in reaching their decisions.

G. Appeals from decisions of the Code Official. An appeal from a decision or action of the CO shall be made directly by a party in interest to the Zoning Hearing Board, and such appeal shall be made within 30 days after notice of the decision is made, or if no decision is made, 30 days after the date when a decision is deemed to have been made, in accordance with the Planning Code, as amended.

H. Violations.
§ 300-160. Enforcement.

A. Enforcement notice. If it appears to the Borough that a violation of this Part 1 has occurred, the Borough shall initiate enforcement proceedings by sending an enforcement notice to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive an enforcement notice regarding that parcel, and to any other person requested in writing by the owner of record. An enforcement notice shall include the minimum components required in Section 616.1(c) of the Planning Code.48

B. Causes of action. See Section 617 of the Planning Code.49

C. Enforcement remedies. See Section 617.2 of the Planning Code.50

D. Jurisdiction. Magisterial District Judges shall have initial jurisdiction over proceedings brought under Section 617.2 of the Planning Code.

§ 300-161. Permits.

A. Requirement for zoning permits. A zoning permit shall be required prior to the erection or alteration of any building, structure, or portion thereof, including signs and fences, prior to the use or change in use of a building or land and prior to the change or extension of a nonconforming use or structure.

B. Application for zoning permits. Application for zoning permits shall be made to the CO on such forms as shall be furnished by the Borough. Each application shall contain all information necessary to ascertain whether the proposed erection, alteration, use, or change in use complies with the provisions of this Part 1.

C. Issuance of permits.

(1) No building or use permit shall be issued until the CO has certified that the proposed building or alteration and the proposed use of the property comply with the provisions of this Part 1.

(2) Permits shall be granted or refused within 45 days after the date of application. In case of refusal, the applicant shall be informed of his right to appeal to the Zoning

47. Editor's Note: See 53 P.S. § 10617.2.
48. Editor's Note: See 53 P.S. § 10616.1(c).
49. Editor's Note: See 53 P.S. § 10617.
50. Editor's Note: See 53 P.S. § 10617.2.
Hearing Board.

D. Permits for trailers or other temporary structures. Prior to the placement of a trailer, dumpster, or other temporary structure on a site, a permit shall be obtained from the CO as noted in § 300-161. Such temporary permit shall be effective for not more than 90 days and may be renewed. However, the total continuous time for which temporary permits may be issued shall not exceed 180 days unless otherwise stated within this Part 1 or in circumstances deemed necessary by the CO.

E. Expiration of permits. Permits for the erection, razing, change, alteration, or removal of a building shall be valid or effective for a period of not more than six months from the date of issuance thereof and shall thereafter be void, unless the work authorized by such permit shall have been substantially commenced within that period and continues with due diligence from that time forward. In no event shall a zoning permit be construed to authorize the development activities for more than a one-year period of time, after which time a new permit must be sought. If, however, the applicant has been delayed in proceeding with the work for which the permit was granted for reasons beyond his or her control, and demonstrably not due to his or her own negligence, at the discretion of the CO, the permit may be renewed without additional costs to the applicant.

F. Occupancy permits.

(1) Applicability. An occupancy permit shall be deemed to authorize and is required for both initial and continued occupancy and use of the building or land to which it applies. Such a permit shall certify that the premises have been inspected and comply with all previously approved plans and all conditions or safeguards attached to the issuance of a zoning permit. It shall also certify that the premises comply with all other applicable requirements of the Borough. The following shall be unlawful until an occupancy permit has been applied for and issued by the CO:

(a) Occupancy and use of a building erected, reconstructed, restored, altered, or moved or any change in use of an existing building.

(b) Any change in ownership of residential structures.

(2) Applications.

(a) Application for an occupancy permit shall be made on forms furnished by the Borough after the building or part thereof has been erected, the change in use has been completed, or the land placed in use. In the case of a change in ownership of an existing residential building, the owner of such a building shall apply for an occupancy permit upon its sale.

(b) Application for an occupancy permit shall be accompanied by a payment of the required fee.

(3) Action by the Code Official.

(a) The CO shall, within 15 days of application filing, inspect the premises and either certify their compliance with the previously approved plans and all conditions and safeguards stated upon issuance of an occupancy permit or deny
such certification. In the case of a change in occupancy or use of an existing building or vacant land (when no zoning permit is required), the CO shall verify compliance with the applicable zoning regulations.

(b) If the certification of the occupancy permit form is denied, the CO shall state in writing the reasons for such denial.

G. Conditional use permits. After review of a conditional use application and its compliance with all applicable provisions of this article and Article XIV, Council shall make a determination on issuing a conditional use permit.

H. Fees.

(1) Norwood Borough Council shall establish, by resolution, a schedule of fees, charges, expenses, and collection procedures for zoning permits, occupancy permits, conditional uses, special exceptions, variances, appeals, amendments, and other matters pertaining to this Part 1.

(2) A schedule of fees shall be posted in the office of the CO and may be altered or amended by Borough Council only.

(3) The cost of permits shall be based on a fee schedule as established from time to time by Borough Council.

(4) No action shall be taken on any application for any conditional use, special exception, variance, appeal, or other similar matter pertaining to this Part 1 until all application fees, charges, and expenses have been paid in full.

§ 300-162. Amendments.

A. Power to amend. The regulations, restrictions, boundaries, and requirements set forth in this Part 1 may be amended, supplemented, changed, or repealed by Borough Council by amending this Part 1 in accordance with Sections 609, 609.1, and 609.2 of the Planning Code.51

B. Procedure for amendment.

(1) An ordinance amending, supplementing, or changing the district boundaries (Zoning Map) or the regulations established herein may be initiated:

(a) By Borough Council, upon its own initiative or upon recommendation of the Planning Commission.

(b) Upon a petition to Borough Council signed by the owners of 50% or more of the frontage of any area which shall be between two streets wherein a change of zoning regulations is being sought.

(c) By a landowner requesting an amendment or repeal. In the case of a curative amendment, the special requirements of Section 609.1 of the Planning Code

51. Editor's Note: See 53 P.S. §§ 10609, 10609.1 and 10609.2.
(2) Before voting on the enactment of an amendment, Borough Council shall hold a public hearing thereon, pursuant to public notice. If the proposed amendment involves a map change, notice of said public hearing shall be conspicuously posted along the perimeter of the tract at least one week prior to the hearing. In addition, a mailing shall be sent to the real estate tax bill addresses of all real property within the area being rezoned at least 30 days prior to the public hearing date. The mailing must include at least the date, time, and location of the hearing.

(3) Borough Council shall submit each proposed zoning amendment, other than one prepared by the Planning Commission, to the Planning Commission at least 30 days prior to any hearing which is to be held on the proposed amendment to provide the Planning Commission an opportunity to submit its recommendations prior to final action.

(4) If, after any public hearing held upon an amendment, the proposed amendment is revised or further revised to include land previously not affected by it, Borough Council shall hold another public hearing as required by law pursuant to public notice before proceeding to vote on the amendment.

(5) As required by the Planning Code, a copy of any proposed zoning amendment shall also be sent to the County Planning Commission at least 30 days prior to any hearing on the proposed amendment in order to provide the County Planning Commission an opportunity to submit its recommendations prior to final action on the amendment.

(6) The Borough may offer a mediation option as an aid in completing proceedings authorized in this section. In exercising such an option, the Borough and mediating parties shall meet the stipulations of Section 908.1 of the Planning Code.

(7) Within 30 days after enactment, a copy of the amendment to this Part 1 shall be forwarded to the Delaware County Planning Department.

ARTICLE XVIII
Zoning Hearing Board

§ 300-163. Purpose.
The purpose of this article is to list and describe the powers, procedures, composition, and standards for the Zoning Hearing Board, as required by the Pennsylvania MPC, as amended.

§ 300-164. Creation; membership; organization; procedures.
A. Creation of the Zoning Hearing Board. A Zoning Hearing Board for the Borough of Norwood shall be appointed by Borough Council and shall be authorized to administer all procedures charged to such Board in accordance with the provisions of Article IX of the Planning Code.

52. Editor's Note: See 53 P.S. § 10609.1.
53. Editor's Note: See 53 P.S. § 10908.1.
54. Editor's Note: See 53 P.S. § 10101 et seq.
Pennsylvania MPC, as amended. Hereinafter, as used in this article, the term "Board" shall refer to the Zoning Hearing Board, and the term "Planning Code" shall refer to the Pennsylvania MPC, Act 247, as amended.

B. Membership of the Board. The Board shall consist of five residents of the Borough. Their terms of office shall be five years and shall be so fixed that the term of office of one member shall expire each year. The Board shall promptly notify the Borough of any vacancies. Appointment to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other office in the Borough and shall not be employees of the Borough. Included in this statement are consultants, part-time officials, or appointed members on another board within the Borough. See also Section 903 of the Planning Code.

C. Removal of members. Any member may be removed for malfeasance, misfeasance, or nonfeasance in office or for other just cause by a majority rule of Borough Council taken after the member has received 15 days' advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member requests it in writing. See also Section 905 of the Planning Code.

D. Organization of the Board.

(1) The Board shall elect its officers from its own membership, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than the majority of all members of the Board, but where a majority of members are disqualified to act in a particular matter, the remaining members may act for the Board.

(2) The Board shall adopt rules and forms for its procedure in accordance with the provisions of this Part 1. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. Such Chairman or, in his absence, the Acting Chairman may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public.

(3) The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examination and other official actions, all of which shall be immediately filed in the office of the Borough Manager and shall be a public record.

(4) The Board shall submit a report of its activities to Borough Council or the Borough Manager as requested.

(5) See also Section 906 of the Planning Code for further information on the organization of the Board.

55. Editor's Note: See 53 P.S. § 10901 et seq.
56. Editor's Note: 53 P.S. § 10903.
57. Editor's Note: See 53 P.S. § 10905.
58. Editor's Note: See 53 P.S. § 10906.
(6) As provided for in the Planning Code, the Board may appoint a hearing officer from its own membership or an independent attorney to conduct any hearing on its behalf, and the parties may waive further action by the Board, as provided in Section 908 of the Planning Code.59

E. Expenditures for services. Within the limits of funds appropriated by Borough Council, the Board may employ or contract for secretaries, clerks, legal counsel, consultants, and other technical and clerical services. Members of the Board may receive compensation for the performance of their duties, as may be fixed by Borough Council, but in no case shall it exceed the rate of compensation authorized to be paid to members of Borough Council. See also Section 907 of the Planning Code.60

F. Jurisdiction. See Section 909.1 of the Planning Code.61

§ 300-165. Powers and duties.

A. Appeals from the Code Official. The Board shall hear and decide appeals where it is alleged that the Code Official has failed to follow prescribed procedures or has misinterpreted or misapplied any provision of this Part 1 or the Zoning Map or any valid rule or regulation governing the action of the Code Official.

B. Application review. Applications for variances or special exceptions shall include, as a minimum, the following information:

(1) A sketch plan, at scale, showing the layout of the property, the proposed improvements and alterations thereto, and the relationship of the tract to adjacent properties.

(2) A reference to the section(s) of this Part 1 under which the variance or special exception is requested.

C. Variances. The Board shall hear requests for variances where it is alleged that the provisions of this Part 1 inflict unnecessary hardship on the applicant. In granting a variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Planning Code and this Part 1. See also Section 910.2 of the Planning Code.62

D. Special exceptions. The Board shall hear and decide requests for special exceptions authorized by this Part 1 in accordance with the standards and criteria set forth in § 300-169 below. The Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Planning Code and this Part 1. Regulations for specific special exceptions shall also be met and are located in Article XIII

59. Editor's Note: See 53 P.S. § 10908.

60. Editor's Note: See 53 P.S. § 10907.

61. Editor's Note: See 53 P.S. § 10909.1.

62. Editor's Note: See 53 P.S. § 10910.2.
of this Part 1. See also Section 912.1 of the Planning Code.63

E. Challenge to the validity of this Part 1 or map. The Board shall conduct hearings and make decisions and findings in connection with challenges to the validity of any provision of this Part 1 as authorized by Section(s) 909.1 and/or 916.1 of the Planning Code.64

§ 300-166. Hearings and decisions.
The Board shall conduct hearings and make decisions in accordance with the provisions of Section 908 of the Planning Code.65

§ 300-167. Notice of hearing.
Notice of hearing. In any case where the Board shall hold a public hearing, the Board shall, at a minimum, give notice of such hearing as follows (See also Section 908 of the Planning Code.66):

A. Notice shall, at a minimum, state the time and the place of the hearing and the particular nature of the matter to be considered at the hearing;

B. By publishing a notice thereof once each week for two successive weeks in a newspaper of general circulation in the Borough, provided that the first publication shall be not more than 30 days and the second publication shall be not less than seven days from the date of the hearing;

C. By mailing or delivering due notice thereof to the applicant and other parties in interest, who shall be at least those persons whose properties adjoin the property in question or are within a two-hundred-foot radius of the property in question;

D. By mailing or delivering notice thereof to Borough Council and the Code Official; and

E. By conspicuously posting notice of said hearing on the affected tract of land at least one week prior to the hearing.

Decisions of the Board shall include the following elements (See also Section 908 of the Planning Code.67):

A. Findings of fact, including a brief summary of relevant testimony and information entered during the proceedings of the Board.

B. Citation by quotation or by reference to the specific sections of the local ordinances and/or the Planning Code that are relevant to the case in question.

63. Editor's Note: See 53 P.S. § 10912.1.
64. Editor's Note: See 53 P.S. §§ 10909.1 and 10916.1, respectively.
65. Editor's Note: See 53 P.S. § 10908.
66. Editor's Note: See 53 P.S. § 10908.
67. Editor's Note: See 53 P.S. § 10908.
C. Conclusions of the Board, enumerating the reasons why such conclusions are deemed appropriate in light of the facts found.

D. Ruling of the Board, indicating in writing any stipulations or conditions attached to the ruling.

§ 300-169. Standards for review of variances or special exceptions.

In any instance where the Zoning Hearing Board is required to consider a variance or special exception, the Board shall, among other things, consider the following standards (See also Section 910.2 of the Planning Code.):

A. Planning Code criteria for variances.

(1) The Board shall hear requests for variances where it is alleged that the provisions of this Part 1 inflict unnecessary hardship on the applicant.

(2) A variance from the terms of this Part 1 shall not be granted by the Board unless and until a written application for a variance is submitted by the applicant, who shall have the burden of establishing the presence of all of the following conditions where relevant in a given case:

(a) That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions and not to the circumstances or conditions generally created by the provisions of this Part 1 in the neighborhood or district in which the property is located.

(b) That, because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Part 1, and that the authorization of the variance is therefore necessary to enable the reasonable use of the property.

(c) That such unnecessary hardship has not been created by the applicant.

(d) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.

(e) That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

(3) In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Planning Code and this Part 1.

68. Editor's Note: See 53 P.S. § 10910.2.
B. Standards for review of special exceptions.

(1) In any instance where the Board is required to consider a request for a special exception, the Board shall consider the following factors where appropriate (See also Section 912.1 of the Planning Code.69):

(a) That the proposed use is appropriate for the site in question in terms of size, topography, natural features, drainage, sewage disposal, water supply, accessibility, and availability of public services, and that adequate provisions will be made to protect sensitive environmental features such as streams, lakes, wetlands, slopes, and mature trees.

(b) That the proposed use is compatible with the character of the surrounding neighborhood and will not interfere with or detract from legitimate uses and adjacent properties, and that adequate measures will be provided through building design, site layout, landscaping, planting, and operational controls to minimize any adverse impacts caused by noise, lights, glare, odors, smoke, fumes, traffic, parking, loading, and signage.

(c) That the proposed special exception will serve the best interest of the Borough, convenience of the community, and the public health, safety, and welfare.

(d) That the proposed use is consistent with the Norwood Borough Comprehensive Plan of 2004.

(e) That the proposed use promotes orderly development, proper population density, and the provision of adequate community facilities and services, including police and fire protection.

(f) That the proposed use is suitable in terms of its effect on highway safety and traffic circulation and that access, on-site circulation, and parking are adequate in view of anticipated traffic.

(g) That the proposed use will provide for adequate off-street parking, as required in Article X.

(2) In cases where uses permitted by special exception are not accompanied by specific standards for such uses, the regulations in § 300-105 shall apply.

(3) Financial hardship shall not be construed as a basis for granting special exceptions.

(4) In granting any special exception, the Board may attach reasonable conditions and safeguards in addition to those expressed in this Part 1 as it may deem necessary to implement the purposes of the Planning Code and this Part 1, which conditions and safeguards may relate to, but not be limited to, screening, lighting, noise, safety, aesthetics, and the minimization of noxious, offensive, or hazardous elements. Such special exceptions shall be clearly authorized by a provision in this Part 1 and shall, where applicable, comply with the more specific standards relating to such special exceptions contained in appropriate sections of Article XIII.

69. Editor's Note: See 53 P.S. § 10912.1.
§ 300-170. Standards of proof.

A. Variances. An applicant for a variance shall have the burden of establishing both:

(1) That a literal enforcement of the provisions of this Part 1 will result in unnecessary hardship, as that term is defined by law, including court decisions; and

(2) That the allowance of the variance will not be contrary to the public interest.

B. Special exceptions. An applicant for a special exception shall have the burden of establishing both:

(1) That the application falls within the provisions of this Part 1 which afford the applicant the right to seek a special exception; and

(2) That the allowance of a special exception will not be contrary to the public interest.

C. Evaluation of the impact of an application on the public interest. In determining whether the allowance of a variance or special exception is contrary to the public interest, the Board shall consider whether the application, if granted, will:

(1) Adversely affect the public health, safety, and welfare due to changes in traffic conditions, drainage, air quality, noise levels, neighborhood property values, natural features, and neighborhood aesthetic characteristics.

(2) Be in accordance with the Norwood Borough Comprehensive Plan of 2004.

(3) Provide required parking in accordance with Article X of this Part 1.

(4) Adversely affect the logical, efficient, and economical extension or provision of public services and facilities such as public water, sewers, refuse collection, police, fire protection, and public schools.

(5) Otherwise adversely affect the public health, safety, or welfare.

§ 300-171. Expiration of variances and special exceptions.

Unless otherwise specified by the Board, a variance or special exception shall expire if the applicant fails to obtain a building permit within six months from the date of authorization thereof.

§ 300-172. Time limitations; stay of proceedings.

See Sections 914.1 and 915.1 of the Planning Code.70

§ 300-173. Appeals to court.

See Article X-A of the Planning Code.71

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70. Editor's Note: See 53 P.S. §§ 10914.1 and 10915.1, respectively.
71. Editor's Note: See 53 P.S. § 11001-A et seq.
Additional Zoning Regulations

ARTICLE XIX
HC-A Highway Commercial-A District
[Adopted 3-26-2007 by Ord. No. 2007-3 (Ch. 90, Part 2, Art. XIX, of the 1967 Codification)]

§ 300-174. Purpose and objectives.

A. Being located along a main highway, this new HC-A Highway Commercial-A District shall allow a variety of pedestrian-oriented and auto-oriented commercial uses by right and adult uses by conditional use permit.

B. Because adult uses tend to bring with them secondary concerns that impact the health, safety, and general welfare of Norwood Borough, the Borough desires to limit the location where such uses may locate to the HC-A Highway Commercial-A District (Ordinance No. 2007-272) and to enact provisions designed to minimize these secondary effects on the Borough as per this article.

C. The Borough does not intend to suppress activities protected by the First Amendment of the United States Constitution but instead to address these secondary effects. Neither is it the intent of this article to condone or legitimize the distribution of obscene material.

D. The purpose of the provisions in the sections below is to prevent or minimize secondary effects, which include difficulties for law enforcement, municipal maintenance, trash, declines in business, increased crime, particularly corruption of the morals of minors, and prostitution, which encourage residents to move elsewhere.

§ 300-175. Adult uses permitted.

A. Adult uses, as defined in § 300-176, shall be permitted only in the HC-A Highway Commercial-A District. The district shall be located in an area extending from the east side of Chester Pike to the west side of an alley between Chester Pike and Mohawk Avenue. Its northern boundary shall be a lot line between said alley and Chester Pike. The district shall be delineated as shown on Attachment A of Ordinance No. 2007-2,72 which changes the existing zoning classification from the Business District to the HC-A Highway Commercial-A District.

B. Adult uses shall be permitted only when authorized as a conditional use by the Norwood Borough Council, subject to this article.

§ 300-176. Definitions pertaining to adult uses.

For the purposes of this article, the terms listed below shall have the following meanings:

ADULT BOOKSTORE or ADULT VIDEO STORE — A commercial establishment where 15% or more of the sales floor area is devoted to books, magazines, periodicals, or other printed

72. Editor's Note: Ordinance No. 2007-2, adopted 3-26-2007, changed the zoning classification of five contiguous properties located at the corner of Chester Pike and Summit Avenue from the Business District to a new HC-A Highway Commercial-A District.

73. Editor's Note: Said attachment is on file in the Borough offices.
matter, photographs, motion pictures, videocassettes, slides, or other visual representations that contain or depict material characterized by the depiction or description of specified sexual activities or specified anatomical areas. A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing specified sexual activities or specified anatomical areas and still be characterized as an adult bookstore or adult video store. Such other business purpose or inventory will not serve to exempt such establishments from being categorized as an adult bookstore or adult video store so long as one of its business purposes is the offering for sale or rental for consideration the materials characterized by the description or depiction of specified sexual activities or specified anatomical areas.

CODE ENFORCEMENT OFFICER — A duly appointed Borough official empowered to administer and enforce this article and other codes, ordinances, and regulations of the Borough.

ESTABLISHMENT — This term denotes the following:

A. Any use which contains or proposes to contain an adult use.
B. The opening or commencement of any adult use as a new business.
C. The conversion of an existing establishment, whether sexually oriented or not, to any sexually oriented business.
D. The addition of any sexually oriented business to any other sexually oriented business.
E. The relocation of any sexually oriented business.

GROSS FLOOR AREA — The sum of the gross horizontal areas of a building, measured from the exterior face of exterior walls or from the center line of a wall separating two buildings, but not including interior parking spaces, loading space for motor vehicles, or any space where floor-to-ceiling height is less than six feet.

SALES FLOOR AREA — The part of the total floor area that is devoted to the display and sale of products.

SECONDARY EFFECTS OR IMPACTS — Impacts from adult uses that include difficulties for law enforcement, municipal maintenance, trash, declines in business, and increased crime, particularly corruption of the morals of minors, and prostitution.

SPECIFIED ANATOMICAL AREAS — Human genitals, pubic region, anus, buttocks, female breast(s) below a point immediately above the top of the areola, or human male genitals in a discernibly turgid state, even if completely covered.

SPECIFIED SEXUAL ACTIVITIES

A. The fondling or touching of human genitals, pubic region, buttocks, anus, or female breasts.
B. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation, or sodomy.
C. Excretory functions as part of or in connection with any of the activities set forth in Subsections A and B above.
§ 300-177. Uses permitted by right.

Land, buildings, or premises shall be used by right for only one or more of the following uses. However, any use listed below with a lot area greater than 25,000 square feet shall require a conditional use permit.

A. Retail store.
B. Convenience store.
C. Personal service shop.
D. Standard restaurant (indoor sit-down).
E. Drive-through restaurant, bank, or similar drive-through business, including a remote automated teller machine and standard walk-in or sit-down business.
F. Caterer.
G. Data processing, telecommunications.
H. Establishment that contains both a workshop and a retail outlet or showroom, provided that the workshop is in the rear half of the building.
I. Trade shop, such as electrician, carpenter, plumber, or similar practitioner.
J. Laundry or laundromat.
K. Beverage distributor.
L. Business and professional office, such as dental, medical, physical therapy, accountant, lawyer, and similar professions.

§ 300-178. Conditional uses.

The following uses shall be permitted as conditional uses only, subject to the applicable provisions of Ordinance No. 2007-6, Procedures and Standards for Conditional Uses, and the specific sections cited below:

A. Adult bookstore, subject to the applicable provisions of this article.
B. Adult video store, subject to the applicable provisions of this article.
C. Body-piercing establishment, as defined in Part 2, Article XX, Body Art Regulations, of this chapter.
D. Tattoo parlor, as defined in Part 2, Article XX, Body Art Regulations, of this chapter.
E. Any use that is permitted by right in § 300-177 but has a lot area of 25,000 square feet or greater, subject to Ordinance No. 2007-6.

74. Editor's Note: Ordinance No. 2007-6, adopted 3-26-2007, was repealed 5-19-2008 by Ord. No. 2008-7. See now Art. XIV, Conditional Uses.
75. Editor's Note: Ordinance No. 2007-6, adopted 3-26-2007, was repealed 5-19-2008 by Ord. No. 2008-7. See now Art. XIV,
F. Any use of the same general character as those permitted in § 300-177. Such use shall be permitted by Borough Council upon the recommendation of the Planning Commission, shall be consistent with the purposes of the district and shall not be detrimental to the surrounding neighborhood.

§ 300-179. Accessory uses and structures.

Signs, parking, and any customary accessory uses on the same lot with and customarily incidental to any of the uses permitted above and not detrimental to the area.

§ 300-180. Dimensional regulations.

The following regulations shall apply to uses by right, § 300-177, and conditional uses, § 300-178. However, in evaluating a proposal for a conditional use, Council may require greater, more stringent dimensional requirements than those listed below. Unless otherwise stated, the following shall be minimum requirements:

A. Lot area:
   (1) Attached: 3,500 square feet.
   (2) Detached: 10,000 square feet.

B. Lot width:
   (1) Attached: 30 feet.
   (2) Detached: 75 feet.

C. Front yard: not less than the average setback on the block or 20 feet.

D. Side yard(s):
   (1) Attached (end of row): 15 feet.
   (2) Detached: aggregate 30 feet, minimum 10 feet.

E. Rear yard: 20 feet.

F. Building coverage:
   (1) Attached: 60%, maximum.
   (2) Detached: 45%, maximum.

G. Impervious surface:
   (1) Attached: 80%, maximum.
   (2) Detached: 70%, maximum.

H. Height: three stories or 40 feet.

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Conditional Uses.
§ 300-181. Standards for uses permitted by right.

A. Each permitted use shall provide and maintain attractively landscaped grounds and include screening necessary to protect adjacent residential properties and storage areas from streets and residences.

B. All new construction or additions to a building or its facade shall be in harmony with the architectural character of the adjacent area in terms of style, size, proportion, and materials.

C. All principal uses shall be completely enclosed in a building.

D. No permanent storage of merchandise or equipment shall be permitted outside a building, and no goods or equipment shall be stored, displayed, or offered for sale in front of the front line of a building except for temporary sales or promotions lasting not more than five days. Any event or sale including display or sale in front of the front building line which exceeds three days shall require a permit from the Borough.

E. Parking shall be provided in accordance with this chapter, and signs shall comply with Chapter 244, Signs and Billboards, of the Norwood Borough Code.

§ 300-182. Standards for adult bookstores and adult video stores.

A. Parking.

   (1) One off-street parking space shall be provided for each 300 square feet of gross floor area.

   (2) Where possible, parking areas shall not be located in front of the principal building.

   (3) All parking areas shall be clearly line-striped.

   (4) No accumulation of trash or other debris shall be permitted to accumulate in the parking area. Such areas shall be swept clean on a daily basis and maintained in good condition.

B. Signs.

   (1) Permitted types of signs shall be wall signs only.

   (2) Only one wall sign shall be permitted for each establishment.

   (3) The wall sign shall not exceed 20 square feet.

   (4) Signs shall not depict or display any obscene words or graphics.

   (5) The content of signs shall be limited to the name, address, and listing of products or services that the adult entertainment business provides.

   (6) Illumination of signs shall be directed at the sign only and shall not be placed so that it casts direct or excessive light on adjacent or nearby properties, streets, or sidewalks.

   (7) Not less than two "no loitering" signs shall be prominently displayed on the exterior of the adult entertainment business or at other conspicuous locations on the premises. Such signs shall have an area of not less than two square feet and not more than four
square feet.

C. Lighting.

(1) All parking areas, driveways, and loading areas shall be lighted adequately for safety and convenience of customers, delivery vehicles, and other users. All lighting fixtures shall be shielded from street traffic and from abutting residential properties.

(2) No neon flashing lights shall be employed at any establishment.

(3) Lighting fixtures shall be placed to adequately illuminate all sides of the principal building housing the adult business in order to eliminate dark or inadequately lighted outdoor areas on the property.

D. Landscaping.

(1) Any part or portion of a site which is not used for buildings or other structures, loading and parking spaces and aisles, sidewalks, and designated storage areas shall be planted and maintained with landscaping. Maximum advantage shall be taken of existing trees and shrubs in landscaping.

(2) All landscaped planting areas shall be planted with grass seed, sod, or other ground cover and shall be maintained and kept clean of all debris, rubbish, weeds, and tall grass; provided, however, that if such land is naturally wooded, it may continue in its natural state.

(3) Landscaped planting areas may be part of required front, side, and rear yards.

(4) A planted landscaped area shall be provided in front of the principal building and shall be not less than five feet wide.

E. Screening.

(1) Where a new building or addition to an existing building is proposed, a planted visual screen shall be provided at the boundary lines with all residential districts.

(2) The planted visual screen shall consist of species indigenous to the area so as to provide a year-round visual barrier.

(3) Such screens shall incorporate earthen mounds or berms, where possible, to improve sound as well as visual buffering.

(4) Plants comprising a visual screen shall be at least six feet high when planted, and no plantings shall be placed closer than five feet to the property line.

(5) The planted visual screen shall be provided and shall constitute an effective visual barrier between the adult entertainment business and adjacent uses.

(6) Placement of screening material shall not obscure sight lines at intersections.

(7) All mechanical equipment not enclosed in a structure shall be fully and completely screened and landscaped in a manner compatible with the style of the buildings on the site.
(8) Upon a recommendation of the Planning Commission, an opaque privacy fence or wall may be substituted for the planted screen required above. Such alternate screening must be constructed and placed to clearly provide an effective visual barrier. Such fence shall not be less than six feet high.

F. Trash disposal.

(1) All refuse shall be placed in covered verminproof containers.

(2) There shall be an opaque fence or planted visual screen to shield the refuse container from the principal use and adjacent and nearby uses, streets, and sidewalks.

§ 300-183. Permits and inspections for adult uses; violations and penalties.

The Code Enforcement Officer (CEO), upon submission to the Borough of an application, shall present the applicant with a building permit for an adult entertainment business, provided that the requirements below are followed:

A. Permits.

(1) A permit shall be issued only if the applicant is successful in obtaining conditional use approval for the proposed type of adult use and the application meets all use, occupancy, and other ordinance provisions.

(2) The application for a permit to operate an adult business must be made on a form provided by the CEO of the Borough. The application must be accompanied by a sketch or diagram showing the configuration of the premises occupied by the business. The sketch or diagram need not be professionally prepared but must at least be drawn to a designated scale or drawn with marked dimensions on the interior and exterior of the premises to an accuracy of plus or minus six inches.

(3) The applicant must be qualified according to the provisions of this article, and the premises must be inspected and found to be in compliance with all applicable ordinances by the CEO, the Fire Chief, and the police.

(4) If a person wishes to operate an adult business as an individual, he/she must sign the application for a permit as an applicant. If the proposed operator of such business is other than an individual, each individual who has a ten-percent or greater interest in the business must sign the application for a permit as an applicant. If a corporation is listed as owner of an adult entertainment business or as the entity that wishes to operate such business, each individual having a direct or indirect interest of 10% or greater in the corporation must sign the application for a permit as an applicant.

(5) The fact that a person possesses other types of Borough permit(s) does not exempt the person from the requirement of obtaining an adult use permit.

(6) The CEO shall approve the issuance of a permit to an applicant within 30 days after Borough Council awards the applicant a conditional use, but the CEO will not approve a permit if he finds one or more of the following to be true:

(a) The applicant is under 18 years of age.
(b) The applicant is overdue on his or her Borough taxes, fees, fines, or penalties assessed against him or her in relation to the operation of an adult business.

(c) The applicant has failed to provide information required in this article and reasonably necessary for issuance of the permit or has falsely answered a question or request for information on the application form.

(d) The permit fee required in this article has not been paid, or the permit fees for health, use, occupancy, or building permits have not been satisfied.

(e) The applicant for the proposed use is in violation of or is not in compliance with any provision of this article.

7) The permit, if granted, shall state on its face the name of the person to whom it is granted, the expiration date, and the address of the adult entertainment business. The permit shall be posted in a conspicuous place at or near the entrance of the business so that it can be read at any time.

8) The permit, if granted, shall have an effective duration of one year from the date of issuance.

9) The CEO, Fire Chief, and the police shall complete their certification that the premises is in compliance or not in compliance within 30 days of receipt of the application by the CEO.

10) If the CEO denies a renewal of a permit, the applicant shall not be issued a permit for one year from the date of such denial, except that, after 90 days have elapsed since the date of denial, the applicant may be granted a permit if the CEO finds that the basis for denial of the renewal permit has been corrected or abated.

B. Inspection. An applicant or permittee shall permit a representative of the police, Fire Chief, or CEO or other Borough departments or agencies to inspect the premises of an adult business for the purpose of ensuring compliance with this article or other applicable laws at any time the adult entertainment business is open. These inspection departments/agencies shall certify, in writing, whether the business is in compliance.

C. Fee. The annual fee for an adult entertainment business shall be in such amount as shall be set from time to time by resolution of the Borough Council.

D. Suspension of permit. The CEO shall suspend a permit for a period not to exceed 30 days if he or she determines that a permittee or an employee of the permittee has:

1) Violated or is not in compliance with any provision of this article.

2) Engaged in excessive use of alcoholic beverages while on the premises of the adult entertainment business.

3) Refused to allow an inspection of the adult business as authorized by this article.

E. Revocation of permit.

76. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).
(1) The CEO shall revoke a permit if he determines that:

(a) A permittee or any of the persons specified has given false or misleading information or materials submitted to the Borough during the application process.

(b) A permittee or employee has knowingly allowed prostitution on the premises as defined by the Pennsylvania Crime Codes.77

(c) A permittee or employee of the permittee knowingly operated the adult business during a period of time when the permittee's permit was suspended or revoked.

(d) A permittee or employee of the permittee knowingly allowed any action of sexual intercourse, sodomy, oral copulation, masturbation, or other sexual conduct to occur on the permitted premises.

(e) A permittee is delinquent in the payment of Borough or state taxes, or fees are past due.

(2) When the CEO revokes the permit, the revocation shall continue for one year, and the permittee shall not be issued an adult entertainment business permit for one year from the date that the revocation became effective. If subsequent to the revocation the CEO finds that the basis for the revocation has been corrected or abated, the applicant may be granted a permit if at least 90 days have elapsed since the date the revocation became effective.

(3) After denial of an application, denial of a renewal of an application, or suspension or revocation of a permit, the applicant, licensee, or permittee may seek prompt judicial review of such administrative action in any court of competent jurisdiction.

F. Transfer of permit. A permittee shall not transfer his permit to another person or business entity, nor shall a permittee operate an adult business under the authority of a permit at any place other than the address designated within the application.

G. Injunction. A person who operates or causes to be operated an adult business without a valid permit or in violation of this article is subject to an action in equity or a suit for injunction, as well as citations for violations of Part 1 of this chapter.

H. Violations and penalties. For any violation of this article, the permittee, owner, tenant, general agent, managing company, realtor, or contractor of a building or premises where such violation has been committed or any other person who knowingly commits, takes part, or assists in any such violation or maintains any building or premises in which any such violation shall exist shall be liable, on conviction thereof, for a fine or penalty not exceeding $500, which shall be paid to Norwood Borough. However, the Magisterial District Judge may, at his discretion, commit the offender to prison in the county jail for a period not exceeding 30 days for each separate offense. Whenever such person shall have been officially notified by Norwood Borough or by service of a summons in a prosecution or in any other official manner that he is committing a violation, each day's continuance of

77. Editor's Note: See 18 Pa.C.S.A. § 101 et seq.
such violation after such notification shall constitute a separate offense punishable by like
fine or penalty.

ARTICLE XX

Body Art Regulations

[Adopted 3-26-2007 by Ord. No. 2007-4 (Ch. 90, Part 2, Art. XX, of the 1967 Codification)]

§ 300-184. Purposes.
The purposes of this article are to allow and regulate tattoo parlors and body-piercing parlors in
the HC-A Highway Commercial-A District and to set forth regulations, including health-related
regulations, to protect the health, safety, and welfare of the public.

§ 300-185. Definitions.
As used in this article, the following terms shall have the meanings indicated:

APPLICANT — Any person who applies to the Health Officer for either a body-piercing or
tattooing establishment license or operator license.

AUTOCLAVE — An apparatus for sterilization utilizing steam pressure at a specific
temperature over a period of time.

AUTOCLAVING — The process which results in the destruction of all forms of microbial life,
including highly resistant spores, by the use of an autoclave for a minimum of 15 minutes at 15
pounds of pressure per square inch (psi) at a temperature of 270°F.

BODY ART — The practice of physical body adornment in permitted establishments by
operators utilizing tattooing and/or body-piercing cosmetics.

BODY PIERCING — The process of breaching the skin or mucous membrane for the purpose of
insertion of any object, including, but not limited to, jewelry for cosmetic purposes. The term
includes body piercing and tattooing, with the exception of ear piercing or nail piercing.

BODY-PIERCING PERMIT — Written approval from the Health Officer or his authorized
representative that said body-piercing establishment has been inspected and meets all the terms
of this article relating to physical facilities, equipment, and layout for operation of such business.

DEPARTMENT — The Department of Health of the Commonwealth of Pennsylvania.

EMPLOYEE — Any person who renders any service in connection with the operation of a
body-piercing or tattooing establishment and receives compensation from the operator of the
business or its patrons.

ESTABLISHMENT or SHOP — An authorized premises where body-piercing and tattooing
procedures are performed.

HEALTH OFFICER — A duly appointed Borough official empowered to administer and
enforce this article and other codes, ordinances, and statutes of the Borough pertaining to
health-related matters.

OPERATOR — Any individual, firm, company, corporation, or association that owns or
operates an establishment where tattooing or body piercing is performed, and any individual who performs or practices the art of tattooing or body piercing on the person of another.

PATRON or CLIENT — Any person receiving tattooing or body piercing on his or her body as a personal service in return for compensation.

PHYSICIAN — Any person authorized to practice medicine pursuant to the laws of the Commonwealth of Pennsylvania.

SANITIZATION — The reduction of the population of microorganisms to safe levels as determined by public health officials.

SINGLE-USE ITEMS — Products or items that are intended for one-time, one-person use and are disposed of after one use for each client or customer, including, but not limited to, cotton swabs or balls, tissues or paper products, paper or plastic cups, gauze and sanitary coverings, razors, piercing needles, scalpel blades, stencils, ink cups, and protective gloves.

STERILIZATION — The process of destruction of all forms of microbial life by physical or chemical means.

TATTOO — The indelible mark, figure, or decorative design introduced by insertion of dyes or pigments into or under the subcutaneous portion of the skin.

TATTOO ARTIST — Any person who actually performs tattooing or who operates, conducts, or manages any tattoo establishment.

TATTOOING — Any method of placing designs, letters, scrolls, figures, symbols, or any other marks upon or under the skin with ink or any other substance resulting in the coloration of the skin by the aid of needles or any other instruments designed to touch or puncture the skin.

TATTOOING PERMIT — Written approval from the Health Officer or his authorized representative that said tattooing establishment has been inspected and meets all of the terms of this article relating to physical facilities, equipment, and layout for operation of such business.

§ 300-186. Applicability.

Body art establishments (tattoo parlors and body-piercing establishments) shall be permitted only in the HC-A Highway Commercial-A District and as a conditional use only, subject to the applicable provisions below and the conditional use regulations in Ordinance No. 2007-6.78


A. No person, organization, or corporation may operate a body art establishment unless it has obtained a certificate of registration from the Pennsylvania Department of Health.

B. Such certificate shall be obtained annually and shall not be transferable.

C. The current certificate shall be posted in a prominent and conspicuous area where patrons may readily see it.

78. Editor's Note: Ordinance No. 2007-6, adopted 3-26-2007, was repealed 5-19-2008 by Ord. No. 2008-7. See now Art. XIV, Conditional Uses.
§ 300-188. Permits; inspections; fees.

A. It shall be unlawful for any person to engage in the business of operating a body art establishment without first obtaining a permit to engage in such business in accordance with the provisions in this article.

B. Applications for a body art permit shall be provided by the Borough Health Officer. Upon receiving a completed application for a license, the Borough Health Officer shall conduct an inspection of the premises and shall issue a permit only upon the operator's full compliance with the provisions of this article.

C. The permit shall be valid for one year, and an inspection of the premises shall be required for each renewal term.

D. An application fee, as set from time to time by resolution of Borough Council, shall be required of each applicant for a body art permit, as well as to renew said permit.

§ 300-189. Revocation or suspension of permit; reissuance.

A. A local permit may be revoked or suspended where an operator is found to violate the provisions of this article.

B. A local permit will not be reissued where an operator has been found to have violated this article until the violation has been corrected.

§ 300-190. Standards for facilities.

A. The room in which body art procedures are conducted shall have an area of not less than 100 square feet.

B. The establishment shall be maintained in a sanitary condition at all times. Adequate light and ventilation must be provided.

C. Only instruments and equipment that have been properly cleaned and sterilized prior to use shall be used during the process.

D. The walls, floors, and ceilings shall have an impervious, smooth, and washable surface. Walls and ceilings are to be painted a light color.

E. Walls, ceilings, and floors shall be kept clean and free from dust and debris. The floor shall be swept and wet mopped daily.

F. Floors, walls, or ceilings shall not be swept or cleaned while tattooing or piercing is in progress.

G. The shop shall be arranged so that work tables will be located at least 10 feet from observers or waiting customers, or such work tables shall be separated from observers or waiting customers by a panel or other barrier at least six feet high. The panel may be constructed of glass, solid plastic, or similar material.

H. Each establishment shall contain a sink for the exclusive use of the operator to wash his or her hands and prepare the customers for the procedure. The sink shall be provided with
adequate hot and cold running water. There shall also be available at the sink clean
dividual towels and refuse containers.

I. There shall be a solid floor-to-ceiling wall or partition separating the work space from any
room used for human habitation, any establishment or activity where food is prepared, hair
salon, retail sales, or any other activity that may cause potential contamination of work
surfaces.

J. An adequate number of work tables shall be provided for each artist. The surface of all
work tables shall be constructed of metal or other material which is smooth, light colored,
nonabsorbent, corrosive-resistant, and easily sanitized.

K. Adequate toilet, urinal, and hand-washing facilities shall be available on the establishment
premises for the use of customers and artists.

L. Proper closed cabinets for the exclusive storage of instruments, dyes, pigments, carbon
stencils, and other paraphernalia used in the shop shall be provided for each artist.

M. The establishment shall take all measures necessary to ensure against the presence or
breeding of insects, vermin, and rodents within the establishment. Pest control records are
to be available during normal business hours.

N. The body art shop shall have proper facilities for the disposal of waste materials.

O. The establishment shall have a cleaning area. Every cleaning area shall have an area for the
placement of an autoclave or other sterilization unit located or positioned a minimum of 36
inches from the required ultrasonic cleaning unit.

P. The establishment shall have a customer waiting area exclusive and separate from any
workstation, instrument storage area, cleaning area, or any other area in the body art
establishment used for body art activity.

Q. No animals of any kind shall be allowed in a body art establishment, except service animals
used by persons with disabilities (e.g., Seeing Eye dogs).

R. Smoking, eating, or drinking is prohibited in the area where body art is performed, with the
exception of nonalcoholic fluids being offered to a client during or after a body art
procedure.

S. In case of body-piercing shops, the jewelry inserted in a piercing should be composed of
gold, surgical stainless steel, or niobium, a composite metal formed from oxides of the
stainless steel production process.

§ 300-191. Operation standards.

A. For body-piercing establishments.

   (1) When it is necessary to shave the area to be pierced, a new disposable razor for each
patron shall be used. The common use of shaving mugs and shaving brushes is
prohibited.

   (2) After shaving the area to be pierced, or if the area does not need to be shaved, the site
of the piercing shall be washed with soap and water and rinsed with clean water and a germicidal solution applied in a sanitary manner. Only sterile individual towels and applicators shall be used to prepare and cleanse the site of the piercing.

(3) Only instruments and equipment that have been properly cleaned and sterilized prior to use shall be used during the piercing process.

(4) The person doing the piercing shall wear clean clothes or a lab coat. Surgical gloves shall be worn during the piercing and shall be changed for each patron.

(5) There shall be no smoking, eating, or drinking in the operating room during the piercing process.

(6) Written instructions approved by the Health Officer shall be given to each patron on the care of the piercing site to prevent infection after the piercing. A copy of these instructions shall also be posted in a conspicuous place in the piercing establishment, clearly visible to persons being pierced.

(7) All infections resulting from the practice of body piercing which become known to the operator and/or employee of a body-piercing establishment shall be reported to the Health Officer. See § 300-195 below.

(8) The operator of the establishment shall maintain permanent records for each patron or customer. Before the body-piercing operation shall begin, the patron or customer shall be required to personally enter on a record form provided for such establishments the date, his or her name, address, age, and his or her signature. Prior to body piercing, each patron shall be required to provide two forms of identification, one of which shall contain both a picture and a date of birth of the patron. Such records shall be maintained in the body-piercing establishment and shall be available for examination by the Health Officer. The operator shall retain records for a period of two years. In the event of a change of ownership or the closing of the business, all such records shall be made available to the Health Officer.

B. For tattoo parlors.

(1) Before working on each patron, each tattoo artist shall clean his or her fingernails with his or her individual fingernail file and shall thoroughly wash and scrub his or her hands with hot running water, soap, and his or her individual hand brush. Hands shall be dried with individual single-use towels. The operator shall wear a clean, new pair of latex gloves designed for use in surgery for each customer.

(2) That portion of the patron's skin to be tattooed shall be prepared by washing with hot water and soap and by shaving with a sterile safety razor and a single-service blade, and shaving shall be followed by a thorough cleansing with hot water and soap applied with clean disposable cotton or gauze. A sterile hand brush shall be used, if necessary, to produce a clean skin area.

(3) No tattooing shall be done on any skin that has a rash, pimples, boils, and infections or manifests any evidence of unhealthy conditions.

(4) Following the cleansing of the patron's skin, the operator shall again wash and scrub
his or her hands in the manner prescribed above and shall allow hands to dry with the
use of sanitary or mechanical means. Before placing the design on the patron's skin,
the operator shall treat the skin area with 70% alcohol or other approved germicidal
solution, which shall be applied with sterile cotton or sterile gauze.

(5) The stencil for transferring the design to the skin shall be thoroughly cleansed and
rinsed in an approved germicidal solution for at least 20 minutes and shall be dried
with sterile gauze or in the air before each use.

(6) In preparing nontoxic dyes or pigments, only nontoxic or sterile materials shall be
used. Single-service or individual portions of dyes or pigments in clean, sterilized
individual containers or single-service containers must be used for each patron.

(7) After tattooing, the remaining unused dye or pigment in the single-service or
individual containers must be discarded. The individual container must be resterilized
or discarded.

(8) A set of individual single-service sterilized needles shall be used for each new patron.
Following sterilization, needles shall be shaken dry and, if not immediately used,
stored in petroleum jelly, United States Pharmacopoeia or National Formulary, and
placed in a sterile, dust-tight container. The open end of the needle tube of the
tattooing machine shall be cleaned and sterilized in an approved manner before each
use. No fewer than 24 sets of sterilized needles and tubes or tips must be on hand for
the entire day or night operation.

(a) Sterilization shall be done by one of the following methods:

[1] By holding in an approved autoclave for 15 minutes at 15 pounds of
pressure;

[2] By boiling for 15 minutes; or

[3] By immersing in an approved germicidal solution for an approved period
of time.

(b) No rusty, dull, or faulty needle shall be used for tattooing.

(9) As the tattoo operation progresses, any excess dye or pigment applied to the skin shall
be removed with sterile gauze or sterile cotton.

(10) The completed tattoo shall have the excess or pigment removed with sterile gauze. It
shall then be washed with a piece of sterile gauze or sterile cotton saturated with
approved germicidal solution. It shall be allowed to dry. After drying, petroleum jelly,
United States Pharmacopoeia or National Formulary, shall be applied from a
collapsible metal or plastic tube and the entire area covered with a piece of sterile
gauze which may in turn be covered with a piece of tissue and fastened to the site
with an approved type of adhesive.

(11) The operator of the establishment shall maintain permanent records for each patron or
customer. Before the tattooing operation shall begin, the patron or customer shall be
required to personally enter on a record form provided for such establishments the
date, his or her name, address, age, and his or her signature. Prior to tattooing, each
patron shall be required to provide two forms of identification, one of which shall contain both a picture and a date of birth of the patron. Such records shall be maintained in the tattoo establishment and shall be available for examination by the Health Officer. The operator shall retain records for a period of two years. In the event of a change of ownership or the closing of the business, all such records shall be made available to the Health Officer.

§ 300-192. Inspection of establishments.

The Health Officer may conduct periodic inspections of any body art establishment for the purpose of determining whether or not said establishment and the persons performing the operations therein are in compliance with all applicable health provisions contained within this article and other pertinent laws and ordinances. It shall be unlawful for any person or operator of a body art establishment to willfully prevent or restrain the Health Officer from entering a certified establishment where body art is being performed for the purpose of inspecting said premises after proper identification is presented to the operator.

§ 300-193. Prohibited conduct.

A. It shall be unlawful to perform any body art operation or procedure on any individual who is or appears to be under the influence of drugs or alcohol.

B. It shall be unlawful to perform any body art procedure on an individual under the age of 18 years without the presence of a parent or legal guardian. Said parent or legal guardian shall sign a permission form. These forms shall be generated by the establishment and approved by the Health Officer. Such written consent shall be kept on file for a period of two years.

C. No person with any disease in a communicable form or suspected of having such disease shall practice body art in the Borough. Such diseases may include, but shall not be limited to, influenza, tuberculosis, HIV virus, scabies, impetigo, syphilis, chicken pox, measles, German measles, mumps, whooping cough, hepatitis, infection on the hands or arms, and jaundice of the skin or sclera. The Health Officer may require a certificate signed by a duly licensed physician stating that said person is free from communicable diseases before permission to resume operation is granted.

D. A medical history shall be taken of every patron. It shall be unlawful to perform any body art procedure on any person revealing a recent history of influenza, tuberculosis, HIV virus, scabies, impetigo, syphilis, chicken pox, measles, German measles, mumps, whooping cough, hepatitis, infection on the hands or arms, or jaundice of the skin or sclera.

E. Domestic or wild animals shall not be present in any part of the establishment at any time. The term "domestic or wild animals" includes, but is not limited to, dogs, cats, birds, and reptiles.

F. Insects and rodents shall not be present in any part of the establishment at any time. The operator shall take effective measures against insect and rodent entrance into, breeding on, or presence in the premises. Evidence of insect or rodent infestation shall be cause for immediate closure of the establishment by the Health Officer.

G. No body art practitioner shall remove a tattoo. Only a physician shall perform such
§ 300-194. Disposal of items used in procedures.
A. All bandages, surgical dressings, and other single-use items used in the procedure shall be sterile and shall be disposed in an approved manner.
B. Each receptacle and the remaining solution of pigments, dyes, and colors shall be discarded after each use.

§ 300-195. Injury reports.
A written report of any injury, infection, complication, or disease as a result of a body art procedure or complaint of injury, infection, complication, or disease shall be forwarded by the operator to the Health Officer who issued the permit, with a copy to the injured client, within five working days of its occurrence or knowledge thereof. The report shall include:
A. The name of the affected client.
B. The name and location of the body art establishment involved.
C. The nature of the injury, infection, complication or disease.
D. The name and address of the affected client's health care provider.
E. Any other information considered relevant to the situation.
F. The name of the body art practitioner.

§ 300-196. Violations and penalties.
Any person who violates this article shall pay a penalty to the Borough. Such penalty shall not exceed $300.

§ 300-197. Effect of other provisions.
Nothing in this article is intended to be in violation of or contrary to the Pennsylvania Regulatory Review Act of 1982 or the Pennsylvania Tattoo, Body Piercing, and Corrective Cosmetic Artists Act of 2001. However, where the provisions of this article impose greater restrictions than those of the above-noted state statutes, the provisions of this article shall be controlling. Where the provisions of the state statutes impose greater restrictions than those of this article, the provisions of the state statutes shall be controlling.

ARTICLE XXI
Telecommunications Antennas
[Adopted 3-26-2007 by Ord. No. 2007-5 (Ch. 90, Part 2, Art. XXI, of the 1967 Codification)]

§ 300-198. Purpose.
The purpose of this article is to limit and regulate the location and use of telecommunications antennas within Norwood Borough.
§ 300-199.  Applicability.

A. An antenna or antennas utilized for telecommunications, as defined in § 300-200 below, shall be permitted only in the Business District. The Winona Avenue, Welcome Avenue, and Amosland Road corridors are exempt from this article, and telecommunications antennas shall be permitted only on buildings along Chester Pike.

B. A telecommunications antenna or antennas, hereinafter called "antenna," shall be permitted only when authorized as a conditional use by Norwood Borough Council and shall be placed on or attached to existing building(s) in accordance with the sections below.

§ 300-200.  Definitions.

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

ANTENNA — A device that is utilized for the collection, transmission, or receiving of telecommunications transmissions or signals.

ANTENNA HEIGHT — The vertical distance from the base of a telecommunications antenna, or its support structure, to the highest point of the antenna.

ANTENNA SUPPORT STRUCTURE — A structure utilized for support of a telecommunications antenna or antennas. In Norwood, all antennas shall be attached to or placed on top of an existing building or structure.

§ 300-201.  Regulations.

A. The applicant shall provide a site plan to the Borough depicting all existing and proposed structures and improvements.

B. The applicant shall demonstrate to Borough Council that he or she has contacted adjacent businesses and notified them of his or her plans to erect an antenna.

C. No antenna shall exceed the height of the principal structure on which it is located by more than 15 feet.

D. The antenna shall be located on an existing building or structure to limit its visibility to the public.

E. The applicant shall provide proof of licensure with the Federal Communications Commission (FCC) and copies of all applicable FCC applications, approvals, licenses, and site inspection records. All applicable federal laws and regulations with which the applicant is required to comply shall also be provided to the Borough.

F. Prior to the placement of an antenna, the applicant shall obtain a permit from the Code Enforcement Officer.

G. All requirements for Borough inspections and annual inspections by the owner shall be complied with. Copies of the results of owner inspections shall be provided to the Borough.

H. The applicant shall provide the Borough with expected maintenance needs, including the frequency of such maintenance, any equipment needs, and any traffic impact of such
maintenance.

I. The applicant shall demonstrate to Borough Council that the antenna will not adversely affect adjacent properties.

J. The applicant shall keep the antenna in good repair.

K. No sign shall be permitted on or within 20 feet of the antenna.

L. No antenna shall be lighted unless required by other governmental statute.

M. The owner shall immediately correct any interference problems caused by the antenna.

N. An annual report shall be provided to the Borough detailing any updates or changes to the existing antenna and its components.

O. In case an antenna is abandoned or not in use for a period of one year, the owner shall be required to remove all associated parts, at his expense, within three months of such abandonment or discontinuance of use.
# ZONING

**300 Attachment I**

**Borough of Norwood**

**Appendix A**

**Permitted Uses by District**

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>By Right Uses</th>
<th>Special Exceptions</th>
<th>Conditional Uses</th>
<th>Accessory Uses</th>
</tr>
</thead>
</table>
| **R-1**         | Single-family detached dwelling  
                  Family based community residence facility  
                  Recreation, park, or play area | Municipal uses, light impact  
                  Conversion of single-family detached dwelling to not more than 2 units | Educational institution or related administrative offices | Off-street parking  
                  Family day-care home  
                  No-impact home-based business  
                  Garage  
                  Storage shed  
                  Fence  
                  Private swimming pool  
                  Satellite antenna  
                  Signs |
| **R-2**         | Same as R-1  
                  Single-family semidetached dwelling (twin) | Townhouse development | Church or other religious use | Same as R-1 |
| **R-3**         | Apartments (not more than 6 units)  
                  Townhouse (not more than 6 units) | Townhouse development  
                  Family day-care home as an accessory use, except in apartments | Same as R-1  
                  Swimming pool for townhouse development |
<table>
<thead>
<tr>
<th>Zoning District</th>
<th>By Right Uses</th>
<th>Special Exceptions</th>
<th>Conditional Uses</th>
<th>Accessory Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Town Center</td>
<td>Small-scale retail establishment</td>
<td>Public parking garage</td>
<td></td>
<td>Signs</td>
</tr>
<tr>
<td></td>
<td>Personal service shop</td>
<td>Business and professional office</td>
<td></td>
<td>Off-street parking</td>
</tr>
<tr>
<td></td>
<td>Studio for music, dance, fitness, art</td>
<td>Theater and live entertainment</td>
<td></td>
<td>Satellite antenna</td>
</tr>
<tr>
<td></td>
<td>Food and beverage establishment and outdoor dining</td>
<td>Firehouse</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Municipal uses, light impact</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Public park, plaza, square, courtyard</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Apartments, located on the 2nd floor</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Public transit, rail only</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Gallery space, museum, and similar uses</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

NORWOOD CODE
<table>
<thead>
<tr>
<th>Zoning District</th>
<th>By Right Uses</th>
<th>Special Exceptions</th>
<th>Conditional Uses</th>
<th>Accessory Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Highway Commercial</strong></td>
<td>All uses permitted in TC</td>
<td></td>
<td>Sale, lease, repair of trucks</td>
<td>Off-street parking</td>
</tr>
<tr>
<td></td>
<td>Drive-through restaurant, bank, or similar use</td>
<td>Church/religious use</td>
<td>Signs</td>
<td>Satellite antenna</td>
</tr>
<tr>
<td></td>
<td>Caterer</td>
<td>Gas station and automobile or truck body repair and painting</td>
<td>Storage</td>
<td>Collection facility for recycling</td>
</tr>
<tr>
<td></td>
<td>Convenience store</td>
<td>Car wash</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Technological use</td>
<td>Funeral home or mortuary</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Workshop and retail outlet/showroom, provided workshop is in rear</td>
<td>Supermarket</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Trade shop, such as electrician, carpenter, plumber, or similar use</td>
<td>Child day care</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Laundry or laundromat</td>
<td>Private club</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Beverage distributor</td>
<td>Place of amusement</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Business and professional office</td>
<td>Telecommunications antenna</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Municipal use, light impact</td>
<td>Any use over 25,000 square feet</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Firehouse</td>
<td>Shopping center</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Apartment, above street level only</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Open space, park, or recreational area</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| Highway Commercial-A | All uses permitted in HC | | All uses in HC | |
| | | Adult bookstore and/or video store | All uses in HC |
| | | Body art establishment | |
| | | Any use of 25,000 square feet or greater | |
## NORWOOD CODE

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>By Right Uses</th>
<th>Special Exceptions</th>
<th>Conditional Uses</th>
<th>Accessory Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Open Space</td>
<td>Preservation and conservation uses, such as wildlife refuge, forest preserve, nature center, arboretum Camping Passive recreation, including hiking, walking, bicycling, picnicking, fishing, boating, ice skating Active recreational uses, including play fields, backstops, bleachers/benches, scoreboards Any use of same general character not detrimental to the area</td>
<td>Municipal use</td>
<td>Single-family detached dwelling</td>
<td>Parking and signs Storage buildings Concessions</td>
</tr>
</tbody>
</table>
ZONING

Borough of Norwood

Appendix B
Zoning District Regulations

R-1 Residential District
Table 1: Single-Family Detached Dwelling

<table>
<thead>
<tr>
<th>Area and Bulk Indicator</th>
<th>Minimum Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot area</td>
<td>5,000 square feet</td>
</tr>
<tr>
<td>Lot width</td>
<td>50 feet</td>
</tr>
<tr>
<td>Front yard</td>
<td>20 feet (infill not less than average setback)</td>
</tr>
<tr>
<td>Side yards</td>
<td>20 feet aggregate, 8 feet minimum</td>
</tr>
<tr>
<td>Rear yard</td>
<td>25 feet</td>
</tr>
<tr>
<td>Building coverage</td>
<td>30%, maximum</td>
</tr>
<tr>
<td>Impervious surface</td>
<td>50%, maximum</td>
</tr>
<tr>
<td>Height</td>
<td>3 stories or 35 feet, maximum</td>
</tr>
</tbody>
</table>

R-2 Residential District
Table 2: Single-Family Detached Dwelling

<table>
<thead>
<tr>
<th>Area and Bulk Indicator</th>
<th>Minimum Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot area</td>
<td>4,500 square feet</td>
</tr>
<tr>
<td>Lot width</td>
<td>45 feet</td>
</tr>
<tr>
<td>Front yard</td>
<td>20 feet (infill not less than average setback)</td>
</tr>
<tr>
<td>Side yards</td>
<td>18 feet aggregate, 8 feet minimum</td>
</tr>
<tr>
<td>Rear yard</td>
<td>25 feet</td>
</tr>
<tr>
<td>Building coverage</td>
<td>35%, maximum</td>
</tr>
<tr>
<td>Impervious surface</td>
<td>55%, maximum</td>
</tr>
<tr>
<td>Height</td>
<td>3 stories or 35 feet, maximum</td>
</tr>
</tbody>
</table>
### Table 3: Single-Family Semidetached Dwelling (Twin)

<table>
<thead>
<tr>
<th>Area and Bulk Indicator</th>
<th>Minimum Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot area</td>
<td>3,500 square feet</td>
</tr>
<tr>
<td>Lot width</td>
<td>35 feet</td>
</tr>
<tr>
<td>Front yard</td>
<td>20 feet (infill not less than average setback)</td>
</tr>
<tr>
<td>Side yard</td>
<td>10 feet on one side</td>
</tr>
<tr>
<td>Rear yard</td>
<td>25 feet</td>
</tr>
<tr>
<td>Building coverage</td>
<td>45%, maximum</td>
</tr>
<tr>
<td>Impervious surface</td>
<td>65%, maximum</td>
</tr>
<tr>
<td>Height</td>
<td>3 stories or 35 feet, maximum</td>
</tr>
</tbody>
</table>

### R-3 Residential District

### Table 4: Single-Family Attached Dwelling (Townhouse)

<table>
<thead>
<tr>
<th>Area and Bulk Indicator</th>
<th>Minimum Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot area</td>
<td>2,000 square feet</td>
</tr>
<tr>
<td>Lot width</td>
<td>20 feet</td>
</tr>
<tr>
<td>Front yard</td>
<td>20 feet</td>
</tr>
<tr>
<td>Side yard</td>
<td>10 feet at end of row, 20 feet where an access driveway is provided</td>
</tr>
<tr>
<td>Rear yard</td>
<td>25 feet</td>
</tr>
<tr>
<td>Distance between buildings</td>
<td>20 feet</td>
</tr>
<tr>
<td>Building coverage</td>
<td>50%, maximum</td>
</tr>
<tr>
<td>Impervious surface</td>
<td>70%, maximum</td>
</tr>
<tr>
<td>Height</td>
<td>3 stories or 35 feet, maximum</td>
</tr>
</tbody>
</table>

### Table 5: Multifamily Dwelling (Apartment)

<table>
<thead>
<tr>
<th>Area and Bulk Indicator</th>
<th>Minimum Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot area</td>
<td>2,500 square feet per unit</td>
</tr>
<tr>
<td>Lot width</td>
<td>150 feet</td>
</tr>
<tr>
<td>Front yard</td>
<td>20 feet</td>
</tr>
<tr>
<td>Side yards</td>
<td>20 feet on each side</td>
</tr>
<tr>
<td>Rear yard</td>
<td>25 feet</td>
</tr>
<tr>
<td>Building coverage</td>
<td>60%, maximum</td>
</tr>
<tr>
<td>Impervious surface</td>
<td>80%, maximum</td>
</tr>
<tr>
<td>Height</td>
<td>3 stories or 35 feet, maximum</td>
</tr>
</tbody>
</table>
## TC Town Center

### Table 6: Standards for Detached Buildings

<table>
<thead>
<tr>
<th>Area and Bulk Indicator</th>
<th>Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot area (retail, commercial, service)</td>
<td>3,000 square feet to 6,000 square feet</td>
</tr>
<tr>
<td>Lot area (recreational, municipal, parking)</td>
<td>3,000 square feet to 12,000 square feet</td>
</tr>
<tr>
<td>Lot width</td>
<td>50 feet, maximum</td>
</tr>
<tr>
<td>Front yard</td>
<td>The average of the closest structures on the same</td>
</tr>
<tr>
<td></td>
<td>side of the street (maximum of 10 feet)</td>
</tr>
<tr>
<td>Side yards</td>
<td>20 feet aggregate, 6 feet minimum</td>
</tr>
<tr>
<td>Rear yard</td>
<td>25 feet, minimum</td>
</tr>
<tr>
<td>Building coverage</td>
<td>40%, maximum</td>
</tr>
<tr>
<td>Impervious surface</td>
<td>60%, maximum</td>
</tr>
<tr>
<td>Height</td>
<td>3 stories or 35 feet, maximum</td>
</tr>
</tbody>
</table>

### Table 7: Standards for Attached Buildings

<table>
<thead>
<tr>
<th>Area and Bulk Indicator</th>
<th>Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot area (retail, commercial, service)</td>
<td>3,000 square feet to 6,000 square feet</td>
</tr>
<tr>
<td>Lot area (recreational, municipal, parking)</td>
<td>3,000 square feet to 12,000 square feet</td>
</tr>
<tr>
<td>Lot width</td>
<td>50 feet, maximum</td>
</tr>
<tr>
<td>Front yard</td>
<td>The average of the closest structures on the same</td>
</tr>
<tr>
<td></td>
<td>side of the street (maximum of 10 feet)</td>
</tr>
<tr>
<td>Side yard</td>
<td>10 feet</td>
</tr>
<tr>
<td>Rear yard</td>
<td>25 feet</td>
</tr>
<tr>
<td>Building coverage</td>
<td>60%, maximum</td>
</tr>
<tr>
<td>Impervious surface</td>
<td>80%, maximum</td>
</tr>
<tr>
<td>Height</td>
<td>3 stories or 35 feet, maximum</td>
</tr>
</tbody>
</table>
**HC Highway Commercial District**

Table 8: Standards for Detached Structures

<table>
<thead>
<tr>
<th>Area and Bulk Indicator</th>
<th>Minimum Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot area</td>
<td>10,000 square feet</td>
</tr>
<tr>
<td>Lot width</td>
<td>75 feet</td>
</tr>
<tr>
<td>Front yard</td>
<td>Not less than the average setback on the block or 10 feet</td>
</tr>
<tr>
<td>Side yards</td>
<td>30 feet aggregate, 10 feet minimum</td>
</tr>
<tr>
<td>Rear yard</td>
<td>20 feet</td>
</tr>
<tr>
<td>Building coverage</td>
<td>45%, maximum</td>
</tr>
<tr>
<td>Impervious surface</td>
<td>65%, maximum</td>
</tr>
<tr>
<td>Height</td>
<td>3 stories or 40 feet</td>
</tr>
</tbody>
</table>

Table 9: Standards for Attached Structures

<table>
<thead>
<tr>
<th>Area and Bulk Indicator</th>
<th>Minimum Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot area</td>
<td>3,500 square feet</td>
</tr>
<tr>
<td>Lot width</td>
<td>30 feet</td>
</tr>
<tr>
<td>Front yard</td>
<td>Not less than the average setback on the block or 10 feet</td>
</tr>
<tr>
<td>Side yard (end of row)</td>
<td>15 feet</td>
</tr>
<tr>
<td>Rear yard</td>
<td>20 feet</td>
</tr>
<tr>
<td>Building coverage</td>
<td>60%, maximum</td>
</tr>
<tr>
<td>Impervious surface</td>
<td>80%, maximum</td>
</tr>
<tr>
<td>Height</td>
<td>3 stories or 40 feet</td>
</tr>
</tbody>
</table>

**HC-A Highway Commercial-A District**

Table 10: Standards for Detached Structures

<table>
<thead>
<tr>
<th>Area and Bulk Indicator</th>
<th>Minimum Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot area</td>
<td>10,000 square feet</td>
</tr>
<tr>
<td>Lot width</td>
<td>75 feet</td>
</tr>
<tr>
<td>Front yard</td>
<td>Not less than the average setback on the block or 10 feet</td>
</tr>
<tr>
<td>Side yards</td>
<td>30 feet aggregate, 10 feet minimum</td>
</tr>
<tr>
<td>Rear yard</td>
<td>20 feet</td>
</tr>
<tr>
<td>Building coverage</td>
<td>45%, maximum</td>
</tr>
<tr>
<td>Impervious surface</td>
<td>65%, maximum</td>
</tr>
<tr>
<td>Height</td>
<td>3 stories or 40 feet</td>
</tr>
</tbody>
</table>
### ZONING

#### Table 11: Standards for Attached Structures

<table>
<thead>
<tr>
<th>Area and Bulk Indicator</th>
<th>Minimum Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot area</td>
<td>3,500 square feet</td>
</tr>
<tr>
<td>Lot width</td>
<td>30 feet</td>
</tr>
<tr>
<td>Front yard</td>
<td>Not less than the average setback on the block or 10 feet</td>
</tr>
<tr>
<td>Side yard (end of row)</td>
<td>15 feet</td>
</tr>
<tr>
<td>Rear yard</td>
<td>20 feet</td>
</tr>
<tr>
<td>Building coverage</td>
<td>60%, maximum</td>
</tr>
<tr>
<td>Impervious surface</td>
<td>80%, maximum</td>
</tr>
<tr>
<td>Height</td>
<td>3 stories or 40 feet</td>
</tr>
</tbody>
</table>

#### OS Open Space District

#### Table 12: Open Space District Regulations

<table>
<thead>
<tr>
<th>Area and Bulk Indicator</th>
<th>Minimum Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tract area</td>
<td>5 acres</td>
</tr>
<tr>
<td>Tract width</td>
<td>200 feet</td>
</tr>
<tr>
<td>Setbacks</td>
<td>30 feet from all property lines and public streets and 50 feet from the mean high water mark</td>
</tr>
<tr>
<td>Building coverage</td>
<td>2%, maximum</td>
</tr>
<tr>
<td>Impervious surface</td>
<td>5%, maximum</td>
</tr>
<tr>
<td>Height</td>
<td>2 stories or 30 feet</td>
</tr>
</tbody>
</table>

#### Parking Requirements

#### Table 13: Residential Uses

<table>
<thead>
<tr>
<th>Use</th>
<th>Off-Street Parking Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single- and two-family dwelling</td>
<td>2 spaces for every dwelling unit</td>
</tr>
<tr>
<td>Townhouse</td>
<td>2 spaces for every dwelling unit</td>
</tr>
<tr>
<td>Multifamily dwelling</td>
<td>2 spaces per dwelling unit, plus 1 space for every 4 dwelling units for guests in developments/buildings of 12 or more units</td>
</tr>
<tr>
<td>Conversion</td>
<td>2 spaces per unit</td>
</tr>
<tr>
<td>Community residence facility</td>
<td>1 space for every 2 bedrooms, plus 1 for each employee</td>
</tr>
</tbody>
</table>
### Table 14: Public or Private Recreational Uses

<table>
<thead>
<tr>
<th>Use</th>
<th>Off-Street Parking Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Private clubs</td>
<td>1 space for every 100 square feet of floor area</td>
</tr>
<tr>
<td>Bowling alley</td>
<td>4 spaces for each lane</td>
</tr>
<tr>
<td>Outdoor commercial recreation</td>
<td>1 space for every 2,000 square feet of area devoted to such use</td>
</tr>
<tr>
<td>Indoor recreation</td>
<td>1 space for every 100 square feet of gross floor area</td>
</tr>
</tbody>
</table>

### Table 15: Governmental, Institutional, and Educational Uses

<table>
<thead>
<tr>
<th>Use</th>
<th>Off-Street Parking Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Auditoriums, churches, and other places of</td>
<td>1 space for every 5 seats, plus 1 space for every 150 square feet of</td>
</tr>
<tr>
<td>public assembly</td>
<td>meeting room area</td>
</tr>
<tr>
<td>Community center, municipal building library,</td>
<td>1 space for every 300 square feet of gross floor area</td>
</tr>
<tr>
<td>similar use</td>
<td></td>
</tr>
<tr>
<td>Child day-care center</td>
<td>1 space for every 500 square feet of gross floor area, plus 1 space for</td>
</tr>
<tr>
<td></td>
<td>each adult attendant. This shall be in addition to the parking</td>
</tr>
<tr>
<td></td>
<td>requirements of the primary use, such as a school or church, if</td>
</tr>
<tr>
<td></td>
<td>applicable</td>
</tr>
<tr>
<td>Nursery, primary, and secondary schools</td>
<td>1 space for each faculty member or other full-time employee, plus 2</td>
</tr>
<tr>
<td></td>
<td>spaces for each classroom, and 1 space for every 12 students aged 16</td>
</tr>
<tr>
<td></td>
<td>years or older</td>
</tr>
</tbody>
</table>

### Table 16: Retail, Commercial, and Other Business Uses

<table>
<thead>
<tr>
<th>Use</th>
<th>Off-Street Parking Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Retail store or shop</td>
<td>1 space for every 200 square feet of gross floor area</td>
</tr>
<tr>
<td>Furniture or appliance store</td>
<td>1 space for every 400 square feet of gross floor area</td>
</tr>
<tr>
<td>Convenience store</td>
<td>1 space for every 125 square feet of gross floor area</td>
</tr>
<tr>
<td>Supermarket</td>
<td>1 space for every 125 square feet of gross floor area</td>
</tr>
<tr>
<td>Personal service businesses such as</td>
<td>1 space for every 150 square feet of gross floor area</td>
</tr>
<tr>
<td>barbershops, tailors, shoe repair, etc.</td>
<td></td>
</tr>
<tr>
<td>Professional and other office area</td>
<td>1 space for every 300 square feet of gross floor area</td>
</tr>
<tr>
<td>Banks, credit unions, and savings-and-loan</td>
<td>1 space for every 200 square feet of gross floor area</td>
</tr>
<tr>
<td>institutions</td>
<td></td>
</tr>
<tr>
<td>Use</td>
<td>Off-Street Parking Requirements</td>
</tr>
<tr>
<td>--------------------------------------------------------------------</td>
<td>-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Medical, dental, and veterinary offices and clinics</td>
<td>1 space for every 100 square feet of waiting room space, plus 1 space for each practitioner</td>
</tr>
<tr>
<td>Sit-down restaurants</td>
<td>1 space for every 150 square feet of gross floor area, plus 1 space for every 2 employees on the shift of greatest employment</td>
</tr>
<tr>
<td>Drive-through restaurants</td>
<td>1 space for every 75 square feet of gross floor area, plus 1 space for every 2 employees on the shift of greatest employment</td>
</tr>
<tr>
<td>Bar, tavern</td>
<td>1 space for every 150 square feet of gross floor area</td>
</tr>
<tr>
<td>Movie theater or amusement venue</td>
<td>1 space for every 3 seats, plus 1 space for every employee on the shift of greatest employment</td>
</tr>
<tr>
<td>Funeral home</td>
<td>1 space for every 75 square feet of floor area in viewing rooms or parlors, plus 1 space for each official funeral car, and 1 space for every 2 employees exclusive of the resident family members</td>
</tr>
<tr>
<td>Hotel, motel, inn</td>
<td>1 space for every guest room, plus 1 space for every 2 full-time employees, plus the required parking for accessory uses such as restaurants and bars</td>
</tr>
<tr>
<td>Standard car wash</td>
<td>10 spaces per bay for stacking, plus 4 spaces for standing between the exit of the facility and the street, plus 1 space for each employee on the shift of greatest employment</td>
</tr>
<tr>
<td>Self-service car wash</td>
<td>4 spaces per bay for stacking, plus 1 space for standing between the exit of the facility and the street</td>
</tr>
<tr>
<td>Laundromat, self-service</td>
<td>1 space for every 2 washing machines</td>
</tr>
<tr>
<td>Automobile service and repair</td>
<td>2 spaces, either within or outside the structure, for every 200 square feet of floor or ground area devoted to repair or service facilities and, in addition, such space as is necessary for vehicles purchasing gasoline or being stored. In no case shall the spaces for permitted motor vehicle storage in conjunction with a service station be fewer than 5</td>
</tr>
<tr>
<td>Repair or tradesman shop, such as a carpenter, plumber, etc.</td>
<td>1 space for every 400 square feet of gross floor area</td>
</tr>
<tr>
<td>Temporary uses, such as sales of Christmas trees, flowers, produce, and other goods</td>
<td>1 space for every 200 square feet of sales area</td>
</tr>
</tbody>
</table>
### Table 17: Handicapped Spaces

<table>
<thead>
<tr>
<th>Total Parking Spaces</th>
<th>Number of Required Handicapped Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 to 25</td>
<td>1</td>
</tr>
<tr>
<td>26 to 50</td>
<td>2</td>
</tr>
<tr>
<td>51+</td>
<td>3</td>
</tr>
</tbody>
</table>

### Table 18: Loading Spaces

<table>
<thead>
<tr>
<th>Total Gross Floor Area (square feet)</th>
<th>Number of Loading Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to 15,000</td>
<td>1</td>
</tr>
<tr>
<td>15,000 to 50,000</td>
<td>2</td>
</tr>
<tr>
<td>50,000 to 100,000</td>
<td>3</td>
</tr>
<tr>
<td>Each additional 100,000</td>
<td>1</td>
</tr>
</tbody>
</table>

### Special Exceptions

#### Table 19: Municipal Use in R-1

<table>
<thead>
<tr>
<th>Area and Bulk Indicator</th>
<th>Minimum Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot area</td>
<td>10,000 square feet</td>
</tr>
<tr>
<td>Lot width</td>
<td>75 feet</td>
</tr>
<tr>
<td>Front yard</td>
<td>35 feet</td>
</tr>
<tr>
<td>Side yards</td>
<td>30 feet</td>
</tr>
<tr>
<td>Rear yard</td>
<td>30 feet</td>
</tr>
<tr>
<td>Impervious surface</td>
<td>60%, maximum</td>
</tr>
<tr>
<td>Landscaping</td>
<td>40%</td>
</tr>
<tr>
<td>Height</td>
<td>40 feet, maximum</td>
</tr>
</tbody>
</table>

#### Table 20: Municipal Use in OS

<table>
<thead>
<tr>
<th>Area and Bulk Indicator</th>
<th>Minimum Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot area</td>
<td>1 acre</td>
</tr>
<tr>
<td>Lot width</td>
<td>100 feet</td>
</tr>
<tr>
<td>Road setback</td>
<td>75 feet</td>
</tr>
<tr>
<td>Setback from other lot lines</td>
<td>40 feet</td>
</tr>
<tr>
<td>Distance between buildings</td>
<td>50 feet</td>
</tr>
<tr>
<td>Impervious surface</td>
<td>60%, maximum</td>
</tr>
<tr>
<td>Landscaping</td>
<td>40%</td>
</tr>
<tr>
<td>Height</td>
<td>50 feet, maximum</td>
</tr>
</tbody>
</table>
## Table 21: Townhouse Developments in R-2 and R-3

<table>
<thead>
<tr>
<th>Area and Bulk Indicator</th>
<th>Minimum Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot area</td>
<td>2,000 square feet</td>
</tr>
<tr>
<td>Lot width</td>
<td>20 feet</td>
</tr>
<tr>
<td>Front yard</td>
<td>20 feet</td>
</tr>
<tr>
<td>Side yard</td>
<td>25 feet at end of a row where traversed by an access driveway</td>
</tr>
<tr>
<td>Rear yard</td>
<td>25 feet</td>
</tr>
<tr>
<td>Units in row</td>
<td>6, maximum</td>
</tr>
<tr>
<td>Distance between buildings</td>
<td>30 feet</td>
</tr>
<tr>
<td>Building coverage</td>
<td>50%, maximum</td>
</tr>
<tr>
<td>Impervious surface</td>
<td>70%, maximum</td>
</tr>
<tr>
<td>Height</td>
<td>35 feet or 3 stories, or consistent with the prevailing height</td>
</tr>
</tbody>
</table>

### Conditional Uses

## Table 22: Church or Other Religious Use

<table>
<thead>
<tr>
<th>Area and Bulk Indicator</th>
<th>Minimum Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot area</td>
<td>1/4 acre</td>
</tr>
<tr>
<td>Front yard</td>
<td>15 feet</td>
</tr>
<tr>
<td>Side yards</td>
<td>15 feet</td>
</tr>
<tr>
<td>Rear yard</td>
<td>15 feet</td>
</tr>
<tr>
<td>Building coverage</td>
<td>55%, maximum</td>
</tr>
<tr>
<td>Impervious surface</td>
<td>75%, maximum</td>
</tr>
</tbody>
</table>

## Table 23: Educational Institution

<table>
<thead>
<tr>
<th>Area and Bulk Indicator</th>
<th>Minimum Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot area</td>
<td>2 acres</td>
</tr>
<tr>
<td>Lot width</td>
<td>150 feet</td>
</tr>
<tr>
<td>Front yard</td>
<td>50 feet on each side street the lot abuts</td>
</tr>
<tr>
<td>Side yards</td>
<td>30 feet</td>
</tr>
<tr>
<td>Rear yard</td>
<td>50 feet</td>
</tr>
<tr>
<td>Building coverage</td>
<td>40%, maximum</td>
</tr>
<tr>
<td>Impervious surface</td>
<td>60%, maximum</td>
</tr>
<tr>
<td>Height</td>
<td>50 feet, maximum</td>
</tr>
</tbody>
</table>
### Table 24: Single-Family Detached Dwellings in Open Space District

<table>
<thead>
<tr>
<th>Area and Bulk Indicator</th>
<th>Minimum Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot area</td>
<td>5,000 square feet</td>
</tr>
<tr>
<td>Lot width</td>
<td>50 feet</td>
</tr>
<tr>
<td>Front yard</td>
<td>20 feet (infill not less than average setback)</td>
</tr>
<tr>
<td>Side yards</td>
<td>20 feet aggregate, 8 feet minimum</td>
</tr>
<tr>
<td>Rear yard</td>
<td>25 feet</td>
</tr>
<tr>
<td>Building coverage</td>
<td>30%, maximum</td>
</tr>
<tr>
<td>Impervious surface</td>
<td>50%, maximum</td>
</tr>
<tr>
<td>Height</td>
<td>35 feet or 3 stories, maximum</td>
</tr>
</tbody>
</table>

### Table 25: Firehouse

<table>
<thead>
<tr>
<th>Area and Bulk Indicator</th>
<th>Minimum Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot area</td>
<td>1/4 acre</td>
</tr>
<tr>
<td>Lot width</td>
<td>75 feet</td>
</tr>
<tr>
<td>Front yard</td>
<td>10 feet</td>
</tr>
<tr>
<td>Each side and rear yard</td>
<td>15 feet</td>
</tr>
<tr>
<td>Impervious surface</td>
<td>80%, maximum</td>
</tr>
<tr>
<td>Height</td>
<td>40 feet, maximum</td>
</tr>
</tbody>
</table>

### Table 26: Shopping Center

<table>
<thead>
<tr>
<th>Area and Bulk Indicator</th>
<th>Minimum Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tract area</td>
<td>30,000 square feet</td>
</tr>
<tr>
<td>Tract width</td>
<td>120 feet</td>
</tr>
<tr>
<td>Front yard</td>
<td>10 feet</td>
</tr>
<tr>
<td>Side yards</td>
<td>15 feet on each side of the tract</td>
</tr>
<tr>
<td>Rear yard</td>
<td>20 feet</td>
</tr>
<tr>
<td>Distance between buildings</td>
<td>20 feet</td>
</tr>
<tr>
<td>Impervious surface</td>
<td>75%, maximum</td>
</tr>
<tr>
<td>Height</td>
<td>3 stories or 40 feet</td>
</tr>
</tbody>
</table>
The following design guidelines should be consulted prior to developing signs for any project:

1. Use a brief message: The fewer the words, the more effective the sign. A sign with a brief, succinct message is simpler and faster to read, looks cleaner, and is more attractive.

2. Avoid hard-to-read, overly intricate, faddish, and bizarre typefaces: These typefaces are difficult to read and reduce the sign's ability to communicate. Faddish and bizarre typefaces may look good today but soon go out of style. The image conveyed may quickly become that of a dated and unfashionable business.

3. Use significant contrast between the background and letter or symbol colors: If there is little contrast between the brightness or hue of the message of a sign and its background, it will be difficult to read.

4. Avoid too many different colors on a sign: Too many colors overwhelm the basic function of communication. The colors compete with content for the viewer's attention. Limited use of the accent colors can increase legibility, while large areas of competing colors tend to confuse and disturb.

5. Scale: Place signs consistent with the proportions of scale of building elements within the facade. Within a building facade, the sign may be placed in different areas. A particular sign may fit well on a plain wall area but would overpower the finer scale and proportion of the lower storefront. A sign which is appropriate near the building entry may look tiny and out of place above the ground level.

6. Facades: Place wall signs to establish facade rhythm, scale, and proportion where such elements are weak. In many buildings that have a monolithic or plain facade, signs can establish or continue appropriate design rhythm, scale, and proportion.

7. Shape: Avoid signs with strange shapes. Signs that are unnecessarily narrow or oddly shaped can restrict the legibility of the message. If an unusual shape is not symbolic, it is probably confusing.

8. Carefully consider the proportion of letter area to overall sign background area: If letters take up too much sign, they may be harder to read. Large letters are not necessarily more legible than smaller ones. A general rule is that letters should not appear to occupy more than 75% of the sign face area.

9. Consider interior neon signs: Neon signs lend themselves to creative and exciting artistic expression. The use of neon signs inside a storefront can be used to attract attention and create a special ambiance.

10. Make signs smaller if they are oriented to pedestrians: The pedestrian-oriented sign is usually read from a distance of 15 feet to 20 feet; the vehicle-oriented sign is viewed from a much greater distance. The closer a sign’s viewing distance, the smaller that sign need be.
1. Developers are encouraged to employ the LEED (Leadership in Energy and Environmental Design) green building rating system during the site preparation and construction process.

2. The LEED rating system contains eight key topics, including:
   a. Architecture and design.
   b. Building materials.
   c. Energy use.
   d. Facility management.
   e. Interiors.
   f. Land use.
   g. Waste management.
   h. Water use.

3. LEED features a platform of rating systems indicating four levels of certified "green" buildings (Certified, Silver, Gold, and Platinum). The Commonwealth of Pennsylvania offers financial incentives for developers that employ "green" technology in their projects.

4. This effort to construct "green" buildings should be employed whenever possible, but greatest emphasis should be placed on buildings larger than 5,000 square feet and developments having more than 10 dwellings.
Figure 1: Yards and Street Terminology
Figure 2: Setbacks and Lot Lines

Rear Lot Line

Side Lot Line

Building Line

Building Setback Line

Front Lot Line

* See required setback definition in Article 2
Figure 3: Sight Triangle at Street Intersections

Where a lot is located at the intersection of two (2) or more streets, no obstruction of any kind (including hedges, trees, shrubs, or other growths) of a height greater than twenty-four (24) inches from the grade level of the adjacent street shall be maintained or permitted within a sight triangle, the legs of which shall be twenty (20) feet measured from the intersection of the street lines. Where a private alley meets an intersection, the legs of such sight triangle shall be ten (10) feet.

*To be used only as a reference tool (not drawn to scale)*
NORWOOD CODE

Figure 4: Permitted Signs

* **Window signs**: subject to § 300-74C(4) and all other applicable provisions of Article XI.

** **Ground sign** height requirements: § 300-74C(3) and applicable provisions of the respective zoning district.

*** Freestanding sign ** height requirements: § 300-74C(2) and applicable provisions of the respective zoning district.
ZONING

Figure 5: Corner Lot Yards

* See definition for "LOT, CORNER" in Article 2, Definitions

Buildings:

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300 Attachment 5:5
01 - 01 - 2012
Chapter A310

POLICE DEPARTMENT RULES AND REGULATIONS

[HISTORY: Adopted by the Borough Council of the Borough of Norwood as indicated in part histories. Amendments noted where applicable.]

GENERAL REFERENCES

Civil Service Commission rules and regulations for police officers — See Ch. 19.
Police Pension Fund — See Ch. 38, Part 1.

Part 1
General Regulations

[Effective 3-10-1965 (Ch. 95, Part 1, of the 1967 Codification)]

ARTICLE I
Introduction

§ A310-1. Purpose.

This manual of the general orders, rules and regulations of the Police Department contains information necessary in the performance of the duties of all members in the Department.

§ A310-2. Duties generally.

No member, regardless of rank, may assume that his duties are fully set forth in any one order, rule or regulation, but he shall be bound to know that his duties may be defined in greater or lesser degree in any and all of the rules and regulations herein and in all general and specific orders issued heretofore or that may be issued hereafter by the Borough Council or by any superior to any subordinate over whom he has command.

§ A310-3. Inconsistent rules and regulations revoked.

All rules and regulations and general and specific orders issued heretofore are hereby revoked insofar as they conflict with the rules and regulations published herein.

§ A310-4. Interpretation.

In using this manual, it should be borne in mind that overattention to technicalities represents a failure to grasp the spirit of this manual and will lead to requests for interpretations that may usually be avoided by application of broad principles.

§ A310-5. When effective; applicability.

This manual shall take effect on March 10, 1965, and will be the guide used by the Police Department, the Borough Council and the Police Civil Service Commission in handling of all
matters pertaining to police business in Norwood Borough.

ARTICLE II
Amendments and Revisions

§ A310-6. Procedure.
The various parts of this manual may be revised, as conditions warrant, by majority vote of the Police Civil Service Commission, after which the revision shall be submitted to the Borough Council, who shall also pass same by a majority vote, whereby it shall become a part of this manual.

ARTICLE III
Police Civil Service Commission

§ A310-7. Composition; appointments; terms of office.
The Police Civil Service Commission shall consist of three registered electors in the Borough of Norwood. They shall be appointed by the Borough Council at the February meeting and will serve for the terms of two, four and six years.

§ A310-8. Purpose.
The Police Civil Service Commission will exert its efforts to advise and assist the Borough Council and the Chief of Police in the operation of the Department.

The Police Civil Service Commission will organize and within itself elect a Chairman, Vice President and Secretary.

§ A310-10. Duties.
The Civil Service Commission will conduct all examinations and all other civil service acts required by law.

ARTICLE IV
General Rules and Regulations

§ A310-11. Compliance required.
Every member of the Norwood Borough Police Department shall be subject to and shall comply with all the provisions set forth in this manual.

§ A310-12. Supply and repair of uniforms by Borough.
The uniform worn by the members of the Police Department shall be designated by the Borough Council. Each man is to be supplied with summer and winter uniforms so that a neat appearance may be maintained. Costs of repairs to uniforms damaged in the line of duty are to be paid by the Borough.

Black shoes shall be worn while in uniform. Uniforms must at all times be fully buttoned and shall at all times be worn neatly, be clean, and well pressed. Should the uniform or any part thereof become soiled on account of the weather or from some other cause arising out of the immediate discharge of duty, it shall be cleaned and pressed as soon as possible. The carrying of umbrellas or canes while in uniform is prohibited. The superior officer in charge may direct the change of uniform from winter to summer dress, and vice versa, with the permission of the Chief of Police.

A. When blouses or overcoats are worn, Sam Browne belts and holsters shall be worn on the outside of same.

B. Men assigned to the 8:00 to 4:00 and 4:00 to 12:00 shifts, during the time of year when heavy clothing is needed, shall wear overcoats.

C. Sweaters, vests or other nonregulation clothing shall not be worn so as to be visible or cover any part of the regulation issued uniform.

D. Black or white socks only shall be worn with uniforms.

E. Uniforms and equipment shall at all times while being worn be in good repair, neat and clean.


All members of the Police Department shall wear the official badge when on duty or in uniform. When in uniform, it shall be worn conspicuously on the left breast of the outermost garment.

§ A310-15. Replacement or repairs charged to officer; exception.

If an officer's police equipment issue is lost, broken, bent or otherwise changed in form, cost of replacement or repairs will be charged to the officer, unless he can show that such loss or change was not incurred through personal negligence.

§ A310-16. Uniforms not to be worn off duty.

Uniforms or any part thereof shall not be worn by any member except when on duty or reporting for duty and reporting off duty.

§ A310-17. Exchanging revolvers.

Members of the Department shall not exchange revolvers issued by the Department without the consent of the officer in charge of equipment.


Police revolvers, blackjacks, whistles and all other equipment must at all times be kept in perfect working order, clean and lightly oiled, and inspected periodically by a superior officer.

The Chief of Police shall be responsible for keeping an inventory of all equipment, and a yearly inventory of supplies shall be reported to the Borough Council in charge and all unaccounted for.

§ A310-20. Use of alcoholic beverages.

No member while on duty or any special assignment shall indulge in drinking any alcoholic beverage. The Borough Council is especially charged to suspend from duty at once any member under the influence of alcoholic liquor while on duty, and charges will be proffered by suspending officers as herein specified.

§ A310-21. On duty; active duty.

Every member of the Police Department shall be considered as on duty for 24 hours each day and may be assigned to active duty by the Police Chief.


Members of the Department must be punctual to the minute in reporting for duty and all other details. Delay in transit will not excuse lateness, except such delays caused in the line of duty, in which case a report in writing shall be submitted to his superior officer.

§ A310-23. Reporting for duty.

It shall be the duty of each member of the Department to be in the police headquarters in proper uniform, with proper equipment and ready for duty at the time designated as the beginning of his term of duty for that date.

§ A310-24. Failure to report for duty at scheduled time.

Any member not present at headquarters at the scheduled time listed for his term of duty may be liable for the loss of that day's salary and/or suspension, unless for reasons of sickness, death, emergency or other reason, or permission to be absent has been previously granted by the Chief of Police.

§ A310-25. Orders to be obeyed; conflicting orders.

Members of the Department shall obey all orders emanating from any superior officer thoroughly and cheerfully and promptly. In the event of any order so received conflicting with any general or special order, the member shall promptly and respectfully call attention to such conflicting orders for the benefit of the superior officer.


If the superior officer doesn't change his order, his order shall stand, and the member involved will not be held responsible for disobedience of any former order in obeying the command. Orders or directives shall only emanate within the Police Department.

Members of the Department must at all times treat citizens, associates and superior officers with civility, refraining from harsh, profane or insolent language. They shall answer all questions in a gentlemanly and courteous manner.

§ A310-28. Interdepartmental communications and reports.

All interdepartmental communications and reports shall be in writing and shall be answered in writing promptly.

§ A310-29. Report prior to leaving headquarters.

A. It shall be the duty of every member of the Department, before leaving the police headquarters at the close of each tour of duty, to file any and all reports necessary pertaining to the activities of that tour of duty. Such reports shall include:

   (1) A complete comprehensive daily report.

   (2) A report of any motor vehicle accident.

   (3) A report of any special investigation.

   (4) Any other report of activities not covered in the foregoing.

B. Members volunteering for or assigned to off-duty investigations shall also make reports concerning such investigations as soon as possible after the investigation, or at a time so requested by the Chief of Police or the immediate superior officer.

§ A310-30. Submission of requests.

All requests by members of the Department must be made in writing, such as extra days off, change in routine schedule, etc., and submitted to the Chief of Police.


Officers, when sick, must so report themselves to the station house by telephone or messenger before the time of their tour of duty begins; otherwise, they will be considered as absent without leave. A certificate, signed by a recognized physician, must be produced immediately upon returning for duty, or salary for such time taken off for sickness will be deducted. The Chief of Police may waive the physician's certificate if conditions warrant.


When any member is injured in the line of duty, he will, within 48 hours after such injury, submit or cause to be submitted a report to the Chief of Police.

§ A310-33. Out-of-service police cars.

Police cars, when out of service, shall be located in front of the police office or in the Borough garage.

§ A310-34. Use of radio.
The radio must be reported in and out of service at all times.

§ A310-35. **Radio log to be kept current.**

A radio log must be kept current as outlined by the Federal Communications System.

**ARTICLE V**

**Duties of Chief of Police**

§ A310-36. **General powers and duties.** [Amended 1-7-2008 by Ord. No. 2008-4]

The Chief of Police shall be in command of the Police Department and shall perform any and all duties that may be prescribed by the Borough Council, including but not limited to the following:

A. The Chief of Police must have a comprehensive working knowledge of the crime problems in the community and be able to develop strategies to prevent and reduce such problems accordingly;

B. The Chief of Police must have command of the respect of the public and be sensitive to residents’ needs and expectations;

C. The Chief of Police must have knowledge of advanced police procedures and principles of police administration;

D. The Chief of Police must have the ability to lead, supervise, train and set an example that commands respect;

E. The Chief of Police must have good communications skills, including public speaking experience; and

F. The Chief of Police must have the ability to act soundly in emergencies and display the best of judgment at all times.

§ A310-37. **Maintenance of spirit of cooperation and help.**

He is especially charged with maintaining, between the force in his command and all other Department branches in Norwood Borough, a spirit of cooperation and mutual help.

§ A310-38. **Devotion of time to duties.**

He shall devote his whole time to the duties of his office and give his best efforts to the investigation, solutions and prevention of felonies, fires and riots, and all other breaches of the peace.

§ A310-39. **Inspections.**

He shall make frequent inspections of the personnel and equipment of his Department and report the conditions that he feels need correction to the Police Civil Service Commission.

§ A310-40. **Instruction.**

He shall instruct all members of the Department in the knowledge pertaining to the enforcement
of laws, ordinances and in general police duties.

§ A310-41. Changes in regulations or assignments.
The Chief of Police may temporarily, at his discretion, rescind, amend or change any Department regulation, whether written or oral. Such change in regulations shall be posted on the bulletin board. No other notification shall be necessary. The Chief of Police may assign any patrolman or higher-rank officer to a specific duty, whether on or off duty, and may make such officer directly responsible to him, bypassing any responsibility this assigned man may have to any other superior officer.

§ A310-42. Responsibility for carrying out duties and regulations.
He shall be responsible for the systematic carrying out of all of the duties and regulations contained herein.

ARTICLE VI
Appointment of Chief of Police

§ A310-43. Noncompetitive examination appointment.
The office of the Chief of Police shall be a noncompetitive examination appointment and shall be filled as follows.

§ A310-44. Nomination; exam; certification; appointment.
When, in the opinion of the Borough Council, such a post needs to be filled, it shall make a nomination to the Civil Service Board of Commissioners of a person that is acceptable to it, and it shall then be the duty of the Civil Service Commission to give such nominee a noncompetitive examination to ascertain if he be eligible, then it shall certify him for appointment by the Borough Council, after which appointment he shall assume his duties as outlined above.

ARTICLE VII
Duties of Sergeant

§ A310-45. Duty to follow Department regulations.
It shall be the duty of each officer holding the rank of Sergeant to follow any Department regulations set forth.

§ A310-46. Duty to carry out orders of superior officers.
In addition to general Department regulations, it shall also be the duty of Sergeants to carry out any other orders or regulations from their immediate superior officer and/or the Chief of Police.

§ A310-47. Responsibility for assigned patrolmen.
Sergeants shall at all times during a tour of duty be responsible for all patrolmen assigned to them, to see that all such men carry out and comply with all rules and regulations of the Department.

Sergeants shall be directly responsible and held accountable for the handling of any incident that occurs during their tour of duty, whether absent or present when such incident occurs.

§ A310-49.  Accounting for daily reports of assigned patrolmen.

Before leaving police headquarters at the close of a tour of duty, it shall be the duty of each Sergeant to see that each man assigned to him has made and filed any and all proper reports pertaining to his tour of duty.


It shall be the duty of each Sergeant to check all such reports and vouch for their accuracy and completeness.


It shall be the duty of each Sergeant to make a full and complete report of each tour of duty, covering, amending or explaining any other reports made, before leaving police headquarters at the conclusion of his tour of duty.

§ A310-52.  Accounting for specific duties.

Any specific duties assigned to a Sergeant, aside from his regular scheduled assignments, shall be accountable to his immediate superior officer and/or the Chief of Police.

§ A310-53.  Accounting for violations of assigned patrolmen.

It shall be the duty of each Sergeant to account for any violation, infraction or misbehavior on the part of any man assigned to his tour of duty. Such accounting shall be set forth in writing, shall state the date and time and account for the nature of the offense and shall be signed in ink by the Sergeant and submitted to his immediate officer and/or the Chief of Police.

§ A310-54.  Familiarity with regulations.

It shall be the duty of each Sergeant to be familiar with and comply with any regulations herein set forth and any amendments or changes as may afterwards be posted by his immediate superior officer and/or the Chief of Police.

ARTICLE VIII
Detective
[Added 2-18-1976]

§ A310-54.1.  Creation of position; rank.

There is hereby created the position of Detective, who will have the rank of Corporal.

§ A310-54.2.  Duties.
The duties of the Detective shall be as follows:

A. It shall be the duty of the Detective to follow any Department regulations set forth.

B. In addition to the general Department regulations, it shall also be the duty of the Detective to carry out any other orders or regulations from the Chief of Police, the Sergeant of Police or any other immediate superior officer.

C. The Detective shall devote his full time to the duties of his office and shall give his best efforts to the investigation, solution and prevention of crime within the Borough of Norwood.

D. The Detective shall work a shift that is assigned to him by his superior officer or officers, who shall also determine whether or not the assignment shall be conducted in or out of uniform.

E. The Detective shall make a full written report on all cases that are assigned to him. He shall also keep his superior officers informed on all such cases. He shall make a complete daily report of his tour of duty before leaving police headquarters at the conclusion of his tour of duty.

F. The Detective shall be given the rank and pay of Corporal of Police. The Detective shall be in full charge of the Police Department when neither the Chief of Police nor the Sergeant of Police is available.

ARTICLE IX
Duties of Patrolmen

§ A310-55. Familiarity with beat or post.

He shall make himself thoroughly familiar with all parts of his beat or post, including streets, alleys, courts, lots and houses therein. He should also acquire such knowledge of the inhabitants and frequenters of places on his beat as will enable him to recognize as many as possible.

§ A310-56. Checking of entrances; reports.

On going on night duty, also Sundays, holidays and half holidays, the officer shall try every street floor and basement door, grating, gate and other entrance of business places and office buildings on his beat. In case any such entrance is found unfastened after the regular hours for closing or any transom or accessible window is noted open, the officer shall examine the premises and summon the occupant or owner if he can be found in the vicinity. If anything unusual is discovered, he shall notify the station house as soon as possible, and if not, he will fasten every exit and entrance, note the condition found in his memorandum book and make a full report in writing at the end of his tour of duty.

§ A310-57. Attention to vehicles.

He shall pay particular attention to motor vehicles of all kinds, observing the license numbers, watching for such as have been stolen or which may have been used in the commission of a crime or may not be properly licensed and legally equipped or that may be violating the laws, ordinances and regulations pertaining to motor vehicles.

Failure to report and take appropriate action in the case of fire, crime, disorder or other conditions known to him and requiring police action, within a reasonable time after arriving on his beat, will be considered neglect of duty.

§ A310-59. Duty to follow Department regulations.

It shall be the duty of each officer holding the rank of patrolman to follow any Department regulations set forth.

§ A310-60. Duty to carry out orders of superior officers.

In addition to general Department regulations, it shall be the duty of patrolmen to carry out any regulations or orders from their immediate superior officer in charge at the time.

§ A310-61. Responsibility to immediate superior officer.

Patrolmen shall at all times be responsible to their immediate superior officer while on a scheduled tour of duty.


A patrolman shall be directly responsible and held accountable for any incident that occurs within his assigned jurisdiction during his tour of duty and shall be responsible that his immediate superior officer is so notified and that the proper reports are made of such incident.

§ A310-63. Familiarity with regulations.

Patrolmen shall be responsible for making themselves acquainted with any and all regulations herein set forth and any changes or amendments which may from time to time be posted by their superior officer.

§ A310-64. Reports of incidents requiring further attention.

A patrolman who wishes to report an incident which he feels should have further attention must submit a complete report of same to his immediate superior officer. In the event that it is not then taken care of, said patrolman should submit a complete report and request for action to the superior officer or the Chief of Police.

ARTICLE X
Job Qualifications for Position of Patrolman

§ A310-65. Age. [Amended 4-23-1981]

An age of 18 years to 30 years of age at date of application is required.

§ A310-66. Education. [Amended 4-23-1981]

Education equivalent to that represented by graduation from a standard high school and
certification of graduation from the Pennsylvania State Police Academy or equivalent is required.

§ A310-67. Special knowledge, abilities and skills.
A. Good social and general intelligence.
B. Medical and physical well-being, as outlined under minimum physical requirements.
C. Fitness to be out of doors under adverse conditions.
D. Ability to treat the public with courtesy and firmness when necessary.
E. Aptitude for police work.
F. Tact.
G. Good character.
H. Ability to understand and carry out complex orders.

§ A310-68. Residency.
The applicants, preferably, should be from the Borough.

§ A310-68.1. Probation for new patrolmen. [Added 4-23-1981]
Probation shall be for a period of up to one year, and then appointment as a permanent patrolman or dismissal.

ARTICLE XI
Job Qualifications for Positions Ranking Above Patrolman

§ A310-69. Understanding of law, ordinances, rules and regulations.
Comprehensive and facile understanding of the law, ordinances, rules and regulations of the Department, Borough, county and state is required.

§ A310-70. Basic and advanced knowledge required.
Knowledge of basic and advanced police procedures, including the definitions of crimes, criminal procedure, firearms, self-defense, public relations and police administration is required.

§ A310-71. Supervisory ability.
Superior supervisory ability is required.

§ A310-72. Quick thought and action.
Ability to think quickly, to judge a situation quickly and accurately and to act in a crisis without hesitation is required.
§ A310-73.  **Length of service.**
At least one year's service on this force as a permanent appointment is required.

§ A310-74.  **Special considerations.**
Officers in the next-lower rank shall be given special consideration as their abilities may warrant.

§ A310-75.  **Physical condition.**
All persons appointed to higher ranks are required to pass the physical examination as outlined herein.

§ A310-76.  **Appointments.**
A. Whenever a vacancy or the need of a promotion is created, the Borough Council shall make a requisition to the Civil Service Commission for a certified list of eligibles for the position to be filled.

B. The Civil Service Commission shall submit the three highest averages from the most recent examination, or if there has been no examination held within one year of that time, a new examination shall be held, and the three highest averages shall be submitted to the Borough Council for its choice of appointment.

C. All original appointments shall be on an acting status and be probationary for the period of six months. At the end of this probationary period, the applicant shall either be made permanent or reduced in rank, and a new appointment made.

D. Where the Borough Council shall object to all names submitted on the eligible list, or a majority of it shall submit such objection to the Commission, and if the reasons are found valid, then a new list shall be prepared by the Civil Service Commission of the next-highest averages from the examination, or a new examination shall be held if deemed necessary by the Civil Service Commission.

E. Of the two remaining names on the list submitted after the Borough Council choice has been made, those not chosen shall continue on such list for at least one year.

§ A310-77.  **Promotions.**
A. Promotions shall be made on merit, to be ascertained by examinations held by the Civil Service Commission. All such examinations shall be relative to the qualifications for the post, as previously outlined herein.

B. The Borough Council shall have the power to determine in each instance whether an increase in salary shall constitute a promotion. Unless so determined, an increase in salary without change in a higher rank shall not constitute a promotion.

C. Promotional examination shall be opened to qualified members of the Police Department.

D. A promotional examination shall include knowledge of work, physical examination, Department service rating, credit for experience and in-service police schooling and
E. When such examinations are to be given, the Chief of Police shall submit to the Civil Service Commission service ratings of applicants, together with seniority ratings, one point for each year, a maximum of five points for five years.

F. Disciplinary action taken against an applicant may serve to remove him from the eligible list, at the discretion of the Police Civil Service Commission.

ARTICLE XII
Medical Requirements

§ A310-78. Requirements enumerated.

A. Applicant must be free from any marked deformity, from all parasitic or systemic skin diseases, and from evidence of intemperance in the use of stimulants or drugs.

B. The body must be well proportioned, of good muscular development, and show careful attention to personal cleanliness. Girth of abdomen should not be more than chest at rest; muscular weakness or poor physique must reject.

C. Height and weight and chest-expansion measurements should be at least those of the table of form for physician's use prepared for these examinations. (See Form No. 4.)

D. Nasal obstructions to free breathing must reject. There must be no disease of the tonsil or thyroid enlargement. Teeth should be in good condition, with missing teeth replaced by suitable dentures.

E. Actual or potential hernia must reject.

F. Must be free from deformities and from marked varicole, hydrocele, enlargement of the testicles, stricture or incontinence of urine. Retained testicles or strophy reject. Any acute and all venereal disease of these organs must reject.

G. Existence of or marked tendency to varicose veins must reject.

H. Arms and legs, hands and feet must be free from affections of the joints, etc., that would prevent proper performance of the duties required. Must have first, second and third fingers and great toe.

I. Must be free from color blindness and be able to read with each eye, separately, standard test types or a distance of 20 feet. Loss of either eye or permanent abnormalities of the eyes must reject. Must have at least 20/40 uncorrected vision in each eye.

J. Normal hearing is required.

K. Respiration must be full and regular. Respiratory murmur should be clear and distinct over both lungs, and no evidence of disease of the respiratory organ.

L. The action of the heart must be uniform, free and steady, and the heart free from organic changes. Blood pressure: systolic maximum, 135, diastolic, 90; pulse pressure, 15 to 50.

M. Brain and nervous system free from disease and defects.
N. Kidneys must be normal and urine normal.
O. Wassermann test.

ARTICLE XIII
Procedures for Employment

§ A310-79. Announcement, Form No. 1.
This form is to be made public in newspapers and public buildings for at least three weeks prior to the date applications are closed.

§ A310-80. Application, Form No. 2.
A. No one shall be admitted to an examination unless he shall have filed an application form.
B. These forms are to be made available to all persons interested.
C. Applications must be filed not later than 10 days before examinations.

§ A310-81. Right to examination, Form No. 3.
No one shall be admitted to a written examination or medical examinations unless there is official notice from the Police Civil Service Commission of his right to such examination, Form No. 3.

§ A310-82. Delivery of notice to applicant.
This notice shall be delivered personally or mailed to the applicant at least three days prior to the time of the examination.

§ A310-83. Filing of applications; validity; disclosure of names of applicants.
All applications shall remain on file for five years. Applications are valid only for the examinations for which they are entered, and the names of the applicants shall not be disclosed to the public except by recorded action of the Police Civil Service Commission.

§ A310-84. Examinations.
A. Public notice of examinations shall be given by publication at least three weeks prior to each examination (Form No. 1).
B. No persons shall be eligible to take an examination until a doctor, designated by the Commission, certifies that the applicant meets the physical requirements as set forth in this manual. The cost of the physical examination shall be borne by the Department.
C. The Commission shall provide the physician with a list of conditions which it believes should be grounds for rejection, that shall include those set forth in this manual. Form No. 3 shall be filled out by the physician and returned to the Commission in at least 72 hours. Any applicant that does not meet these requirements shall be rejected. He shall not be permitted to go any further in these examinations. The same examination shall be filed with
the Commission before any appointment is recommended to a higher rank than patrolman.

D. Should the appointing power request positions requiring special technical skills, the Commission shall cause the proper tests and qualifications to be drawn up and executed.

E. Examinations shall be conducted under the direction of the Secretary of the Commission or proctors appointed by the Commission; notice of said proctors to appear in the minutes of the Commission.

F. Weights shall be assigned the various tests before the examinations by the Commission, to the several parts of all the tests. The weight given to each part shall represent its relative value in ascertaining the fitness of the applicant. Examination shall be marked on a scale of 100%. The passing grade for the whole examination and for each part shall be 70%.

G. In examinations for positions above patrolman, they shall consist of a rating of experience, an oral interview, a physical examination and an examination for the police knowledge in accordance with the requirements of the position.

H. Examinations for patrolman shall consist of physical and character examination, in addition to the above.

§ A310-85. Applicants to be notified of ratings.

As soon as the ratings of an examination shall be completed, each applicant shall be notified of the rating he received by the Secretary of the Commission.

§ A310-86. Filing of eligible list.

The Commission shall file in its records the eligible list containing the names and grades of those that have passed the examination for the positions under these rules.

§ A310-87. Filing of examinations; confidentiality.

Examinations shall be filed for at least one year and shall be considered confidential.

ARTICLE XIV
Code of Discipline

§ A310-88. Offenses against discipline.

Any member of the Police Department commits an offense against discipline if he is guilty of:

A. Discreditable conduct, that is to say, if he acts in a disorderly manner prejudicial to discipline or likely to bring discredit on the reputation of the Department.

B. Insolvent or oppressive conduct, that is to say, if he:

   (1) Is insubordinate by word, act or demeanor.

   (2) Is guilty of oppressive or tyrannical conduct toward an inferior in rank.

   (3) Uses obscene, abusive or insulting language to any member of the Department.
(4) Willfully or negligently makes a false complaint or statement against any member of the Department.

(5) Assaults any member of the Department.

(6) Threatens any member of the Department by withholding information which should have been reported.

C. Disobedience to orders, that is to say, if he disobeys or without good and sufficient cause omits or neglects to carry out any lawful order, written or otherwise.

D. Neglect of duty, that is to say, if he:

(1) Neglects or, without good and sufficient cause, omits promptly and diligently to attend to or carry out anything which is his duty as a member of the Department.

(2) Idles or gossips while on duty.

(3) Fails to work his best in accordance with orders, or leaves his post or other place of duty to which he has been assigned without due permission or sufficient cause.

(4) By carelessness or neglect permits a prisoner to escape.

(5) Fails to report any matter which it is his duty to report.

(6) Fails, when knowing where an offender is to be found, to report the same or to make reasonable efforts to apprehend him.

(7) Fails to report anything which he knows concerning a criminal charge, or fails to disclose any evidence which he or any person within his knowledge can give for or against any prisoner or defendant to a criminal charge.

(8) Neglects or, without good and sufficient cause, omits to carry out any instructions of a physician selected by the Borough Council, or, while absent from duty on account of sickness, is guilty of any act or conduct calculated to retard his return to duty.

E. Falsehood or prevarication, that is to say, if he:

(1) Knowingly makes or signs any false statements in any official document or book.

(2) Willfully or negligently makes any false, misleading or inaccurate statement.

(3) Without good and sufficient cause destroys or mutilates any official document or record, or alters any entry therein.

F. Breach of confidence, that is to say, if he:

(1) Divulges any matter which it is his duty to keep secret.

(2) Gives notice directly or indirectly to any person against whom any warrant or summons has been or is about to be issued, except in the lawful execution of such warrant or service of such summons.

(3) Without proper authority communicates to the public press or to any unauthorized person any matter connected with the Department.
(4) Without proper authority shows to any person outside the Department any book or written document that is the property of the Department or the Borough.

(5) Makes any anonymous communication to the Chief of Police or to any member of the Borough Council, or signs or circulates any petition or statement concerning the candidacy of anyone for any public office.

(6) Canvasses any member of the Borough Council or of the Police Civil Service Commission or any official of the commonwealth, county or Borough or the public, with reference to any matter concerning the Department, without authority from the Chief of Police.

(7) Signs or circulates, or encourages the signing or circulating of, any petition or statement with regard to any matter concerning the Department, except through the proper channels of correspondence to the Chief of Police.

(8) Calls or attends any unauthorized or political meeting to discuss any matters concerning the Department or takes any active part in regular or primary elections except to vote thereat.

G. Corrupt practice, that is to say, if he:

(1) Receives any bribe.

(2) Fails to account for or to make a prompt and true return of any money or property received by him in his official capacity.

(3) Directly or indirectly solicits or receives any gratuity, present, subscription or testimonial without the consent of the Chief of Police or the Borough Council.

(4) Places himself under pecuniary obligation to any person who operates any establishment at which intoxicating beverages are sold or to any person who holds a license concerning the granting or renewal of which the Department may have to report or give evidence.

(5) Improperly uses his character and position as a member of the Department for his personal advantage.

(6) In his capacity as a member of the Department, writes, signs or without sanction of the Chief of Police gives any testimonial or recommendation with the object of obtaining employment for any person or of supporting any application for the granting of a license of any kind.

(7) Without the sanction of the Chief of Police, supports an application for the granting of a license of any kind.

H. Unlawful or unnecessary exercise of authority, that is to say, if he:

(1) Without good and sufficient cause, makes any unlawful or unnecessary arrest.

(2) Uses unnecessary violence on any prisoner or other person with whom he may be brought into contact in the execution of his duty.
(3) Is uncivil to any member of the public.

I. Malingering, that is to say, if he feigns or exaggerates any sickness or injury with a view toward evading duty.

J. Absence without leave or being late for duty, that is to say, if he is without leave from or is late for roll call, court or other duty.

K. Uncleanliness, that is to say, if he, while on duty or while off duty, in uniform, in a public place, is improperly dressed or is dirty or untidy in personal appearance, clothing or accouterments.

L. Damage to clothing or other articles supplied, that is to say, if he:
   (1) Willfully or by carelessness causes any waste, loss or damage to any article of clothing or accouterment or to any book, document or other property of the Department or the Borough used by him and issued to him or entrusted to his care.
   (2) Fails to report any loss or damage as above, however caused.

M. Drunkenness and the use of drugs, that is to say, if he:
   (1) While on duty or while off duty, in uniform, is unfit for duty by reason of the use of intoxicating liquor, beer or drugs.
   (2) While off duty and not in uniform, is unfit for duty by reason of the use of intoxicating liquor, beer or drugs.

N. Drinking on duty or soliciting drink or drugs, that is to say, if he:
   (1) Without the consent of his superior officer, drinks or receives from any person any intoxicating liquor, beer or drugs while he is on duty or in uniform.
   (2) Demands or endeavors to persuade any person to give him or to purchase or obtain for him any intoxicating liquor, beer or drugs while he is on duty or in uniform.

O. Entering licensed premises while on duty or in uniform, that is to say, if he enters, while on duty or in uniform, any premises licensed under the liquor licensing laws or any other premises where liquors are stored or distributed when his presence there is not required in the execution of his duty.

P. Creating or failing to meet certain financial obligations, that is to say, if he:
   (1) Lends money to any superior or borrows from or accepts any present from an inferior in rank.
   (2) Contracts bills which are not promptly paid.
   (3) Endorses the notes or obligations of others with no intention or expectation of paying the same if he is legally called upon to do so.

Q. Commission of certain crimes, that is to say, if he:
   (1) Is convicted of a misdemeanor or felony under the laws of this commonwealth.
(2) Connives at or is knowingly an accessory to any offense against discipline under this code.

§ A310-89. Punishment.

A. An offense against discipline may be punished by:
   (1) Removal for the offense, enumerated in § A310-90 hereof.
   (2) Being required to resign forthwith or at such date as may be ordered (as alternative to dismissal).
   (3) Reduction in rank.
   (4) Reduction in rate of pay.
   (5) Suspension without pay for a period not in excess of one year.
   (6) Fine.
   (7) Reprimand.
   (8) Caution.

B. Every punishment except caution shall be entered on the member's conduct. A caution shall not be so entered.

§ A310-90. Removal; reduction in force.

A. Violations of the following sections of this article may be punished by immediate removal or by being required to resign forthwith or at such date as may be ordered: § A310-88, Subsections A; C; D(3) and (5); E(1), (2) and (3); F(1), (2) and (3); G(1), (2) and (3); M(1); N(1) and (2).

B. If a physical or mental disability shall render any member of the Department unfit or unable to continue his duties, he shall be given an honorable discharge from the Department.

C. No employee shall be removed for racial, religious or political beliefs.

D. Resignation of permanent employees shall be in writing; any separation from the service without permission shall cause the employee to lose all rights of reinstatement.

E. Three months' written notice of separation shall be tendered by the Borough Council to reduce the size of the force. The following shall be the order of dismissals:
   (1) Any person eligible for retirement shall be pensioned.
   (2) If no one is eligible, then the reduction shall be by furloughing the last man appointed.
   (3) In the event that, at a later date, the force shall be increased, the reinstatements shall be in order of seniority.
§ A310-91. Appeals procedure.

A. A written statement shall be furnished to such an employee, stating all the charges against
him, within five days after such charges are filed.

B. In the event that an employee to be suspended or discharged demands a hearing by the
Police Civil Service Commission, such hearing shall be granted. The Chief of Police shall
furnish the Commission with copies of the charges sent to the employee and his answer to
such charges. There shall be held a hearing with all interested parties present, and the
Commission shall either uphold the dismissal or request the reinstatement of the employee
against whom such action has been taken, and he shall be compensated for the wages due
him during the time that he was notified of his dismissal and the settling of the case.

C. Further appeal to the Borough Council may be made by any penalized employee.

Part 2
Physical and Psychological Examinations

[Adopted 9-24-1984 by Ord. No. 3-84 (Ch. 95, Part 2, of the 1967 Codification)]

ARTICLE XV
Requirements for Applicants and Officers

§ A310-92. Adoption of regulations.

A. The Police Department rules and regulations,1 as presently in force, are hereby adopted in
total by this ordinance, as though set forth at length herein.

B. In any respect, and to any degree to which the terms of this ordinance are inconsistent with
said rules and regulations, then the terms of this ordinance shall be primary.

C. Any terms of this ordinance which are not also contained in the rules and regulations and
which are not in conflict with those rules and regulations shall be considered as
automatically being a part of said rules and regulations.

§ A310-93. Physical examination of applicants.

All applicants for a position on the Police Department of the Borough of Norwood shall, as part
of the application procedure, take and pass a physical examination as specified in Article XII,
Medical Requirements, § A310-78, Requirements enumerated, of the Police Department rules
and regulations.

§ A310-94. Psychological examination of applicants.

In addition to said physical examination, each such applicant shall be required to take and pass a
psychological examination to determine his or her fitness for a position on the Police Department
of the Borough of Norwood.

§ A310-95. Physical examination of present officers.

1. Editor’s Note: See Part 1, General Regulations, of this chapter.
All officers presently on the Norwood Police Department and all officers appointed to such Department after the date of this ordinance shall be required, at least once in each calendar year, to take and pass a physical examination having the same requirements as contained in Article XII, § A310-78, as previously adopted.

§ A310-96. Psychological examination of present officers.

All such officers shall also be required to take and pass, at least once in each calendar year, a psychological test concerning fitness to continue to serve as a police officer in the Borough of Norwood.

§ A310-97. Examination upon return to active duty.

Any officer who, by reason of illness or injury, whether service- or nonservice-related, shall be unable to carry out his or her duties as a police officer for more than 10 consecutive days shall, at the request of either the Mayor or a majority of Council, be required to take a physical and psychological examination and to pass such physical and psychological examination as a condition precedent to returning to active duty as a member of the Norwood Police Department.

§ A310-98. Nature of testing.

All such physical and psychological testing shall be of a nature that is reasonably calculated to determine the physical and psychological fitness of the subject for employment or continued employment as a police officer in the Borough of Norwood.


All such physical and psychological testing shall be done at the expense of the Borough of Norwood.

§ A310-100. Testing conducted by qualified persons.

All such physical and psychological testing shall be conducted by a qualified person or persons designated by the Norwood Borough Council.

§ A310-101. Failure of applicant to pass examination.

Any applicant for a position on the Norwood Borough Police Department who does not pass either the physical or the psychological test shall be considered as unfit for appointment to the Norwood Borough Police Department, and his application shall be thus rejected.

§ A310-102. Applicants refusing to submit to examination.

Any applicant who shall refuse to take either the physical or the psychological test shall be automatically rejected for further consideration for appointment to the Police Department of the Borough of Norwood.

§ A310-103. Failure of present officers to pass examination; notice; reexamination.
Any police officer who shall take and fail the annual psychological or physical exam shall be so notified, by the Mayor or the Borough Council President, of such failure and shall be given written notice that said officer has 30 days from the date of that notice to remedy the condition which caused the officer to fail the physical or psychological examination. At the end of that thirty-day period, or sooner if requested by the officer, a reexamination shall be given, and if the officer shall then pass that reexamination, the officer shall be considered to have passed and satisfied the requirements of this ordinance.

§ A310-104. Failure of present officers to remedy condition.

If, at the end of the thirty-day period, said officer has not remedied the physical or psychological condition which caused that officer to fail the initial examination, then said officer shall be considered as suspended, without pay, until said officer has taken and passed the necessary examination; provided, however, that should said officer fail to take and pass the necessary examination within a period of 60 days after the first thirty-day grace period, then said officer shall be considered as terminated with cause by the Borough.

§ A310-105. Present officers refusing to submit to examination.

Should any officer refuse to take the required annual physical or psychological examination, then said officer shall be suspended for a period of 30 days, without pay; if, within that 30 days, the officer submits to the required physical or psychological examination and passes said examination, then the officer shall be reinstated at the end of the thirty-day suspension. If said officer still has refused or failed to take the examination at the end of the thirty-day suspension period, then said officer shall be considered as terminated by the Borough.

§ A310-106. Refusal to submit to examination upon return to active duty.

Any officer who has been unable to perform his or her duties for a period in excess of 10 consecutive days as a result of injury or illness, whether service- or nonservice-related, and who refuses to submit to the requested physical or psychological examination as a condition precedent to returning to active duty shall immediately be suspended for a period of 30 consecutive days, without pay; and if, at the end of that 30 days, the officer still refuses or has failed to take the requested and required physical and psychological examination, the officer shall then be considered as terminated by the Borough.

§ A310-107. Failure to pass examination upon return to active duty.

If an officer who has been unable to perform his or her duties as a police officer for a period in excess of 10 consecutive days shall submit to but fail to pass the requested physical or psychological examination, then that situation shall be treated as follows:

A. If the reason for the failure is a continuing illness or injury that is work-related, then the officer shall not be permitted to return to work until he or she can pass the required examination but shall be continued on whatever status regarding benefits the officer was receiving prior to the examination.

B. If the reason for failing the physical or psychological examination is due to a condition, either illness or injury, that was not work-related but was the specific reason why the
officer was out of work for more than 10 consecutive days, and if said illness or injury prevents the officer from performing his or her duties as a police officer, then the officer shall not be permitted to return to work until he or she has been able to pass the required physical or psychological examination.

C. If the reason for the failure of the psychological or physical examination is due to a condition not directly related to the reason why the officer has been unable to perform his or her duties for at least 10 consecutive days, but is a condition which would have caused that officer to fail the annual physical or psychological examination, then this failure shall be dealt with in exactly the same manner as stated above, in the situation where an officer fails to pass the annual physical or psychological examination.

§ A310-108. Total and permanent disability.

If, as a result of any physical or psychological examination, either annual or as a condition precedent to returning to work after an absence of more than 10 consecutive days, a police officer shall be deemed to be totally and permanently disabled and unable to perform his or her duties as a police officer, then said officer shall be involuntarily retired.


This ordinance and the terms and conditions thereof shall be applied as fairly and equally as possible to all applicants for and members of the Norwood Police Department.

§ A310-110. Severability.

The provisions of this ordinance are severable, and, if any of its provisions shall be held invalid or unconstitutional, the decision of the court shall not affect or invalidate any of the remaining provisions. It is hereby declared to be the legislative intent that this ordinance would have been adopted if such illegal, invalid or unconstitutional provision had not been included herein.

§ A310-111. Repealer.

All ordinances or parts of ordinances inconsistent herewith are hereby repealed.
Chapter A311

CABLE TELEVISION FRANCHISES

[HISTORY: Adopted by the Borough Council of the Borough of Norwood as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Poles and underground conduits — See Ch. 229.
Streets and sidewalks — See Ch. 260.

ARTICLE I
RCN Telecom Services of Philadelphia, Inc.

[Adopted 11-22-1999 by Ord. No. 99-31 (Ch. 96, Art. I, of the 1967 Codification)]

§ A311-1. Franchise granted; duration; renewal.

A. In consideration of the faithful performance and observance of the conditions and reservations hereinafter specified, the nonexclusive right (hereinafter referred to as "franchise") is hereby granted to RCN Telecom Services of Philadelphia, Inc. (hereinafter referred to as "RCN Telecom Services of Philadelphia, Inc." or "the company"), to construct, own, operate and maintain a cable television system and to erect, maintain and operate television transmission and distribution facilities and additions thereto in, under, over, along, across and upon the streets, lanes, avenues, sidewalks, alleys, bridges and other public places in the Borough of Norwood, Delaware County, Pennsylvania, and subsequent additions thereto, for the purpose of reception, transmission, collection, amplification, origination, distribution and/or redistribution of signals in accordance with the laws and regulations of the United States of America, the Commonwealth of Pennsylvania, the Federal Communications Commission (the FCC) and the ordinances and regulations of the Borough of Norwood, now in effect or hereafter enacted. The duration of the rights, privileges and authorities hereby granted shall be 10 years from the date of acceptance of this agreement by the company, provided that the company shall have the option of extending this franchise for an additional term of five years unless the Borough of Norwood gives the company not less than one year's written notice of the intent not to so extend this franchise.

B. Renewal.

(1) During the six-month period which begins with the 36th month before the franchise expiration, the municipality may, on its own initiative, and shall, at the request of the company, commence proceedings which afford the public appropriate notice and participation for the purpose of:

(a) Identifying the future cable-related community needs and interest.

1. Editor’s Note: This ordinance also superseded the former provisions regarding cable television, entitled “Television Cable Antenna,” adopted 3-2-1979 by Ord. No. 604, as amended.
(b) Reviewing the company's performance under the franchise. Upon completion of the above proceeding, the company may submit a proposal for renewal.

(2) A four-month period shall be allowed for determining the company's eligibility for franchise renewal. The municipality shall consider the company's annual reports to the municipality, the Federal Communications Commission and the commonwealth, if such is required, and these shall be considered in light of cable television industry performance on a national basis in respect to technical developments and performance programming, costs of service and the particular requirements set out in this agreement and ordinance. After a public hearing duly advertised, the municipality shall determine the eligibility of renewal of the franchise without change in contract, renewal and amendments to the contract or termination of the franchise. In the latter instance, the specific reasons for nonrenewal of the franchise are to be stated.

§ A311-2. Authority to obtain and use equipment and facilities.

A. There is hereby granted the further right, privilege and authority to the company to lease, rent, subscribe to service or in any other manner obtain the use of poles, lines, cable facilities, services, licenses and franchises within the limits of the Borough of Norwood, Pennsylvania, including the Bell Telephone Company of Pennsylvania and the Philadelphia Electric Company, and to use such poles, lines, cables and other equipment and facilities, subject to existing and future ordinances and regulations of the Borough of Norwood, so long as such future ordinances and regulations of the Borough of Norwood do not materially adversely affect the rights granted herein. The poles used for the company's distribution system shall be those erected and maintained by the telephone or electric companies when and where practicable, provided that mutually satisfactory rental agreements can be entered into with said companies.

B. No right, privilege or authority is granted for any antennas or monopoles without further application and express approval of the Borough of Norwood.

§ A311-3. Rights of company; construction and maintenance of distribution system.

A. Installation and construction of facilities.

(1) The company shall have the right and privilege to construct, erect, operate and maintain in, upon, along, above, across, over and under the streets such poles, wires, cable, conductors, ducts, conduit, vaults, manholes, amplifiers, appliances, attachments and other property as may be necessary and appurtenant to its system, provided that all appropriate permits from the Borough of Norwood are obtained in advance of any activity that requires a permit, including, but not limited to, the individual permits that are issued for the location of such poles subject to the approval of the affected homeowners and the municipality and, in addition, so to use, operate and provide similar properties rented or leased from other persons, firms or corporations for such purposes. In addition, the company shall be required to provide seven days' advance notification of construction activity to affected property owners and the Borough.

(2) Prior to the commencement of installation and construction of any facilities, the
company must present a mapping of the municipality that will identify all systems, 
equipment, cables, poles and structures, appliances and/or other property, with the 
filming of all appropriate municipal permit applications and payment of all appropriate 
fees.

B. The company's rights and privileges shall be subordinated to any prior lawful use or 
occupancy of the streets or other public property and shall not be so used as to interfere 
with existing improvements or with new improvements this Borough of Norwood may 
deepr make or as to hinder or obstruct the free use of the streets, alleys, bridges or 
other public property. In the event that any equipment or facilities of the company shall 
interfere with any such improvement existing or intended to be made by the Borough of 
Norwood, the company shall, upon reasonable notice from the Borough of Norwood, 
forthwith relocate said equipment and facilities at the company's expense so as to eliminate 
said interference.

C. Construction and maintenance of the transmission distribution system shall be in 
accordance with the provisions of the National Electrical Safety Code, 1993 (NED-70), or 
any amendments or revisions thereof, and in compliance with any applicable rules, 
regulations or orders now in effect or hereafter issued by any federal or state commission 
or any other public authority having jurisdiction, including the Borough of Norwood.

D. All installations of equipment shall be durable or of a permanent nature and installed in 
accordance with good engineering practice as outlined by the National Bureau of 
Standards, the American Institute of Electrical Engineers and the American Society of 
Mechanical Engineers. The company shall comply with all Borough of Norwood 
regulations, ordinances and state and federal laws now existing or hereinafter enacted to 
guarantee safety and property maintenance and so as not to hinder or obstruct the free use of 
the streets, alleys, bridges or other public property. In the event that any equipment or 
facilities of the company shall interfere with any such improvement existing or intended to 
be made by the Borough of Norwood, the company shall, upon reasonable notice from the 
Borough of Norwood, forthwith relocate said equipment and facilities at the company's 
expense so as to eliminate said interference.

E. In the construction, conduct, maintenance and operation of its business, the company shall 
comply with all requirements of the Borough of Norwood ordinances, resolutions, local 
laws, rules, regulations and specifications heretofore or hereafter enacted or established, 
including but not limited to those concerning street work, street excavation, use and 
removal and relocation of property within a street and structural integrity, strength and 
safety of all equipment, poles, cables, structures and property.

F. If the company, in the exercise of its franchise, shall disturb any lawn or landscaped area, 
pavement, sidewalk, street, driveway, public way or other surface or property, it shall, at its 
own expense and in a manner approved by the Borough of Norwood, replace and restore 
such areas and property so disturbed in as like a condition as before the work was 
commenced.

G. Restoration on private property shall be conducted in a timely and professional manner. 
The restored area, property or surface shall be in a like condition as was present prior to the 
disturbance by the company. The company shall not be liable for any defacement of or 
damage to a customer's premises resulting from the furnishing of services or equipment on 
such premises or the installation or removal thereof, unless such defacement or damage is
caused by negligence or willful misconduct of the company's agent or employees.

H. The company shall timely build out and provide all consumers with all services and systems throughout the Borough of Norwood within 18 months of beginning installation of systems in the municipality.

§ A311-4. Limitation of franchise.
The franchise granted herein grants the company the right to install and operate a cable system and does not take the place of any other franchise license or permit which may be required by law or ordinance or regulation.

§ A311-5. Facilities to be placed underground.
In all areas of the Borough of Norwood where cables, wires or other like facilities of public utilities are placed underground, the company shall place its cables, wires or other like facilities underground.

§ A311-6. Joint use of facilities.
The company shall grant to the Borough of Norwood, free of expense, joint use of any and all poles owned by it for any proper Borough of Norwood purpose, provided that it may be done without interfering with the free use and enjoyment of the company's own facilities and provided that the Borough of Norwood does not compete with the company.

§ A311-7. Use of facilities during emergency.
In case of any emergency or disaster, the company shall, upon request of the Borough of Norwood or its civil defense authority, make its facilities and personnel available to the Borough of Norwood or said authority during the emergency or disaster period without charge and in accordance with the Federal Emergency Alert System (EAS) regulations as promulgated by the FCC.

§ A311-8. Local office.
In lieu of maintaining an office and studio in the Borough of Norwood, the company shall install a television monitor and state-of-the-art character generator and VCR in the Municipal Building and shall maintain the necessary equipment to provide exclusive use of one channel for Borough of Norwood residents only.

§ A311-9. Service requirements.
A. The company shall construct and operate a cable system and render service to all subscribers consistent with all applicable rules and regulations of the FCC and any other applicable laws, rules or regulations of municipal, state or federal agencies having jurisdiction over such matters.

B. The company shall comply with all FCC requirements that pertain to signal leakage performance criteria and provide a timely response and repair at no charge for all
complaints from noncable customers who are experiencing impaired reception caused directly by the transmission of the company's cable system.

C. The company shall provide same-day service response, on any normal working day, for all complaints and requests for adjustments received before 12:00 noon. Calls received after 12:00 noon must be responded to within 24 hours. After 12:00 noon on Saturdays or Sundays and holidays, customers with problems must have a call back by 12:00 noon the next working day. Twenty-four-hour emergency service will always be available for the following: loss of channels for the entire cable system; downed lines blocking streets or sidewalks; cable causing a dangerous situation to pedestrians or traffic; or when five or more calls come from the Borough of Norwood due to loss of signal or impaired picture quality. Upon failure to remedy a loss of service attributable to the cable system within 24 hours after a complaint, if requested, the company shall credit 1/30 of the regular monthly charge to the subscriber for each 24 hours, or fraction thereof, until service is restored.

D. The company shall have the work done between the hours of 7:00 a.m. and 12:00 noon, whenever possible, any time there is a loss or interruption of service to more than 500 subscribers caused by the company. Whenever the company has a planned outage due to maintenance of the system, for a period of 24 hours or more, the company shall credit to the subscriber's account 1/30 of the monthly subscription fee. The requirements for maintenance of equipment contained in this provision shall not apply to the subscriber's television set.

E. The company shall keep a log and, at the request of the municipality, file a copy thereof at the end of each month with the municipality, listing by category all complaints and trouble calls received, the number of second or subsequent calls on the same complaint, the remedial action taken and the period of time required to satisfy each reported complaint. The company shall maintain and make available upon request a list of credits with the municipality, when available.

F. The company shall be required to interconnect its cable system, to facilitate the carriage of public, educational and government access channels, with any other franchised cable company operating in the Borough of Norwood. Such interconnection shall be made within 60 days of a request by the Borough of Norwood. The company may request and the Borough of Norwood may grant a reasonable extension of time for the company to comply with this requirement.

G. The company shall have a representative attend meetings of the Borough of Norwood or any other meetings when requested.

§ A311-10. Fees to Borough; financial statements and reports.

A. The company shall pay to the Borough of Norwood 5% of the annual gross receipts. "Gross receipts" shall mean any and all compensation and other considerations in any form paid by and due or owing by subscribers to the company or any lessee or advertiser of the company from the distribution of any cable service over the cable system to said subscriber or lessee of the company within the limits of the Borough of Norwood. All installation charges, reconnection charges, service charges and charges for inspection, repair or modification of installations, all advertising revenue, all sales commissions from all present and future sales
channels and any revenues generated from technologies that are determined by the FCC to be a cable service shall be included in said sum.

B. While the company is in the process of franchising in the various municipalities in the County of Delaware, should any other municipality in said county receive a better fee package in any franchising agreement than that set forth in § A311-10A above, the Borough of Norwood shall automatically be entitled to receive, and the company shall be obligated to pay, the higher fee upon request of the Borough of Norwood, with the higher fee set forth therein.

C. The company shall provide and file with the Borough of Norwood annual certified audited financial statements. The company shall also make available to the Borough of Norwood, upon request, all documents necessary for the Borough of Norwood to determine whether or not the company is fulfilling its obligations. Such documentation shall include but not be limited to maps, plans, a schedule of proposed installation, certificates of insurance and performance bonds and documentation to confirm gross receipts as set forth in § A311-10A. The company shall notify the Borough of Norwood of any material alteration or change of insurance coverage within seven to 30 days in advance of said change.

D. Within the second year of the franchise term, the Borough of Norwood shall be permitted to conduct an audit of the company's records to ascertain whether the company is in compliance with the financial terms and provisions of this agreement. The company shall be responsible for the payment of the Borough of Norwood's auditor's reasonable fees.

E. The company is required to file quarterly reports (every three months), including but not limited to the franchise fee payment and payment worksheet (to be provided by the municipality), within 15 days of the end of each quarter which presents earned revenue. On a quarterly (every three months) basis, the company shall timely pay 100% of the fees attributable to that quarter to the Borough of Norwood. The Borough Secretary or his/her representative shall have the right to audit, examine or have examined the books and records of the company to assure compliance with the terms and provision of this agreement, such cost to be paid by the company. Noncompliance with the aforementioned will result in a penalty of 10% on moneys due for each three-month period the company is not in compliance.

F. The company shall keep on file with the municipality a current list of its stockholders, bondholders, owners and partners and the holdings thereof.

§ A311-11. Transferability; municipality's right of first refusal.

A. This franchise right is a privilege to be held in personal trust by the original grantee. It cannot be transferred, leased, assigned or disposed of as a whole or in part, either by forced sale, merger, consolidation or otherwise, without first offering to transfer, lease, assign or dispose of, in whole or in part, to the Borough of Norwood by giving written notice to the Borough of Norwood. The Borough of Norwood shall have 120 days to accept said offer under the same terms and conditions as the offer received by the company. In the event that the Borough of Norwood does not accept the offer, the franchise cannot be transferred, leased, assigned or disposed of, as a whole or in part, either by forced sale, merger, consolidation or otherwise, without the prior consent of the Borough of Norwood, which
consent shall not be unreasonably withheld.

B. Notwithstanding the foregoing, the Borough of Norwood's consent to transfer shall not be required in the event of a transfer or assignment of this franchise to a parent, subsidiary or an affiliated entity that has control, is controlled by or under the same control as the original grantee, subject to the company providing notice to the Borough of Norwood at least 30 days in advance of such transfer. In this event, the Borough of Norwood shall not be afforded the right of first refusal.

§ A311-12. Termination of service.

A. Upon request by a subscriber for termination of service and such termination is not due to nonpayment for service, the company shall promptly:

(1) Remove all personal property and/or equipment, including but not limited to converters and remote controls.

(2) Disconnect cable or wiring into the subscriber's premises either at the point of entry or at a feed point from cable tap.

(3) Refund payment made in advance for service. The refund of advance payment should be calculated based upon an effective termination date, which shall be the date which occurs first that is the actual date of termination of service into the premises, or seven days after a request is made by a customer to discontinue service. If the company has the capability of discontinuing service without visiting the premises, then the effective date of termination shall be the day the customer requests termination of service.

(4) Promptly return security deposits, if any, upon a customer returning equipment for which deposit is applicable.

(5) Submit a final statement of account to a customer within 45 days of voluntary termination of service.

B. The company shall not impose a termination charge or fee to a customer who requests termination of service. The company shall not be required to remove cable or wiring from either the inside or outside of subscriber premises. However, upon request from the subscriber, the company must remove aerial cable or wiring from only the exterior of the customer's property.


At the expiration of the term for which the franchise is granted or upon its termination and cancellation as provided for herein, the Borough of Norwood shall have the right to require the company to remove, at its own expense, all aboveground portions of the system and all equipment and property from all public ways within the Borough of Norwood.

§ A311-14. Filing of maps, plans and schedules.

The company will file with the Borough of Norwood true and accurate copies of as-built maps
and schedules of any construction. This provision is not intended to waive or alter the filing of any maps, plans or schedules as required for permits or any approvals from the Borough of Norwood.

§ A311-15. Enforcement; termination of franchise.

A. Notice of violation. In the event that the Borough of Norwood believes the company has not complied with the terms of this agreement, it shall notify the company, in writing, by regular mail, of the exact nature of the alleged noncompliance.

B. The company's right to cure or respond. The company shall have 30 days from receipt of the notice described in § A311-15A to respond to the Borough of Norwood contesting the assertion of noncompliance and to cure such default or, in the event that, by the nature of default, such default cannot be cured within the thirty-day period, request permission from the Borough of Norwood for additional time in which to take reasonable steps to remedy such default, and such permission shall not be unreasonably withheld. In the event the company contests the assertion of noncompliance in a timely manner, then the time specified to cure the alleged default shall be stayed or tolled pending a hearing before the Borough Council of the Borough of Norwood. In the event that the Borough Council affirms the assertion of noncompliance following a hearing affording the company the opportunity to be heard, then the company shall have 30 days within which to cure such default.

C. Force majeure. If, for any reason of force majeure, either party is unable, in whole or in part, to carry out its obligations hereunder, said party shall not be deemed in violation or default during the continuance of such inability. Unless further limited elsewhere in this agreement, the term "force majeure" as used herein shall have the following meaning: strikes; acts of God; acts of public enemies; orders of any kind of the government of the United States of America or of the Commonwealth of Pennsylvania, or any of their departments, agencies, political subdivisions or officials, or any civil or military authority; insurrection; riots; epidemics; landslides; lightning; earthquakes; fires; hurricanes; volcanic activity; storms; entire failure of utilities; or any other cause or event not reasonably within the control of the party affected.

D. Cancellation of franchise.

(1) In addition to all other rights and powers pertaining to the Borough of Norwood by virtue of this agreement or otherwise, the Borough of Norwood reserves the right to terminate and cancel the franchise hereby granted and all rights and privileges of the company hereunder in the event that the company:

(a) Violates any material provision of this agreement or any rule, order or determination of the Borough of Norwood or Borough Council made pursuant to this agreement.

(b) Becomes insolvent or unable or unwilling to pay any of its debts or is adjudged as bankrupt.

(c) Violates any federal or Pennsylvania law or regulation.
Such termination and cancellation shall be by written notice to the company from the Borough Council, provided that the provisions of § A311-15 herein have been followed, and shall in no way affect any of the Borough of Norwood's rights under this franchise or any provision of law.

§ A311-16. When effective.

This agreement and the rights granted to the company shall become effective upon execution of a contract between the Borough of Norwood and the franchisee, binding both parties to abide by all conditions of this agreement.

§ A311-17. Liability and insurance requirements.

A. The company shall pay and by its acceptance of this franchise the company specifically agrees that it will pay all damages and penalties which the Borough of Norwood may legally be required to pay as a result of granting the franchise. These damages or penalties shall include, but shall not be limited to, damages arising out of the installation, operation or maintenance of the cable system authorized herein, whether or not any act or omission complained of is authorized, allowed or prohibited by this agreement.

B. The company shall pay and by its acceptance of this franchise specifically agrees that it will pay all expenses incurred by the Borough of Norwood in defending itself with regard to all damages and penalties mentioned in Subsection A above. These expenses shall include all out-of-pocket expenses such as reasonable attorneys' fees and shall also include the reasonable value of any services rendered by the Borough of Norwood Solicitor or his assistant or any employees of the Borough of Norwood.

C. The company shall maintain and by its acceptance of this franchise specifically agrees that it will maintain throughout the terms of this franchise liability insurance insuring the Borough of Norwood and the company with regard to all damages mentioned in Subsection A above in the minimum amounts of:

(1) The company shall provide evidence of workmen's compensation and vehicle insurance from a carrier with an A.M. Best rating of "A" or better.

(2) Comprehensive general liability insurance shall be written on an occurrence basis with a combined single limit of no less than $1,000,000 for bodily injury, property damage and personal injury.

D. The company shall maintain and by its acceptance of this franchise specifically agrees that it will maintain throughout the term of this franchise a faithful performance bond running to the Borough of Norwood in the penal sum of $50,000, conditioned that the company shall well and truly observe, fulfill and perform each term and condition of this agreement and that, in case of any breach of condition of the bond, the amount thereof shall be recoverable from the principal and surety thereof by the Borough of Norwood for all damages resulting from the failure of the company to well and faithfully observe and perform any provision of this agreement.

E. The insurance policy and bond obtained by the company in compliance with this section must be written by an insurance company with an A.M. Best rating of "A" or better and
shall be approved by the Borough Council of the Borough of Norwood, and a certificate of
insurance as evidence of the company's insurance policy and the performance bond,
including written evidence of the payment of required premiums, shall be filed and
maintained with the Borough of Norwood Manager/Secretary during the term of this
agreement.

F. All expenses of the above-noted insurance and bond shall be paid by the company.

§ A311-18. Agreement.

A. The company shall provide each public, private and parochial school, fire station,
ambulance corps building, public library and municipal office building and such public
auditoriums and institutions as are requested by the Borough of Norwood with a single
drop and basic service without charge. Additional drops and service will be charged to the
facility by the company at cost to the company of time and material only.

B. The company shall comply with the present and future rules and regulations of the FCC in
connection with and relating to the construction, operation and maintenance of its cable
system.

C. Education access channel. The company shall maintain one specifically designated channel
for use by the school district and provide, at no cost, a character generator for its exclusive
use.

D. Local government access channel. The company shall maintain, at no cost to the
municipality, one specially designated channel for the Borough of Norwood municipal use
at the Borough of Norwood Building or other place the Borough of Norwood may
designate and provide, at no cost, a character generator and television monitor for its
exclusive use.

E. A public access/leased access channel. The company shall maintain at least one specially
designated, noncommercial public access/leased access channel available for a first-come,
nondiscriminatory basis. In addition, other portions of its nonbroadcast bandwidths,
including unused portions of the specially designated channels, shall be available for leased
uses. On at least one of the public access/leased channels, priority shall be given to
part-time users.

F. System specifications.

(1) The system will be designed and constructed using a combination of fiber optics and
coaxial radio (RF) distribution. The system will have an analog bandwidth of 650
megahertz and a digital bandwidth of 210 megahertz for a total operational bandpass
of 860 megahertz. The analog bandwidth will provide for nearly 100 channels of
unscrambled and in-the-clear programming. The digital tier of over 200 megahertz
has the ability to provide hundreds of additional channels using digital compression
and a specially designed set-top box.

(2) The system will consist of a combination of digital and analog transport using
wavelength division multiplexing (WDM) and 1550 nm and 1310 nm optical
components connected to an 860 megahertz optical node which will convert the
optical signals to RF signals for distribution on a coaxial-based system. Each optical node will be constructed with at least a twelve-fiber bundle of single-mode fibers to serve an area no larger than 75 to 150 homes passed. This design will accommodate other communications services such as telephony and high-speed data.

(3) Each optical node and its RF distribution will be powered using a zero transfer standby power supply to minimize interruptions of service caused by power outages. The coaxial cable will be of the jacketed variety for durability and performance. All splicing and RF connections will use integral sleeve pin-type connectors and will be shielded with heat-shrinkable tubing for weather protection.

(4) The system will be designed and constructed to be an active two-way plant utilizing the return bandwidth of five megahertz to 40 megahertz to permit such services as impulse pay per view, high-speed data, telemetry, telephony, and other telecommunications services. These return signals will be transmitted back to the primary head end or hub using the optical return laser in the node. The optical return laser has a return bandwidth of five megahertz to 200 megahertz to allow for additional future bandwidth requirements. The head end site will be geographically located to service the Philadelphia metro area using a digital and/or analog fiber transmission system. A hub site will be located on or near the municipality area to distribute these signals.

G. At no time shall the company monitor the viewing habits of its customers without the express permission of said customers. Pursuant to the Cable Communications Policy Act of 1984, the Cable Television Consumer Protection and Competition Act of 1992 and the Telecommunications Act of 1996, hereinafter referred to as the "Cable Act," all personally identifiable information is used solely for the normal business purpose of offering and rendering cable television service to the customer. The company will not disclose personally identifiable information without permission of the customer.

H. The company shall make its best effort to carry on its system the signals of all stations significantly viewed in Delaware County, Pennsylvania, these to include all local network and education VHF stations and local UHF stations and, in addition, no fewer than two distant commercial stations.

I. The company shall provide, without charge to the Borough of Norwood, the company's high-speed internet access service at up to three locations within the Borough of Norwood Municipal Building and three locations at the municipal library. Such locations shall be determined by the Borough Secretary/Manager. In addition, the company will provide the Borough of Norwood with assistance in establishing a web site and reasonable storage capacity sufficient to host a web site to disseminate information about the Borough of Norwood programs and services.

J. The company shall supply and install, at no cost to the customer, a closed-captioned device when requested by the hearing impaired.

K. The company shall faithfully comply with all the provisions of Ordinance No. 99-3, as

2. Editor's Note: See 47 U.S.C. § 521 et seq.
amended, provided that where there is a conflict between such ordinance and the agreement between the municipality and the company, the language of the agreement shall prevail.

§ A311-19. Availability of service.

The company shall make cable service available, when permitted by the property owner, to all residents in private housing in the Borough of Norwood, subject to all provisions of this agreement.

§ A311-20. Requests for special service.

The company must obtain a permit from the Borough of Norwood to provide segments of subscribers any specialized service that will not be available to all subscribers. All requests shall demonstrate that the service is not contrary to the public interest and will not affect the company's ability to deliver service to other users and subscribers.


A. The Borough of Norwood shall not prohibit or limit any program or any class or type of program or otherwise control the communications or signals transmitted by the company or impose discriminatory or preferential fees in any manner that would tend to encourage or discourage programming of any particular nature, directly or indirectly, and shall not promulgate any regulation that would interfere with the right of free speech by means of the company's provision of cable television services.

B. The company shall not prohibit or limit any program or class or type of program presented over a leased channel or any channel made available for public access or educational purposes.

§ A311-22. Continuation of service.

In the event of expiration, cancellation or transfer of the franchise, the company shall be required to continue to operate the system until an orderly change of operation is effectuated and shall be subject to an accounting for net earnings or losses during this interim period.

§ A311-23. Validity of franchise.

The company was represented throughout the negotiations of the franchise by its own attorneys and has had opportunity to consult with its own attorneys about its rights and obligations regarding the franchise. In consideration of the grant of the franchise to the company, the company hereby waives any claim which it may have with respect to the issuance of and/or the terms and conditions of this agreement. In consideration of the grant of the franchise to the company, the company also releases the Borough of Norwood and any of its elected officials, employees, representatives, agents, servants, including attorneys, from any claims it may have, known or unknown, including, without limitation, claims arising under Pennsylvania law, the Cable Act, the ordinances and Charter of the Borough of Norwood and/or the requirements of

3. Editor's Note: See 47 U.S.C. § 521 et seq.
federal, state or municipal law, including the Constitutions of the United States and of Pennsylvania. However, the foregoing release shall not apply to any claims which the company may have with respect to the terms and conditions of this agreement where substantially the same terms and conditions of other cable television franchises have been held invalid by a binding and final judgment of the United States or Pennsylvania Supreme Courts.


A. The company shall indemnify and hold the Borough of Norwood and its public officials, employees, agents and servants harmless at all times during the term of this franchise from any and all claims alleged to be caused by the company's construction, installation, operation or maintenance of any structure, equipment, wire or cable authorized to be installed pursuant to the franchise or in the exercise of any of its rights under this franchise. Upon receipt of notice in writing from the Borough of Norwood, the company shall at its own expense defend any such actions or proceedings. Indemnified expenses shall include, without limitation, all out-of-pocket expenses, such as reasonable attorneys' fees and:

(1) Requests for relief arising out of any claim for invasion of the rights of privacy; for defamation of any person, firm or corporation; for the violation or infringement of any contract and copyright, trademark, trade name/service mark or patent or of any other right of any person, firm or corporation, excluding claims arising out of or relating to the Borough of Norwood's own programming and leased access.

(2) Any and all claims arising out of the company's failure to comply with the provisions of this agreement or any federal, state or local law, ordinance or regulation applicable to the company or the cable system.

(3) Any and all claims which the company may now or hereafter have or claim to have against the Borough of Norwood, its servants, agents, attorneys, representatives, employees or officials, due to or arising out of damage to any of the company's property or equipment, including, without limitations, the resulting or consequential loss of income, injury to reputation or any other resulting or consequential damages of any kind, caused by or resulting from negligent acts or omissions of the Borough of Norwood or any of its servants, agents, attorneys, representatives, employees or officials.

(4) Any and all disputes arising out of a claim wherein damages or other relief is sought as a result of the Borough of Norwood cable communications franchising procedure or as a result of the renewal of the cable communications franchise or as a result of the Borough of Norwood's award or failure to award a franchise to any other person, partnership, corporation or other legal entity.

(5) If suit be brought or threatened against the Borough of Norwood, either independently or jointly with the company, arising out of company's installation, construction, operation or maintenance of the cable television system, or with any other person or municipality, the company, upon notice given by the Borough of Norwood, shall defend the Borough of Norwood, its public officials, employees, servants and agents, at the cost of the company. If final judgment is obtained against the Borough of Norwood, its public officials, employees, servants and agents, either
independently or jointly with the company or any other defendants, the company shall
indemnify the Borough of Norwood, its public officials, employees, servants and
agents, and pay such judgment with all costs and satisfy and discharge the same.

B. In order for the Borough of Norwood to assert its rights to be indemnified, defended or
held harmless:

(1) The Borough of Norwood must promptly notify the company of any claim or legal
proceeding which gives rise to such right;

(2) The Borough of Norwood shall afford the company the opportunity to participate in
and fully control any compromise, settlement or other resolution or disposition of
such claim or proceeding, unless, however, the Borough of Norwood, in its sole
discretion, determines that its interests cannot be represented in good faith by the
company; and

(3) The Borough of Norwood shall fully cooperate with the reasonable requests of the
company in its participation in, and control, compromise, settlement or resolution or
other disposition of, such claim or proceeding subject to Subsection B(2) above.

C. The Borough of Norwood reserves the right to cooperate with the company and participate
in the defense of any litigation, either through intervention or otherwise. The company
shall pay, upon receipt of written demand from the Borough of Norwood, all expenses
incurred by the Borough of Norwood in defending itself with regard to any matters in this
section. These expenses shall include, but not be limited to, attorneys' fees and the
reasonable value of services (as determined by the Borough of Norwood) rendered by the
Borough of Norwood or any of its employees, officials, attorneys, servants, agents or
representatives.

D. The Borough of Norwood is in no manner or means waiving any governmental immunity it
may enjoy or any immunity for its agents, officials, servants, attorneys representatives
and/or employees.

E. The company shall make no settlement in any matter identified above without the Borough
of Norwood's written consent, which shall not be unreasonably withheld. Failure to inform
the Borough of Norwood of settlement shall constitute a breach of this franchise
agreement, and the Borough of Norwood may seek any redress available to it against the
company, whether set forth in this agreement.

F. If the Borough of Norwood awards any additional communications franchise or extensions
thereof in any future franchise process to a firm other than the company, then the company
agrees that it will not bring, or cause to be brought, any action, suit or other proceeding
claiming damages or seeking any other relief against the Borough of Norwood, its elected
officials, officers, boards, commissions, employees, representatives, servants, agents or
attorneys for any award of a franchise made in conformity with this agreement,
Pennsylvania Law, the Cable Communications Policy Act of 1984, the Cable Television
Consumer Protection and Competition Act of 1992 and the Telecommunications Act of
1996.4

G. All rights of the Borough of Norwood pursuant to indemnification, insurance, letter of credit or performance bond(s), as provided for by this agreement, are in addition to all other rights the Borough of Norwood may have under this agreement or any other ordinance, rule, regulation or law.

H. The Borough of Norwood's exercise of or failure to exercise any rights, pursuant to any section of this agreement, shall not affect in any way the right of the Borough of Norwood subsequently to exercise any such rights or any other right of the Borough of Norwood under this agreement or any other ordinance, rule, regulation or law.

I. It is the purpose of this section to provide maximum indemnification to the Borough of Norwood under the terms and conditions expressed, and, in the event of a dispute, this section shall be construed (to the greatest extent permitted by law) to provide for the indemnification of the Borough of Norwood by the company.

§ A311-25. Amendments; severability.

A. To the extent that the Federal Communications Commission shall terminate controls in any area pertinent to this agreement, this agreement may be amended by the Borough of Norwood with the consent of the company.

B. If any section, subsection, sentence, clause, phrase or portion of this agreement is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holdings shall not affect the validity of the remaining portions hereof.

§ A311-26. Terms and definitions.

For the purpose of this agreement, all terms, phrases, words and their derivations shall have the meanings set forth in the Cable Act, unless the context clearly indicates that another meaning is intended.

ARTICLE II
Verizon Pennsylvania, Inc.
[Adopted 9-22-2008 by Ord. No. 2008-9 (Ch. 96, Art. II, of the 1967 Codification)]


The Borough of Norwood, by its designated representatives, is hereby authorized to enter into a cable franchise agreement with Verizon Pennsylvania, Inc., to install, construct, own, operate and maintain a cable communications system under and subject to the terms and conditions of a written cable franchise agreement, a copy of which is attached hereto and made an integral part of this ordinance as though fully set forth at length herein.

4. Editor's Note: See 47 U.S.C. § 521 et seq.

5. Editor's Note: See 47 U.S.C. § 521 et seq.

Should any section, subsection, paragraph, sentence, law or phrase of this ordinance be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this ordinance, which shall remain in full force and effect, and for this purpose, the provisions of this ordinance are hereby declared to be severable.

§ A311-29. Repealer.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict. The Borough reserves the right at any time, by ordinance, to amend or otherwise modify or repeal this ordinance.

§ A311-30. When effective.

This ordinance shall become effective immediately upon the execution of the cable franchise agreement as provided.
Chapter DT

DERIVATION TABLE

In order to assist Code users in the transition to the new Code's organization, the Derivation Table indicates where chapters and articles of the 1967 Codification have been included in the 2012 Code, or the reason for exclusion.

§ DT-1. Derivation Table of 1967 Codification to 2012 Code.

<table>
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<th>NCM</th>
<th>Repealed effective with adoption of Code; see Ch. 1, Art. II.</th>
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<td>NLP</td>
<td>New legislation is pending.</td>
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- Part 1, General Regulations                                          | Ch. A310, Part 1      |
- Part 2, Physical and Psychological Examinations                      | Ch. A310, Part 2      |

Part II: Ch. 96, Cable Television Franchise

Chapter DL

DISPOSITION LIST

The following is a chronological listing of legislation of the Borough of Norwood adopted since the publication of the Code, indicating its inclusion in the Code or the reason for its exclusion. [Enabling legislation which is not general and permanent in nature is considered to be non-Code material (NCM).] The last legislation reviewed for the original publication of the Code was No. 2011-5, adopted 10-24-2011.

§ DL-1. Disposition of legislation.

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<th>Enactment</th>
<th>Adoption Date</th>
<th>Subject</th>
<th>Disposition</th>
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