

BOROUGH OF CANONSBURG  
COUNTY OF WASHINGTON, PENNSYLVANIA

ORD. NO. 1372

AN ORDINANCE TO APPROVE, ADOPT AND ENACT AN ORDINANCE CODIFICATION FOR THE BOROUGH OF CANONSBURG, COUNTY OF WASHINGTON, COMMONWEALTH OF PENNSYLVANIA; TO PROVIDE FOR THE REPEAL OF CERTAIN LEGISLATION NOT INCLUDED THEREIN; TO SAVE FROM REPEAL CERTAIN OTHER LEGISLATION NOT INCLUDED THEREIN; AND TO PROVIDE PENALTIES FOR TAMPERING WITH THE CODE

Be it enacted and ordained by the Borough Council of the Borough of Canonsburg, County of Washington, Commonwealth of Pennsylvania, and it is enacted and ordained as follows:

ARTICLE I  
**Adoption of Code**

**§ 1-1. Approval, adoption and enactment of Code.**

Pursuant to Section 3301.5 of the Borough Code (8 Pa.C.S.A. § 3301.5), the codification of a complete body of legislation for the Borough of Canonsburg, County of Washington, Commonwealth of Pennsylvania, as revised, codified and consolidated into chapters, articles and sections by General Code, and consisting of Chapters 1 through 170, together with an Appendix, is hereby approved, adopted, ordained and enacted as a single ordinance of the Borough of Canonsburg, which shall be known and is hereby designated as the "Code of Canonsburg Borough," hereinafter referred to as the "Code."

**§ 1-2. Effect of Code on previous provisions.**

The provisions of this Code, insofar as they are substantively the same as those of ordinances in force immediately prior to the enactment of this ordinance, are intended as a continuation of such ordinances and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior ordinance. All such provisions are hereby continued in full force and effect and are hereby reaffirmed as to their adoption by the Borough Council of the Borough of Canonsburg, and it is the intention of said Borough Council that each such provision contained within the Code is hereby reenacted and reaffirmed as it appears in said Code. Only such provisions of former ordinances as are omitted from this Code shall be deemed repealed or abrogated by the provisions of § 1-3 below, and only new or changed provisions, as described in § 1-6 below, shall be deemed to be enacted from the effective date of this Code, as provided in § 1-15 below.

**§ 1-3. Inconsistent legislation repealed.**

- A. Repeal of inconsistent ordinances. Except as provided in § 1-4, Legislation saved from repeal; matters not affected by repeal, below, all ordinances or parts of ordinances inconsistent with the provisions contained in the Code adopted by this ordinance are hereby

repealed as of the effective date given in § 1-15; provided, however, that such repeal shall only be to the extent of such inconsistency, and any valid legislation of the Borough of Canonsburg which is not in conflict with the provisions of the Code shall be deemed to remain in full force and effect.

- B. Repeal of specific ordinances. The Borough Council of the Borough of Canonsburg has determined that the following ordinances are no longer in effect and hereby specifically repeals the following legislation:
- (1) Ordinance No. 1311, former Chapter 131, Property Maintenance, Article II, Property Maintenance Enforcement, of the 1988 Code, adopted December 12, 2011.
  - (2) Former Chapter 77, Building Construction, Article I, Building Code, of the 1988 Code.

**§ 1-4. Legislation saved from repeal; matters not affected by repeal.**

The adoption of this Code and the repeal of ordinances provided for in § 1-3 of this ordinance shall not affect the following ordinances, rights and obligations, which are hereby expressly saved from repeal; provided, however, that the repeal of ordinances pursuant to § 1-3 or the saving from repeal of ordinances pursuant to this section shall not be construed so as to revive any ordinance previously repealed, superseded or no longer of any effect:

- A. Any ordinance adopted subsequent to March 14, 2022.
- B. Any right or liability established, accrued or incurred under any legislative provision of the Borough prior to the effective date of this ordinance or any action or proceeding brought for the enforcement of such right or liability or any cause of action acquired or existing.
- C. Any offense or act committed or done before the effective date of this ordinance in violation of any legislative provision of the Borough or any penalty, punishment or forfeiture which may result therefrom.
- D. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this ordinance, brought pursuant to any legislative provision of the Borough.
- E. Any franchise, license, right, easement or privilege heretofore granted or conferred by the Borough or any lawful contract, obligation or agreement.
- F. Any ordinance appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond of the Borough or other instruments or evidence of the Borough's indebtedness.
- G. Any ordinance adopting an annual budget or establishing an annual tax rate.
- H. Any ordinance providing for the levy, imposition or collection of special taxes, assessments or charges.

- I. Any ordinance authorizing the purchase, sale, lease or transfer of property or acquiring property by acceptance of deed, condemnation or exercise of eminent domain.
- J. Any ordinance annexing land to the Borough.
- K. Any ordinance providing for or requiring the construction or reconstruction or opening of sidewalks, curbs and gutters.
- L. Any ordinance or part of an ordinance providing for laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, sidewalk, park or other public place or property or designating various streets as public highways.
- M. Any ordinance establishing water, sewer or other special purpose districts and designating the boundaries thereof; providing for a system of sewers or water supply lines; or providing for the construction, extension, dedication, acceptance or abandonment of any part of a system of sewers or water supply lines.
- N. Any ordinance providing for the making of public improvements.
- O. Any ordinance providing for the salaries and compensation of officers and employees of the Borough or setting the bond of any officer or employee.
- P. Any ordinance concerning changes and amendments to the Zoning Map.
- Q. Any ordinance relating to or establishing a pension plan or pension fund for municipal employees.
- R. Any ordinance or portion of an ordinance establishing a specific fee amount for any license, permit or service obtained from the Borough.
- S. Any currently effective ordinance providing for intergovernmental cooperation or establishing an intermunicipal agreement.

**§ 1-5. Inclusion of new legislation prior to adoption of Code.**

All ordinances of a general and permanent nature adopted subsequent to the date given in § 1-4A and/or prior to the date of adoption of this ordinance are hereby deemed to be a part of the Code and shall, upon being printed, be included therein. Attested copies of all such ordinances shall be temporarily placed in the Code until printed supplements are included.

**§ 1-6. Changes and revisions in previously adopted legislation; new provisions.**

- A. Nonsubstantive changes. In compiling and preparing the ordinances of the Borough for adoption and revision as part of the Code, certain nonsubstantive grammatical and style changes were made in one or more of said ordinances. It is the intention of the Borough Council that all such changes be adopted as part of the Code as if the ordinances so changed had been previously formally amended to read as such.

- B. Substantive changes and revisions. In addition to the changes and revisions described above, changes and revisions of a substantive nature, as set forth in Schedule A attached hereto and made a part hereof, are hereby made to various ordinances included in the Code. These changes are enacted to bring provisions into conformity with the desired policies of the Borough Council, and it is the intent of the Borough Council that all such changes be adopted as part of the Code as if the legislation so changed had been previously formally amended to read as such. All such changes and revisions shall be deemed to be in effect as of the effective date of the Code specified in § 1-15.
- C. Nomenclature changes and revisions.
- (1) Throughout the Code, the term "Councilman" is amended to read "Council member," and the term "Councilmen" is amended to read "Council members."
  - (2) Throughout the Code, the terms "District Justice," "District Magistrate," and "Magistrate" are amended to read "Magisterial District Judge."
  - (3) Throughout the Code, references to the U.S. Department of Agriculture's "Soil Conservation Service" are amended to read "Natural Resources Conservation Service," and the term "SCS" is amended to read "NRCS."
  - (4) Throughout the Code, the term "Department of Environmental Resources" is amended to read "Department of Environmental Protection."
  - (5) Throughout the Code, the term "Department of Environmental Resources" is amended to read "Department of Environmental Protection."
  - (6) Throughout the Code, the term "Street Commissioner" is amended to read "Code Enforcement Officer."
  - (7) Throughout Chapter 99, Floodplain Management, references to the 2009 editions of the IBC and IRC and changed to the 2015 editions.
- D. Statutory reference updates. Pursuant to recodification of the Borough Code in 2012 and 2014 (see now 8 Pa.C.S.A. § 101 et seq.), statutory citations referring to specific sections of the Borough Code have been updated accordingly throughout the Code.

### **§ 1-7. Interpretation of provisions.**

In interpreting and applying the provisions of the Code, they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare. Where the provisions of the Code impose greater restrictions or requirements than those of any statute, other ordinance, resolution or regulation, the provisions of the Code shall control. Where the provisions of any statute, other ordinance, resolution or regulation impose greater restrictions or requirements, the provisions of such statute, other ordinance, resolution or regulation shall control.

**§ 1-8. Titles and headings; editor's notes.**

- A. Chapter and article titles, headings and titles of sections and other divisions in the Code or in supplements made to the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the legislation.
- B. Editor's notes indicating sources of sections, giving other information or referring to the statutes or to other parts of the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the legislation.

**§ 1-9. Filing of copy of Code.**

At least one copy of the Code in a post-bound volume shall be filed with the Ordinance Book in the office of the Borough Manager and shall remain there for use and examination by the public. Upon adoption, such copy or copies shall be certified to by the Borough Manager, as provided by law, and such certified copy or copies shall remain on file in the office of the Borough Manager, available to persons desiring to examine the same during all times while said Code is in effect.

**§ 1-10. Amendments to Code.**

Any and all additions, deletions, amendments or supplements to the Code, when passed and adopted in such form as to indicate the intention of the Borough Council to be a part thereof, shall be deemed to be incorporated into such Code so that reference to the Code shall be understood and intended to include such changes. Whenever such additions, deletions, amendments or supplements to the Code shall be adopted, they shall thereafter be printed and, as provided hereunder, inserted in the post-bound book containing said Code as amendments and supplements thereto.

**§ 1-11. Code books to be kept up-to-date.**

It shall be the duty of the Borough Manager or someone authorized and directed by him or her to keep up-to-date the certified copy or copies of the book containing the Code required to be filed in the office of the Borough Manager for the use of the public. All changes in said Code and all legislation adopted by the Borough Council subsequent to the effective date of this codification which the Borough Council shall adopt specifically as part of the Code shall, when finally adopted, be included therein by reference until such changes or new legislation are printed as supplements to said Code books, at which time such supplements shall be inserted therein.

**§ 1-12. Publication of notices.**

The Borough Manager, pursuant to law, shall cause to be published in the manner required a notice of the introduction and of the adoption of the Code in a newspaper of general circulation in the Borough. The enactment and application of this ordinance, coupled with the publication of the notice of introduction, the availability of a copy or copies of the Code for inspection by the public and the filing of an attested copy of this ordinance with the county, as required by law, shall be



**Borough of Canonsburg  
Code Adoption Ordinance**

**Schedule A  
Specific Revisions at Time of Adoption of Code**

**Chapter 9, Borough Council.**

**Article I, Meetings.**

Section 9-1 is amended to read as follows:

*Regular meetings of the Borough Council shall convene at the Borough building on the second Monday of each month at a time that is designated by the Borough Council.*

**Chapter 14, Civil Service Commission.**

Section 14-7 is amended as indicated: "A quorum shall consist of ~~two~~ three members."

**Chapter 20, Election Districts.**

Section 20-1 is amended to read as follows:

*The Borough of Canonsburg shall continue to have three election districts represented by two Council members from each election district, plus one Council member at large.*

**Chapter 32, Manager.**

Section 32-2D is added to read:

*The Borough Council may enter into an employment agreement with the Borough Manager pursuant to 8 Pa.C.S.A. § 1142(b).*

**Chapter 63, Alarms.**

Section 63-4 is amended to read as follows:

*A person that owns, uses or possesses an alarm device or automatic dialing device may not, after causing or permitting three false alarms to occur in a consecutive twelve-month period, cause or permit a subsequent false alarm to occur in the same consecutive twelve-month period. A person that violates this section commits a summary offense and shall, upon conviction, be sentenced to pay a fine of not more than \$300.*

**Chapter 68, Amusement Devices.**

Section 68-13A is amended to read as follows:

*Any person who violates or permits a violation of this chapter shall, upon conviction in a summary proceeding under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not less than \$100 nor more than \$1,000,*

*plus court costs and reasonable attorneys' fees incurred by the Borough in the enforcement proceedings. Upon judgment against any person by summary conviction, or by proceedings by summons on default of the payment of the fine or penalty imposed and the costs, the defendant may be sentenced and committed to the Borough correctional facility for a period not exceeding 10 days or to the county correctional facility for a period not exceeding 30 days. Each day that such violation exists shall constitute a separate offense, and each section of this chapter that is violated shall also constitute a separate offense. In addition to or in lieu of enforcement under this subsection, the Borough may enforce this chapter in equity in the Court of Common Pleas of Washington County.*

### **Chapter 81, Buildings, Numbering of.**

- A. Section 81-1 is amended to add the following sentence to the end of the section: "All numbers shall be in compliance with the Uniform Construction Code."
- B. Section 81-3 is amended to read as follows:

*Any person who violates or permits a violation of this chapter shall, upon conviction in a summary proceeding under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not more than \$1,000, plus court costs and reasonable attorneys' fees incurred by the Borough in the enforcement proceedings. Upon judgment against any person by summary conviction, or by proceedings by summons on default of the payment of the fine or penalty imposed and the costs, the defendant may be sentenced and committed to the Borough correctional facility for a period not exceeding 10 days or to the county correctional facility for a period not exceeding 30 days. Each day that such violation exists shall constitute a separate offense, and each section of this chapter that is violated shall also constitute a separate offense. In addition to or in lieu of enforcement under this section, the Borough may enforce this chapter in equity in the Court of Common Pleas of Washington County.*

### **Chapter 85, Brush, Grass and Weeds.**

- A. Section 85-3 is amended as indicated: "~~The Borough Council or any officer or employee of the Borough designated thereby for the purpose is~~ The officer or employee of the Borough appointed by the Council for the purpose is hereby authorized to give notice ..."
- B. Section 85-4 is amended to read as follows:

*Any person who violates or permits a violation of this chapter shall, upon conviction in a summary proceeding under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not less than \$100 nor more than \$1,000, plus court costs and reasonable attorneys' fees incurred by the Borough in the enforcement proceedings. Upon judgment against any person by summary conviction, or by proceedings by summons on default of the payment of the fine or penalty imposed and the costs, the defendant may be sentenced and committed to the Borough correctional facility for a period not exceeding 10 days or to the county correctional facility for a period not exceeding 30 days. Each day that such violation exists shall constitute a separate offense, and each section of this chapter that is violated shall also constitute a separate offense. In addition to or in lieu of enforcement under this section, the Borough may enforce this chapter in equity in the Court of Common Pleas of Washington County.*



**Chapter 91, Certificates of Occupancy.**

## A. Section 91-4 is amended as indicated:

*Each application for an occupancy permit (including a determination of zoning conforming and/or a nonconforming use) shall be accompanied by a \$75 fee set by resolution of the Council for a determination and/or inspection fee for a decision of compliance. The Borough may increase this fee administratively if the determination requires excessive inspection due to complex factors presented by the owner and/or tenant or other interested parties. An amended fee will be set from time to time by resolution of the Borough Council.*

## B. Section 91-11 is amended to read as follows:

*Any person who violates or permits a violation of this chapter shall, upon conviction in a summary proceeding under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not less than \$300 and not more than \$1,000, plus court costs and reasonable attorneys' fees incurred by the Borough in the enforcement proceedings. Upon judgment against any person by summary conviction, or by proceedings by summons on default of the payment of the fine or penalty imposed and the costs, the defendant may be sentenced and committed to the Borough correctional facility for a period not exceeding 10 days or to the county correctional facility for a period not exceeding 30 days. Each day that such violation exists shall constitute a separate offense, and each section of this chapter that is violated shall also constitute a separate offense. In addition to or in lieu of enforcement under this section, the Borough may enforce this chapter in equity in the Court of Common Pleas of Washington County.*

**Chapter 99, Floodplain Management.**

## Section 99-16B is amended to read as follows:

*Penalties. Any person who violates or permits a violation of this chapter shall, upon conviction in a summary proceeding under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not less than \$25 nor more than \$1,000, plus court costs and reasonable attorneys' fees incurred by the Borough in the enforcement proceedings. Upon judgment against any person by summary conviction, or by proceedings by summons on default of the payment of the fine or penalty imposed and the costs, the defendant may be sentenced and committed to the Borough correctional facility for a period not exceeding 10 days or to the county correctional facility for a period not exceeding 30 days. Each day that such violation exists shall constitute a separate offense, and each section of this chapter that is violated shall also constitute a separate offense. In addition to or in lieu of enforcement under this section, the Borough may enforce this chapter in equity in the Court of Common Pleas of Washington County.*

**Chapter 102, Grading and Excavation.**

## A. Section 102-7A is amended as indicated:

*Improvements, such as erection of retaining walls, driveway paving, minor regrading or activities on a property which do not adversely affect the natural overland or subsurface flow of stormwater, drainage of any premises or adversely disturb the landscape, in a gross area of ~~up to 25 acres~~ less than 10,000 square feet and less than 300 cubic feet of earthmoving on any one property.*

- B. Section 102-10 is amended to add the following sentence to the beginning of the lead-in paragraph: "For any project proposing to disturb one acre or greater, a Chapter 102 permit shall be required."
- C. Section 102-16A is amended to read as follows:

*Any person who violates or permits a violation of this chapter shall, upon conviction in a summary proceeding under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not more than \$1,000, plus court costs and reasonable attorneys' fees incurred by the Borough in the enforcement proceedings. Upon judgment against any person by summary conviction, or by proceedings by summons on default of the payment of the fine or penalty imposed and the costs, the defendant may be sentenced and committed to the Borough correctional facility for a period not exceeding 10 days or to the county correctional facility for a period not exceeding 30 days. Each day that such violation exists shall constitute a separate offense, and each section of this chapter that is violated shall also constitute a separate offense. In addition to or in lieu of enforcement under this section, the Borough may enforce this chapter in equity in the Court of Common Pleas of Washington County.*

## **Chapter 106, Insurance.**

### **Article I, Fire Insurance Claims.**

Section 106-8 is amended to read as follows:

*Any person who violates or permits a violation of this article shall, upon conviction in a summary proceeding under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not more than \$1,000, plus court costs and reasonable attorneys' fees incurred by the Borough in the enforcement proceedings. Upon judgment against any person by summary conviction, or by proceedings by summons on default of the payment of the fine or penalty imposed and the costs, the defendant may be sentenced and committed to the Borough correctional facility for a period not exceeding 10 days or to the county correctional facility for a period not exceeding 30 days. Each day that such violation exists shall constitute a separate offense, and each section of this article that is violated shall also constitute a separate offense. In addition to or in lieu of enforcement under this section, the Borough may enforce this article in equity in the Court of Common Pleas of Washington County.*

## **Chapter 110, Littering.**

Section 110-11 is amended to read as follows:

*Any person who violates or permits a violation of this chapter shall, upon conviction in a summary proceeding under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not less than \$100 nor more than \$1,000, plus court costs and reasonable attorneys' fees incurred by the Borough in the enforcement proceedings. Upon judgment against any person by summary conviction, or by proceedings by summons on default of the payment of the fine or penalty imposed and the costs, the defendant may be sentenced and committed to the Borough correctional facility for a period not exceeding 10 days or to the county correctional facility for a period not exceeding 30 days. Each day that such violation exists shall constitute a separate offense, and each section of this chapter that is violated shall also constitute a separate offense. In addition to or in lieu of enforcement under this section, the Borough may enforce this chapter in equity in the Court of Common Pleas of Washington County.*

## **Chapter 118, Mobile Home Parks.**

Section 118-14 is amended to read as follows:

*Any person who violates or permits a violation of this chapter shall, upon conviction in a summary proceeding under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not more than \$1,000, plus court costs and reasonable attorneys' fees incurred by the Borough in the enforcement proceedings. Upon judgment against any person by summary conviction, or by proceedings by summons on default of the payment of the fine or penalty imposed and the costs, the defendant may be sentenced and committed to the Borough correctional facility for a period not exceeding 10 days or to the county correctional facility for a period not exceeding 30 days. Each day that such violation exists shall constitute a separate offense, and each section of this chapter that is violated shall also constitute a separate offense. In addition to or in lieu of enforcement under this section, the Borough may enforce this chapter in equity in the Court of Common Pleas of Washington County.*

## **Chapter 120, Municipal Claims and Liens.**

Section 120-2A is amended to change "Pa.R.C.P. No. 3129" to "the Pennsylvania Rules of Civil Procedure."

## **Chapter 122, Parades and Special Events.**

In § 122-2, the definition of "special event permit" is amended to revise the phrase "This document by shall be based" to read "This document shall be based... ."

## **Chapter 123, Parks and Recreation.**

Section 123-8 is amended to read as follows:

*Any person who violates or permits a violation of this chapter shall, upon conviction in a summary proceeding under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not more than \$1,000, plus court costs and reasonable attorneys' fees incurred by the Borough in the enforcement proceedings. Upon judgment against any person by summary conviction, or by proceedings by summons on default of the payment of the fine or penalty imposed and the costs, the defendant may be sentenced and committed to the Borough correctional facility for a period not exceeding 10 days or to the county correctional facility for a period not exceeding 30 days. Each day that such violation exists shall constitute a separate offense, and each section of this chapter that is violated shall also constitute a separate offense. In addition to or in lieu of enforcement under this section, the Borough may enforce this chapter in equity in the Court of Common Pleas of Washington County.*

## **Chapter 135, Rental Property.**

### **Article I, Tenant Lists.**

Section 135-3 is amended to read as follows:

*Any person who violates or permits a violation of this article shall, upon conviction in a summary proceeding under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not more than \$1,000, plus court costs and reasonable attorneys' fees incurred by the Borough in the enforcement proceedings. Upon judgment against*

*any person by summary conviction, or by proceedings by summons on default of the payment of the fine or penalty imposed and the costs, the defendant may be sentenced and committed to the Borough correctional facility for a period not exceeding 10 days or to the county correctional facility for a period not exceeding 30 days. Each day that such violation exists shall constitute a separate offense, and each section of this article that is violated shall also constitute a separate offense. In addition to or in lieu of enforcement under this section, the Borough may enforce this article in equity in the Court of Common Pleas of Washington County.*

## **Chapter 142, Signs.**

Section 142-13 is amended, in part, as indicated: "...work in the erection, alteration, removal or repair of any sign without first having obtained ... ."

## **Chapter 144, Solid Waste.**

### **Article I, Collection and Disposal.**

Section 144-12 is amended to read as follows:

*Any person who violates or permits a violation of this article shall, upon conviction in a summary proceeding under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not less than \$100 nor more than \$1,000, plus court costs and reasonable attorneys' fees incurred by the Borough in the enforcement proceedings. Upon judgment against any person by summary conviction, or by proceedings by summons on default of the payment of the fine or penalty imposed and the costs, the defendant may be sentenced and committed to the Borough correctional facility for a period not exceeding 10 days or to the county correctional facility for a period not exceeding 30 days. Each day that such violation exists shall constitute a separate offense, and each section of this article that is violated shall also constitute a separate offense. In addition to or in lieu of enforcement under this section, the Borough may enforce this article in equity in the Court of Common Pleas of Washington County.*

### **Article II, Recycling.**

Section 144-23B is amended to read as follows:

*Any person who violates or permits a violation of this article shall, upon conviction in a summary proceeding under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not less than \$100 nor more than \$1,000, plus court costs and reasonable attorneys' fees incurred by the Borough in the enforcement proceedings. Upon judgment against any person by summary conviction, or by proceedings by summons on default of the payment of the fine or penalty imposed and the costs, the defendant may be sentenced and committed to the Borough correctional facility for a period not exceeding 10 days or to the county correctional facility for a period not exceeding 30 days. Each day that such violation exists shall constitute a separate offense, and each section of this article that is violated shall also constitute a separate offense. In addition to or in lieu of enforcement under this section, the Borough may enforce this article in equity in the Court of Common Pleas of Washington County.*

## **Chapter 147, Stormwater Management.**

A. Section 147-6.

(1) The definition of "Type II rainfall" is amended to read as follows:

*Rainfall pattern and distribution of magnitude and duration, defined by the Natural Resources Conservation Service branch of the United States Department of Agriculture, defined for a given geographical area of the United States. In the local geographical area, defined as a Type II pattern.*

- (2) The definition of "storage facility" is amended to change "retention basin" to "retention facility."
- B. Section 147-9C is amended to update the reference to 25 Pennsylvania Code Chapter 92 to 25 Pennsylvania Code Chapter 102.

- C. Section 147-13E is amended as indicated:

*A maintenance program establishing ownership and maintenance responsibilities for all stormwater control facilities (~~Identify specific person or entity.~~) and detailing financial requirements and sources of funding. Submit any legal agreements required to implement the maintenance program and copies of the maintenance agreement as ~~specified by Section 506 of the Subdivision and Land Development Ordinance~~ required by this chapter and any other applicable ordinance.*

- D. Section 147-39E(1) is amended to read as follows:

*Any person who violates or permits a violation of this chapter shall, upon conviction in a summary proceeding under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not less than \$100 nor more than \$1,000, plus court costs and reasonable attorneys' fees incurred by the Borough in the enforcement proceedings. Upon judgment against any person by summary conviction, or by proceedings by summons on default of the payment of the fine or penalty imposed and the costs, the defendant may be sentenced and committed to the Borough correctional facility for a period not exceeding 10 days or to the county correctional facility for a period not exceeding 30 days. Each day that such violation exists shall constitute a separate offense, and each section of this chapter that is violated shall also constitute a separate offense. In addition to or in lieu of enforcement under this section, the Borough may enforce this chapter in equity in the Court of Common Pleas of Washington County.*

## **Chapter 149, Streets and Sidewalks.**

- A. Section 149-20 is amended to change "20 days" to "30 days."
- B. Section 149-23 is amended to change \$100 to \$1,000.
- C. Sections 149-25, 149-32, 149-37, and 149-41 are amended to read as follows:

*Any person who violates or permits a violation of this article shall, upon conviction in a summary proceeding under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not more than \$1,000, plus court costs and reasonable attorneys' fees incurred by the Borough in the enforcement proceedings. Upon judgment against any person by summary conviction, or by proceedings by summons on default of the payment of the fine or penalty imposed and the costs, the defendant may be sentenced and committed to the Borough correctional facility for a period not exceeding 10 days or to the county correctional facility for a period not exceeding 30 days. Each day that such violation exists shall constitute a separate offense, and each section of this article that is violated shall also constitute a separate offense. In addition to or in lieu of enforcement*

*under this section, the Borough may enforce this article in equity in the Court of Common Pleas of Washington County.*

## **Chapter 153, Taxation.**

### **Article I, Earned Income Tax.**

The definition of "earned income" in § 153-1 is amended to read as follows: "As defined in the Local Tax Enabling Act, 53 P.S. § 6924.101 et seq., as amended."

### **Article II, Local Services Tax.**

- A. The definition of "earned income" in § 153-9 is amended to read as follows: "As defined in the Local Tax Enabling Act, 53 P.S. § 6924.101 et seq., as amended."
- B. Section 153-10 is amended as indicated: "Each natural person who exercises such privilege for any length of time during any tax year shall pay in accordance with the provisions of this article."
- C. Section 153-12G is amended as indicated: "Employers shall be required to remit the local services taxes to two days after the end of each quarter of a calendar year."
- D. Section 153-19.2A is amended as indicated:  
*~~Notwithstanding~~ Nothing contained in this article shall be construed to empower the Borough to levy and collect the tax hereby imposed on any occupation not within the taxing power of the Borough under the Constitution of the United States and the laws of the Commonwealth of Pennsylvania.*
- E. Section 153-19.3 is added to read: "The local services tax is authorized by the Local Tax Enabling Act, 53 P.S. § 6924.101 et seq."

### **Article III, Realty Transfer Tax.**

This article is amended to read as follows:

#### **§ 153-20. Imposition of taxes.**

*The Borough of Canonsburg adopts the provisions of Article XI-D of the Tax Reform Code of 1971 (72 P.S. § 8101-D et seq.) and imposes a realty transfer tax as authorized under that article subject to the rate limitations therein. The tax imposed under this section shall be at the rate of 1%.*

#### **§ 153-21. Administration.**

*The tax imposed under § 153-20 and all applicable interest and penalties shall be administered, collected and enforced under the Act of December 31, 1965 (P.L. 1257, No. 511), as amended, known as the "Local Tax Enabling Act" (53 P.S. § 6901 et seq. and 53 P.S. § 6924.101 et seq.), provided that, if the correct amount of the tax is not paid by the last date prescribed for timely payment, the Borough of Canonsburg, pursuant to Section 1102-D of the Tax Reform Code of 1971 (72 P.S. § 8102-D), authorizes and directs the Department of Revenue of the Commonwealth of Pennsylvania to determine, collect and enforce the tax, interest and penalties.*

#### **§ 153-22. Interest.**

*Any tax imposed under § 153-20 that is not paid by the date the tax is due shall bear interest as prescribed for interest on delinquent municipal claims under the Act of May 16, 1923 (P.L. 207, No. 153; 53 P.S. § 7101 et seq.), as amended, known as the "Municipal Claims and Tax Liens Act." The interest rate shall be the lesser of the interest rate imposed upon delinquent*

*commonwealth taxes as provided in Section 806 of the Act of April 9, 1929 (P.L. 343, No. 176; 72 P.S. § 806), as amended, known as the "Fiscal Code," or the maximum interest rate permitted under the Municipal Claims and Tax Liens Act for tax claims.*

## **Chapter 155, Telecommunications Facilities.**

### **Article I, Right-of-Way Permits.**

Section 155-17 is amended to read as follows:

*Any person who violates or permits a violation of this article shall, upon conviction in a summary proceeding under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not more than \$1,000, plus court costs and reasonable attorneys' fees incurred by the Borough in the enforcement proceedings. Upon judgment against any person by summary conviction, or by proceedings by summons on default of the payment of the fine or penalty imposed and the costs, the defendant may be sentenced and committed to the Borough correctional facility for a period not exceeding 10 days or to the county correctional facility for a period not exceeding 30 days. Each day that such violation exists shall constitute a separate offense, and each section of this article that is violated shall also constitute a separate offense. In addition to or in lieu of enforcement under this section, the Borough may enforce this article in equity in the Court of Common Pleas of Washington County.*

## **Chapter 157, Trees.**

Section 157-6 is amended to read as follows:

*Any person who violates or permits a violation of this chapter shall, upon conviction in a summary proceeding under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not more than \$1,000, plus court costs and reasonable attorneys' fees incurred by the Borough in the enforcement proceedings. Upon judgment against any person by summary conviction, or by proceedings by summons on default of the payment of the fine or penalty imposed and the costs, the defendant may be sentenced and committed to the Borough correctional facility for a period not exceeding 10 days or to the county correctional facility for a period not exceeding 30 days. Each day that such violation exists shall constitute a separate offense, and each section of this chapter that is violated shall also constitute a separate offense. In addition to or in lieu of enforcement under this section, the Borough may enforce this chapter in equity in the Court of Common Pleas of Washington County.*

## **Chapter 159, Vector Control.**

Section 159-7 is amended to read as follows:

*Any person who violates or permits a violation of this chapter shall, upon conviction in a summary proceeding under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not more than \$1,000, plus court costs and reasonable attorneys' fees incurred by the Borough in the enforcement proceedings. Upon judgment against any person by summary conviction, or by proceedings by summons on default of the payment of the fine or penalty imposed and the costs, the defendant may be sentenced and committed to the Borough correctional facility for a period not exceeding 10 days or to the county correctional facility for a period not exceeding 30 days. Each day that such violation exists shall constitute a separate offense, and each section of this chapter that is violated shall also constitute a separate offense. In addition to or in lieu of enforcement under this section, the*

*Borough may enforce this chapter in equity in the Court of Common Pleas of Washington County.*

**Chapter 162, Vehicles and Traffic.**

Section 162-73 is amended to change "chapter" to article" and "75 P.S. § 7301 et seq." to "75 Pa.C.S.A. § 7301 et seq."

**Chapter 166, Vehicles, Junk and Abandoned.**

Section 166-14B is amended delete the last sentence as indicated: "All ordinances or parts of ordinances which are inconsistent herewith, except to the extent otherwise provided herein, are hereby repealed. ~~The following ordinances or parts thereof are specifically repealed.~~"