

**TOWNSHIP OF SCHUYLKILL  
COUNTY OF CHESTER, PENNSYLVANIA**

**ORDINANCE NO.2024-02**

**AN ORDINANCE TO APPROVE, ADOPT AND ENACT AN ORDINANCE CODIFICATION FOR THE TOWNSHIP OF SCHUYLKILL, COUNTY OF CHESTER, 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 Board of Supervisors of the Township of Schuylkill, County of Chester, 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 1601(d) of the Second Class Township Code [53 P.S. § 66601(d)], the codification of a complete body of legislation for the Township of Schuylkill, County of Chester, Commonwealth of Pennsylvania, as revised, codified and consolidated into chapters, articles and sections by General Code, and consisting of Chapters 1 through 370, together with an Appendix, is hereby approved, adopted, ordained and enacted as a single ordinance of the Township of Schuylkill, which shall be known and is hereby designated as the "Code of the Township of Schuylkill," 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 the 2013 Code and the 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 Board of Supervisors of the Township of Schuylkill, and it is the intention of said Board of Supervisors 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 Only such provisions of former ordinances as are omitted from this Code shall be deemed repealed or abrogated by the provisions of § 1-3 below, and only new or changed provisions, as described in § 1-6 below, shall be deemed to be enacted from the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 Inconsistent legislation repealed.**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 Township of Schuylkill 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 Board of Supervisors of the Township of Schuylkill has determined that the following ordinances are no longer in effect and hereby specifically repeals the following legislation:

- (1) Former Chapter 68, Sewer Authority, of the 2013 Code, adopted December 1, 1965.
- (2) Former Chapter 179, Fire Suppression Systems, of the 2013 Code, adopted November 1, 2000, by Ordinance No. 00-04, as amended by Ordinance No. 2005-01.
- (3) Former Chapter 328, Article V, Local Economic Revitalization Tax Abatement, of the 2013 Code, adopted March 2, 2011, by Ordinance No. 2011-01.
- (4) Former Chapter 351, Article I, Water Conservation, of the 2013 Code, adopted August 5, 1992.

**§ 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 September 9, 2023.
- B. Any right or liability established, accrued or incurred under any legislative provision of the Township 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 Township 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 Township.
- E. Any franchise, license, right, easement or privilege heretofore granted or conferred by the Township 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 Township or other instruments or evidence of the Township'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 Township.
- 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 Township 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 Township.
- S. Any currently effective ordinance providing for intergovernmental cooperation or establishing an intermunicipal agreement.
- T. The Ordinance adopted 12-7-1967, amending an ordinance regulating the disposal of sanitary sewage and facilities for sewage disposal systems.

**§ 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 Township 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 Board of Supervisors 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 Board of Supervisors, and it is the intent of the Board of Supervisors 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) "District Justice" is changed to "Magisterial District Judge."
- (2) "Federal Insurance Administrator" is changed to "Federal Insurance and Mitigation Administration."
- (3) "Flood Hazard District" is changed to "Flood Hazard and Wetlands District"

#### **§ 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 Township Manager and shall remain there for use and examination by the public. Upon adoption, such copy or copies shall be certified to by the Township Manager, as provided by law, and such certified copy or copies shall remain on file in the office of the Township 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 Board of Supervisors 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 Township 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 Township Manager for the use of the public. All changes in said Code and all legislation adopted by the Board of Supervisors subsequent to the effective date of this codification which the Board of Supervisors 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 Township Manager, pursuant to law, shall cause to be published in the manner required a notice of the introduction of the Code in a newspaper of general circulation in the Township. 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 deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

**§ 1-13. Altering or tampering with Code; violations and penalties.**

It shall be unlawful for anyone to improperly change or amend, by additions or deletions, or to alter or tamper with the Code or any part or portion thereof in any manner whatsoever which will cause the law of the Township to be misrepresented thereby. Any person who violates or permits a violation of this section of this ordinance shall, upon being found liable therefor in a civil enforcement proceeding, pay a fine of not more than \$600, plus all court costs, including reasonable attorneys' fees, incurred by the Township in the enforcement of this chapter. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable Rules of Civil Procedure. Each day a violation exists shall constitute a separate offense. Further, the appropriate officers or agents of the Township are hereby authorized to seek equitable relief, including injunction, to enforce compliance herewith.

**§ 1-14. Severability.**

The provisions of this ordinance and of the Code adopted hereby are severable, and if any clause, sentence, subsection, section, article, chapter or part thereof shall be adjudged by any court of competent jurisdiction to be illegal, invalid or unconstitutional, such judgment or decision shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation and application to the clause, sentence, subsection, section, article, chapter or part thereof rendered illegal, invalid or unconstitutional. It is hereby declared to

be the intent of the Board of Supervisors that this ordinance and the Code would have been adopted if such illegal, invalid or unconstitutional clause, sentence, subsection, section, article, chapter or part thereof had not been included therein.

**§ 1-15. Effective date.**

All provisions of this ordinance and of the Code shall be in force and effect five days after adoption of this ordinance.

ENACTED AND ORDAINED by the Board of Supervisors of the Township of Schuylkill this 8<sup>th</sup> day of May 2024.

Attest:

TOWNSHIP OF SCHUYLKILL  
BOARD OF SUPERVISORS

Valentina Mitterer  
Valentina Mitterer, Township Secretary

BY: [Signature]  
Mark Donovan, Chair

[Signature]  
Robert Cooney, Vice Chair

[Signature]  
Martha Majewski, Supervisor

[Signature]  
Danielle Jouenne, Supervisor

[Signature]  
John Callahan, Supervisor



**EXHIBIT A: 2024-Schedule A**

**Township of Schuylkill  
Code Adoption Ordinance**

**Schedule A**

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

**Chapter 18, Environmental Advisory Council.**

A. Section 18-5 is amended to read as follows:

*A. The Council will have the power:*

- (1) To identify environmental problems and recommend plans and programs to the Board of Supervisors and to other appropriate agencies for the promotion and conservation of the natural resources and for the protection and improvement of the quality of the environment within the Township.*
- (2) To make recommendations as to the use of open land areas within the Township.*
- (3) To keep an index of all open areas, publicly or privately owned, including, but not limited to, flood-prone areas, wetlands, and other unique and natural areas, for the purpose of obtaining information on and to make recommendations for the proper use of such areas.*
- (4) To advise the Board of Supervisors and the Planning Commission with respect to the acquisition of property, both real and personal, by gift, purchase, grant, bequest, easement, devise or lease, in matters dealing with the protection, conservation, management promotion, and use of open space, and other natural resources; and to formulate, advise, recommend and promote to the Board of Supervisors and the Planning Commission policies for the management, use, and development of open space, park, and recreation areas; and to review and comment on subdivision and land development plans.*

*B. The Council shall not exercise any powers or perform any duties which, by law, are conferred or imposed upon the Board of Supervisors, the Planning Commission or any state agency.*

B. Section 18-7 is amended as indicated: "...appropriated to the Environmental Advisory ~~Committee Council~~, and such annual..."

**Chapter 45, Pensions.**

**Article I, Police Pension Plan.**

A. Section 45-3F is amended as indicated: "...conflict, either voluntarily or by conscription, shall ~~continue to make contributions to the plan~~ as outlined in Subsection A based on the compensation in effect..."

B. Section 45-9G is amended as indicated: "...shall be present, or by written resolutions, and any resolutions concurred in by not less than four..."

C. Section 45-12A is amended as indicated: "...defined in ~~Code Section 26 U.S.C.~~ § 414(p), and those other domestic relations orders permitted to be so treated by the Board under the provisions of the Retirement Equity Act of 1984, 29 U.S.C. § 1052 et seq. The Township shall..."

**Article II, Police Act 44 Retirement Program.**



Section 45-17B is amended to read as follows:

- B. *In addition to the above information, the Act 44 Program participation election form shall also advise the employee of the following:*
- (1) An explanation of the participant's rights and obligations while in Act 44 Program.*
  - (2) That, as a condition of Act 44 Program participation, the participant forgoes active participation in the Police Pension Plan and forgoes any recalculation of pension benefits to include salary increases occurring after Act 44 Program participation commences.*
  - (3) That the Act 44 Program participant's service while in Act 44 Program will not count as pension service nor will it entitle a participant to any service increment benefits to which the participant was not entitled prior to commencing Act 44 Program participation.*
  - (4) An Act 44 Program participant must also complete any and all retirement documents required by the Police Pension Plan Administrator, and such documents must be filed and presented to the Township for approval of retirement and payment of pension. Once an Act 44 Program participation election form has been approved by the Township, it is irrevocable. Likewise, once an Act 44 Program participant enters the Act 44 Program, the participant may not subsequently leave and then reenter the Act 44 Program, even if the employee separates from employment and subsequently begins employment with the Township again.*

## **Chapter 98, Animals.**

### **Article I, Dog Control.**

Section 98-3 is amended to read as follows:

*Any person who shall violate any of the provisions of this article shall, upon conviction in a summary proceeding brought before a Magisterial District Judge 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 costs of prosecution. In default of payment thereof, the defendant may be sentenced to imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense, and each section of this article that is violated shall also constitute a separate offense.*

### **Article III, Nuisances Created by Animals.**

Section 98-14B is amended to change "\$300" to "\$600."

## **Chapter 116, Buildings, Numbering of.**

- A. Section 116-6 is amended as indicated: "...minimum height of ~~three~~ four inches, with a minimum stroke width of 0.5 inch, and shall be mounted..."
- B. Section 116-8B is amended to read as follows:

*Any person who shall fail to correct the violation set forth in the warning notice of violation shall, upon conviction in a summary proceeding brought before a Magisterial District Judge 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 costs of prosecution. In default of payment thereof, the defendant may be sentenced to imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense, and each section of this chapter that is violated shall also constitute a separate offense.*

## **Chapter 122, Burning, Open.**

Section 122-4 is amended to read as follows:

*Any person, partnership or corporation who or which shall violate the provisions of this chapter shall, upon conviction in a summary proceeding brought before a Magisterial District Judge 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 costs of prosecution. In default of payment thereof, the defendant may be sentenced to imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense, and each section of this chapter that is violated shall also constitute a separate offense.*

## **Chapter 140, Construction Codes, Uniform.**

### **A. In § 140-3:**

#### **(1) Subsection B(2) is amended to read as follows:**

*Section R101.1, Title. Insert: Schuylkill Township*

*Section R202, Definitions.*

*"Building sewer" is amended by adding the following: All matters related to the building sewer design, installation, inspection, testing, and repair of building sewer system shall be in accordance with the rules and regulations set forth by the sewer authority having jurisdiction or on-lot sewage disposal systems shall comply with the Pennsylvania Sewage Facilities Act 537, 53 P.S. § 750.1 et seq.*

*Table R 301.2(1), Climatic and Geographic Design Criteria, shall read as follows:*

*Ground snow load: 30 psf.*

*Wind speed: 90 mph.*

*Seismic design: Category B.*

*Weathering: severe.*

*Frost line depth: 36 inches.*

*Termites: moderate to heavy.*

*Decay: slight to moderate.*

*Winter design temperature: 14°.*

*Ice shield underlayment: yes.*

*Flood hazards: Chapter 370, Zoning, Article XI, F Flood Hazard and Wetlands District.*

*Air freezing index: 689.*

*Mean annual temperature: 53.1°.*

*Section R403.1, Footings, is amended by adding the following:*

*When unsuitable soil conditions are present or if blasting is required in the excavation of footings and foundation, two No. 4 diameter reinforcing bars are required to be installed in the entire footing.*

*If conditions warrant, a design professional shall be consulted for footing/foundation design.*

*Section R403.1.1, Footings Minimum Size, is amended as follows: Insert "eight inches" in place of "six inches" in the third sentence.*

*Section R405.1, Foundation Drainage, is amended by adding the following new subsection:*

*Section R405.1.1, Sump Pump Discharge Piping Termination. Sump pump discharge piping shall terminate at least five feet beyond the exterior foundation wall, but no closer than 10 feet from a property line or the street right-of-way.*

*Section P2602.1 is amended to add the following sentences:*

*All on-lot sewage disposal systems shall comply with the Pennsylvania Sewage Facilities Act 537, 53 P.S. § 750.1 et seq., and shall be inspected and approved by the Chester County Health Department.*

*In existing structures, an approved inspection company shall verify that the on-lot sewage disposal system properly operates in accordance with PADEP regulations prior to the issuance of any building permit. Noted deficiencies shall be corrected within 30 days and approved by the Chester County Health Department.*

*Section P2603.6, Freezing, is amended by deleting the last sentence and inserting in its place:*

*Water service pipe shall be installed a minimum of 36 inches below finished grade.*

*Section P2603.6.1, Sewer Depth. Delete in its entirety and replace with:*

*Building sewers that connect to private sewage disposal systems shall be a minimum depth below finished grade at the point of septic tank connection which complies with Chapter 320, Subdivision and Land Development, of the Township Code, and the requirements of the Chester County Health Department. Building sewers shall be a minimum depth below finished grade, as required by the sewer authority having jurisdiction.*

*Section P2903.10, Hose Bibb, is deleted in its entirety and replaced with the following (exception remains):*

*Hose bibbs subject to freezing, including the frostproof type, shall be equipped with an accessible stop-and-waste-type valve inside the building, so that they can be controlled and/or drained during cold periods, and with an atmospheric vacuum breaker.*

- (2) Subsection B(3) is amended as indicated: "...the provisions of the Uniform Construction Code relating to boards of appeals, 34 Pa. Code § 403.121 et seq., as amended."
- (3) Subsection B(5) is amended to change each instance of the phrase "Pennsylvania Sewage Facilities Act 537" to "Pennsylvania Sewage Facilities Act 537, 53 P.S. § 750.1 et seq."

B. In § 140-6, the introductory paragraph is amended to read as follows:

*Section 403.102(1)(8) of Title 34 of the Pennsylvania Code allows a municipality to revise certain provisions in the regulations regarding the administration and enforcement of the Act. Pursuant to such authority, Schuylkill Township elects to make the following revisions to 34 Pa. Code Chapter 403:*

## **Chapter 147, Curfew.**

Section 147-8 is amended to read as follows:

*Any person who violates or permits a violation of this chapter shall, upon conviction in a summary proceeding brought before a Magisterial District Judge 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 costs of prosecution. In default of payment thereof, the defendant may be sentenced to imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense, and each section of this chapter that is violated shall also constitute a separate offense.*

## **Chapter 154, Disturbing the Peace.**

Section 154-2 is amended to read as follows:

*Any person who violates this chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township before a Magisterial District Judge, pay a fine of not less than \$100 and not more than \$600, plus all court costs, including reasonable attorneys' fees, incurred by the Township in the enforcement of this chapter. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable Rules of Civil Procedure. Each day a violation exists shall constitute a separate offense. Further, the appropriate officers or agents of the Township are hereby authorized to seek equitable relief, including injunction, to enforce compliance herewith.*

## **Chapter 157, Emergency Communications Systems.**

A new § 157-6 is added to read as follows:

*Any person who violates or permits a violation of this article shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township before a Magisterial District Judge, pay a fine of not more than \$600, plus all court costs, including reasonable attorneys' fees, incurred by the Township in the enforcement of this article. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable Rules of Civil Procedure. Each day a violation exists shall constitute a separate offense. Further, the appropriate officers or agents of the Township are hereby authorized to seek equitable relief, including injunction, to enforce compliance herewith.*

## **Chapter 160, Engine Brake Retarders.**

Section 160-4 is amended to read as follows:

*Any person, persons, firm, corporation or organization violating any of the provisions of this chapter shall, upon conviction in a summary proceeding brought before a Magisterial District Judge 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 costs of prosecution. In default of payment thereof, the defendant may be sentenced to imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense, and each section of this chapter that is violated shall also constitute a separate offense.*

## **Chapter 186, Flood Damage Prevention.**

A. Section 186-15B is amended to read as follows:

*Violations and 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 Township shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township before a Magisterial District Judge, pay a fine of not more than \$600, plus all court costs, including reasonable attorneys' fees, incurred by the Township in the enforcement of this chapter. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable Rules of Civil Procedure. Each day a violation exists shall constitute a separate offense. Further, the appropriate officers or agents of the Township are hereby authorized to seek equitable relief, including injunction, to enforce compliance herewith. 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. 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 Board of Supervisors to be a public nuisance and abatable as such.*

B. Section 186-28 is amended to read as follows:

*Within any identified floodplain area recreational vehicles shall be prohibited. If a variance is obtained in accordance with the criteria in Article VIII and from Article XI of Chapter 370, Zoning, then the following provisions apply. Recreational vehicles in any identified floodplain area must:*

- A. Be on the site for fewer than 180 consecutive days; and*
- B. Be fully licensed and ready for highway use; or*
- C. Meet the permit requirements for manufactured homes in § 186-27.*

## **Chapter 222, Mobile Homes and Mobile Home Parks.**

### **Article I, Trailer Removal Permit.**

Section 222-4 is amended to read as follows:

*Any person who violates or permits a violation of this chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township before a Magisterial District Judge, pay a fine of not more than \$600, plus all court costs, including reasonable attorneys' fees, incurred by the Township in the enforcement of this chapter. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable Rules of Civil Procedure. Each day a violation exists shall constitute a separate offense. Further, the appropriate officers or agents of the Township are hereby authorized to seek equitable relief, including injunction, to enforce compliance herewith.*

## **Chapter 230, Nuisances.**

- A. In § 230-2, the definition of “weeds” is amended to change the reference to the “Noxious Weed Control Law” to “Controlled Plants and Noxious Weeds Law, 3 Pa.C.S.A. § 1501 et seq.”
- B. Section 230-6 is amended to read as follows:

*Any person who or which shall violate any of the provisions of this chapter shall, upon conviction in a summary proceeding brought before a Magisterial District Judge 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 costs of prosecution. In default of payment thereof, the defendant may be sentenced to imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense, and each section of this chapter that is violated shall also constitute a separate offense. Such fine and costs shall be in addition to the remedies provided in § 230-4 of this chapter and shall be enforceable and recoverable in the manner provided by applicable law. All fines collected for the violation of this chapter shall be paid to the Treasurer of the Township for the general use of the Township. The Board of Supervisors may also institute proceedings in equity to enjoin violations of this chapter.*

## **Chapter 242, Parks and Open Space.**

Section 242-6A is amended to read as follows:

*Any person who violates or permits a violation of this chapter, upon being found liable therefor in civil enforcement proceedings, shall pay a fine of not more than \$600, plus all court costs, including reasonable attorneys' fees, incurred by the Township in enforcement of this chapter. No judgment shall be imposed until the date of the determination of the violation by the Magisterial District Judge and/or court. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of the civil procedure. Each day a violation exists shall constitute a separate offense. Further, the appropriate officers or agents of the Township are hereby authorized to seek equitable relief, including injunction, to enforce compliance herewith.*

## **Chapter 248, Peddling and Soliciting.**

Section 248-8 is amended to read as follows:

*Any person who violates or permits a violation of this chapter shall, upon conviction in a summary proceeding brought before a Magisterial District Judge 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 costs of prosecution. In default of payment thereof, the defendant may be sentenced to imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense, and each section of this chapter that is violated shall also constitute a separate offense.*

## **Chapter 267, Rental Property.**

### **Article I, Landlord Report.**

Section 267-5 is amended to read as follows:

*Any person who violates any provision of this article shall, upon conviction in a summary proceeding brought before a Magisterial District Judge 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 costs of prosecution. In default of payment thereof, the defendant may be sentenced to imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense, and each section of this chapter that is violated shall also constitute a separate offense.*

## **Chapter 280, Sewers.**

### **Article I, Mandatory Connections.**

Section 280-7 is amended as indicated: "...not exceeding \$1,000, ~~and the~~ plus costs of prosecution, ~~and,~~ upon default of payment, may be sentenced to imprisonment in the county jail for a term not to exceed ~~30~~ 90 days. Each ninety-day period..."

### **Article II, Holding Tanks.**

Section 280-17 is amended to change the phrase "30 days" to "90 days."

### **Article III, Valley Forge Sewer Authority Rules and Regulations.**

Section 280-23A is amended to read as follows:

*Any person who shall violate any provision of this article shall, upon conviction in a summary proceeding brought before a Magisterial District Judge 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 costs of prosecution. In default of payment thereof, the defendant may be sentenced to imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense, and each section of this article that is violated shall also constitute a separate offense.*

## **Chapter 303, Solid Waste.**

### **Article I, Recycling.**

A. Section 303-1B is amended to read as follows:

*B. Legislative history. This article is adopted pursuant to Article I, Section 27, of the Constitution of Pennsylvania, and Act of Assembly, July 28, 1988, No. 101, 53 P.S. § 4000.101 et seq., for the following purposes:*

- (1) *Whereas, Section 27 of Article I of the Constitution of the Commonwealth of Pennsylvania provides that the people have the right to clean air, pure water, and to the preservation of the natural, scenic, historic and aesthetic values of the environment. Pennsylvania's public natural resources are the common property of all the people, including generations yet to come. As trustee of these resources, the commonwealth shall conserve and maintain them for the benefit of all the people; and*
  - (2) *Whereas, the Act of July 28, 1988, No. 101, known as the "Municipal Waste Planning, Recycling and Waste Reduction Act," 53 P.S. § 4000.101 et seq., provides that each municipality of the commonwealth shall have the power and duty to adopt and implement programs for the collection and recycling of municipal waste or source-separated recyclable materials; and*
  - (3) *Whereas, conservation of recyclable materials has become an important public concern because of the growing problem of solid waste disposal and its impact on our environment; and*
  - (4) *Whereas, the remaining permitted solid waste landfills are reaching their capacity; and*
  - (5) *Whereas, there is an increasing necessity to conserve our natural resources; and*
  - (6) *Whereas, the collection of recyclable materials from residences and commercial, industrial, and institutional establishments promotes the general public interest; and*
  - (7) *Whereas, the adoption and implementation of recycling will effect the conservation of natural resources, the protection of the right of the people to clean air, pure water and preservation of the environment;*
- B. In § 303-2, the definition of "municipal solid waste" is amended as indicated: "...any sludge not meeting the definition of 'residual waste' or 'hazardous waste' in the Solid Waste Management Act, 35 P.S. § 6018.103, from a municipal, commercial, industrial, or institutional water supply treatment plant, wastewater treatment plant, or air pollution control facilities (~~Pennsylvania Act 101, Section 103~~ 53 P.S. § 4000.103)."
- C. In § 303-13:
- (1) Subsection C is amended as indicated: "...subject to a penalty imposed by this article for each and every day such violation shall continue."
  - (2) Subsection D is amended as indicated: "...subject to a penalty imposed by this article for each and every day such violation shall continue. The affected..."

## **Article II, Municipal Waste Collection.**

- A. In § 303-16C:
- (1) The definition of "municipal solid waste" is amended as indicated: "...any sludge not meeting the definition of 'residual waste' or 'hazardous waste' in the Solid Waste Management Act, 35 P.S. § 6018.103, from a municipal, commercial, industrial, or institutional water supply treatment plant, wastewater treatment plant, or air pollution control facilities (~~Pennsylvania Act 101, Section 103~~ 53 P.S. § 4000.103).
  - (2) The definition of "residual waste" is amended as indicated: "...shall not include 'coal refuse' as defined in the act of September 24, 1968 (P.L. 1040, No. 318), 52 P.S. § 30.51 et seq., known as the 'Coal Refuse Disposal Control Act.' The term shall not include treatment sludge from coal mine drainage treatment plants, disposal of which is being carried on pursuant to and in compliance with a valid permit issued pursuant to the act of June 22, 1937 (P.L. 1987, No. 394), 35 P.S. § 691.1 et seq., known as 'The Clean Streams Law.' (~~Pennsylvania Act 101, Section 103~~ 53 P.S. § 4000.103)."

## B. Section 303-21A is amended to read as follows:

*Violations and penalties. Any person violating any of the provisions of this article shall, upon conviction in a summary proceeding brought before a Magisterial District Judge 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 costs of prosecution. In default of payment thereof, the defendant may be sentenced to imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense, and each section of this article that is violated shall also constitute a separate offense.*

**Chapter 310, Stormwater Management.**

Section 310-52A is amended as indicated: “...recoverable with costs. In default of payment thereof, the defendant may be sentenced to imprisonment for a term not exceeding 90 days. The establishment of...”

**Chapter 316, Streets and Sidewalks.****Article I, Street Openings.**

Section 316-6 is amended to change the phrase “five days” to “90 days.”

**Article II, Rights-of-Way.**

In § 316-8, the definition of “person” is amended as indicated: “...Commonwealth of Pennsylvania and which provides or seeks to provide...”

**Chapter 320, Subdivision and Land Development.**

A. Section 320-1 is amended to change the reference to “No. 214” to “No. 247.”

B. Section 320-3B is amended as indicated: “...goals expressed in the Schuylkill Township Comprehensive Plan of 1991, the Schuylkill Township Comprehensive Plan Addendum 2005, and the Schuylkill Township Open Space, Recreation and Environmental Resources Plan of 1992, or the most recent versions thereof.”

C. In § 320-9:

(1) The definition of “Comprehensive Plan” is amended as indicated: “...also known as the ‘Schuylkill Township Comprehensive Plan of ~~1990~~ 1991,’ and including the ‘Schuylkill Comprehensive Plan Addendum of 2005,’ or the most recent version thereof.”

(2) The definition of “conservation subdivision” is amended as indicated: “...with the standards in the Conservation Overlay District in the Schuylkill Township Zoning Ordinance § 370-227 of Article XXIX, Conservation Overlay District, of Chapter 370, Zoning.”

D. Section 320-12D(4)(f) is amended as indicated: “...within the aforesaid ~~five-year~~ three-year limit, or any extension...”

E. Section 320-571 is amended as indicated: “...the Township Supervisors ~~may~~ shall authorize release by the bonding company or lending institution of an amount as estimated by the Township Engineer fairly representing the value of the completed improvements or, if the Township Supervisors fail to act within said forty-five-day period, the Township Supervisors shall be deemed to have approved the release of funds as requested. The Township Supervisors may, prior to ~~final~~ release at the time of completion and certification by the Township Engineer, retain 10% of the estimated cost of the ~~aforesaid~~ remaining improvements. This sum shall...”



## F. In § 320-59:

- (1) Subsection G(1) is amended to change each instance of the phrase “30 days” to “100 days.”
- (2) Subsection G(2) is amended as indicated: “...as a final bill which the Township Supervisors shall submit to the applicant. The final bill...”
- (3) Subsection G(3) is amended to change the phrase “45 days” to “100 days.”
- (4) Subsection G(6) is amended to read as follows:

*The fee of the arbitrator shall be paid by the applicant if the disputed fee is upheld by the arbitrator. The fee of the arbitrator shall be paid by the charging party if the disputed fee is \$2,500 or greater than the payment decided by the arbitrator. The fee of the arbitrator shall be paid in an equal amount by the applicant and the charging party if the disputed fee is less than \$2,500 of the payment decided by the arbitrator.*

- (5) A new Subsection G(7) is added to read as follows:

*(7) In the event that the disputed fees have been paid and the arbitrator finds that the disputed fees are unreasonable or excessive by more than \$10,000, the arbitrator shall:*

- (a) Award the amount of the fees found to be unreasonable or excessive to the party that paid the disputed fee; and*
- (b) Impose a surcharge of 4% of the amount found as unreasonable or excessive to be paid to the party that paid the disputed fee.*

- (6) A new Subsection G(8) is added to read as follows:

*The Township or an applicant shall have 100 days after paying a fee to dispute any fee charged as being unreasonable or excessive.*

## **Chapter 328, Taxation.**

### **Article I, Additional Earned Income Tax for Open Space Preservation.**

- A. Section 328-6 is amended to change the reference to “53 P.S. § 6907” and “53 P.S. § 6909” to “53 P.S. § 6924.310” and “53 P.S. § 6924.312,” respectively.
- B. Section 328-9 is amended as indicated: “...the provisions of 53 P.S. ~~§ 6913~~ § 6924.101, being a tax upon earned income, all of the provisions set forth therein, ~~including I, Definitions; II, Imposition Of Tax; III, Declaration And Payment Of Tax; IV, Collection At Source; V, Powers And Duties Of Officer; VI, Compensation Of Income Tax Officer; VII, Suit For Collection Of Tax; VIII, Interest And Penalties; IX, Fines And Penalties For Violations Of Ordinances Or Resolutions;~~ and any amendments...”

## **Chapter 357, Weapons.**

### **Article I, Firearms.**

Section 357-3 is amended to read as follows:

*Any person who shall violate any of the provisions of this article shall, upon conviction in a summary proceeding brought before a Magisterial District Judge 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 costs of prosecution. In default of payment thereof, the defendant may be sentenced to imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense, and each section of this chapter that is violated shall also constitute a separate offense.*

**Chapter 370, Zoning.**

## A. In § 370-7:

- (1) The definition of “conservation subdivision” is amended as indicated: “...with the standards in ~~the Conservation Overlay District in the Schuylkill Township Zoning Ordinance § 370-227 of Article XXIX, Conservation Overlay District, of this chapter.~~”
- (2) The definition of “constrained land” is amended as indicated: “...resources listed in ~~the Zoning Ordinance § 370-229E of this chapter, subtracted from...~~”
- (3) The definition of “hydric soil” is amended as indicated: “...so listed by the Chester County Conservation District  
(<http://dsf.chesco.org/conservation/lib/conservation/pdf/hydric-soils.pdf>)  
(<https://www.chesco.org/DocumentCenter/View/15802/Hydric-Soils-List?bidId=>).”
- (4) The definition of “public notice” is amended as indicated: “...hearing. The first publication shall ~~be not be~~ more than 30 days and the second publication shall not be or less than seven days from the date of the hearing.”

## B. In § 370-8A, the table of zoning districts is amended to read as follows:

<i>FR</i>	<i>Rural Density Residential District</i>
<i>R-1</i>	<i>Low-Density Residential District</i>
<i>R-2</i>	<i>Medium-Density Residential District</i>
<i>APO I</i>	<i>Apartment/Professional Office District</i>
<i>APO II</i>	<i>Apartment/Professional Office District</i>
<i>NO</i>	<i>Neighborhood Office District</i>
<i>H</i>	<i>Historic Site Overlay District</i>
<i>A-R</i>	<i>Administrative and Research District</i>
<i>F</i>	<i>Flood Hazard and Wetlands District</i>
<i>NC</i>	<i>Neighborhood Commercial District</i>
<i>C</i>	<i>Commercial District</i>
<i>LI</i>	<i>Limited Industrial District</i>
<i>I</i>	<i>Industrial District</i>
<i>I/LI</i>	<i>Industrial/Limited Industrial District</i>
<i>PFZ</i>	<i>Public Facilities Zone</i>
	<i>Natural Resources Conservation Overlay District</i>
<i>CO</i>	<i>Conservation Overlay District</i>

C. Section 370-72C is amended as indicated: “...all affected communities (as determined by the Floodplain Administrator) by certified mail...”

## D. In § 370-86:

- (1) Subsection H is amended to read as follows:

*Convenience store when authorized as a conditional use pursuant to the provisions of § 370-169 of this chapter.*

- (2) A new Subsection I is added to read as follows:

*Pharmacy/drugstore when authorized as a conditional use pursuant to the provisions of § 370-170 of this chapter.*

- (3) A new Subsection J is added to read as follows:

*Any two uses permitted in the C Commercial Zoning District pursuant to this § 370-86 on one lot which contains a minimum of five acres when authorized as a conditional use by the Board of Supervisors and subject to the provisions in § 370-171 of this chapter.*

- E. Section 370-99 is amended as indicated: "...Chapters 221, 223, 225, and 227, ~~and 229~~, Title 25, Pennsylvania Code, Article V, Pennsylvania Department of Environmental ~~Resources~~ Protection, Rules and Regulations, as amended."
- F. Section 370-101 is amended as indicated: "...Chapters 73, ~~75~~, and 95, ~~and 97~~, Title 25, Pennsylvania Code, Pennsylvania Department of Environmental Protection, Rules and Regulations, as amended."
- G. Section 370-121C is amended to change the reference to "§ 370-117A" to "§ 370-117."
- H. Section 370-128H is amended to change the phrase "Zoning Code Enforcement Officer" to "Zoning Officer."
- I. Section 370-213A(1) is amended to change the phrase "14 days" to "seven days."
- J. Section 370-229E(2) is amended to change the reference to "Table 104.D.h" to "Table 370-229B."

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Due Upon Receipt		

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Subtotal - PUBLIC NOTICE NOTICE IS HEREBY						133.42

BILLING PERIOD	ACCOUNT#	AGING CURRENT	OVER 30 DAYS	OVER 60 DAYS	OVER 90 DAYS	OVER 120 DAYS	TOTAL AMT DUE
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**111 VALLEY PARK ROAD**  
**PHOENIXVILLE, PA 19460**  
**Attention:**

**STATE OF PENNSYLVANIA,**

The undersigned Richard L. Crowe, being duly sworn the he/she is the principal clerk of The Mercury, The Mercury Digital, published in Montgomery, Chester Counties for the dissemination of local or transmitted news and intelligence of a general character, which are duly qualified newspapers, and the annexed hereto is a copy of certain order, notice, publication or advertisement of:

**SCHUYLKILL TOWNSHIP**

**Published in the following edition(s):**

The Mercury, The Mercury Digital  
04/22/24

Sworn to the subscribed before me this 4/24/24.

Maureen Schmid  
**Notary Public, State of Pennsylvania**  
**Acting in County of Montgomery**

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**PUBLIC NOTICE**

**NOTICE IS HEREBY GIVEN** that at the duly advertised meeting on May 8th at 7:00 pm, prevailing time, the Board of Supervisors of Schuylkill Township, Chester County, will review, consider passage of, and may enact the following ordinance:

**TITLE: AN ORDINANCE OF SCHUYLKILL TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA, AMENDING CHAPTER 280 OF THE CODE OF SCHUYLKILL TOWNSHIP.**

The Proposed Ordinance Amendment updates section 280-56.C. to limit waste permits and waste hauler licenses not to exceed five years and replaces section 280-27 and 280-27.E. in accordance with Valley Forge Sewer Authority's updated Industrial Pretreatment Program.

Complete copies of the proposed ordinance are available for public inspection at the offices of the Mercury, 390 Eagleview Blvd., Exton PA. Complete copies of the proposed ordinance are available for public inspection and may be copied for a charge not greater than the cost thereof at the Township building, 111 Valley Park Rd, Monday through Friday 8:30 a.m. to 4:30 p.m., prevailing time.

Valentina Mitterer,  
Twp Secretary.  
MERC April 22 a-1

Commonwealth of Pennsylvania - Notary Seal  
MAUREEN SCHMID, Notary Public  
Montgomery County  
My Commission Expires March 31, 2025  
Commission Number 1248132