

**Township of North Newton
Code Adoption 2018**

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

Penalties.

The following sections are amended to provide the penalty provisions provided below: §§ 118-14B, 135-2, 186-12, 202-4, 223-8, 223-14, 237-4, 237-18A, 244-6A(1), 249-32A, 256-7, 279-4, 288-5A.

Any person who violates or permits a violation of this chapter/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 chapter/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.

Fees.

The following sections are amended to delete the fee amounts and instead state that the fee is as set by resolution of the Board of Supervisors: §§ 186-6, 186-9, 228-5C, 260-47B, 279-2, 300-94C(13).

Chapter 62, Planning Commission.

A. Section 62-7 is amended to read:

The Planning Commission shall keep a record of its business. It may make a written report to the Board of Supervisors by March 1 each year, summarizing its activities and such additional reports as the Board of Supervisors may require.

B. Section 62-8A is amended to read:

The Board of Supervisors shall annually allocate funds to provide for a planning program. These funds shall be used to provide administrative and technical assistance to the Planning Commission in carrying out its powers and duties. The members of the Planning Commission may serve with or without compensation as set by resolution by the Board of Supervisors and/or may be reimbursed for necessary and reasonable expenses.

Chapter 69, Recreation and Parks Board.

Section 69-7 is amended to read:

The Board shall keep minutes of its meeting, which it shall submit to the Board of Supervisors. The Recreation and Parks Board may submit an annual report to the Board of Supervisors, including an analysis of the adequacy and effectiveness of community recreation areas, facilities and leadership.

Chapter 118, Building Permits; Floodplain Management.

Section 118-16 is amended to delete the fee amounts and instead state that fees shall be as set by resolution of the Board of Supervisors.

Chapter 124, Burning, Open.

A. Section 124-4A is amended as follows:

~~“...together with the costs of prosecution, and/or undergo imprisonment for a period of 90 days. In default of payment thereof, the defendant may be sentenced to imprisonment for a term not exceeding 90 days.”~~

B. Said subsection is further amended to delete the minimum fine.

Chapter 135, Cemeteries.

Section 135-1B is amended to delete the fee amount and instead state that the fee is as set by resolution of the Board of Supervisors.

Chapter 223, Property Maintenance.

Article I, Vector Control.

- A. In § 223-2, the definition of “occupant” is amended to delete the phrase “over one year of age.”
- B. Section 223-3H is amended to change “six to eight inches” to “12 inches.”
- C. Section 223-6 is amended to change “Vector Control Program Director” to “Code Enforcement Officer.”

Chapter 228, Public Gatherings.

- A. Section 228-6B is amended to delete the cash deposit/bond amounts and instead state that the deposit amounts shall be as set by resolution of the Board of Supervisors.
- B. Section 228-7B(2) is amended to delete the address provided for the State Police.

- C. Section 228-10 is amended to read:
Any person who initiates, organizes, promotes, permits, conducts or causes to be advertised a public gathering without obtaining the permit provided in this chapter, or who knowingly conducts, permits or allows a public gathering with a permit but in violation of the terms and provisions of this chapter and of the permit granted, or who shall counsel, aid or abet such violation or failure to comply 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 judgement, 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 237, Sewage Disposal.

Article I, Connections to Public or Private Sewage System.

- A. Section 237-1 is amended to read: “The Township Sewage Enforcement Officer duly appointed by the Board of Supervisors is authorized to issue permits approving sewage disposal systems in the Township.”
- B. Section 237-2 is amended to change instances of “Sewage Inspector” to “Sewage Enforcement Officer.”
- C. Section 237-2D and E are amended to read as follows:
- D. *He shall pay such connection fee or charges as shall be required by the rules and regulations of North Newton Township.*
- E. *He shall, at his expense, install all or any part of the sewage equipment and fixtures necessary to connect his property as required by law.*

Article II, Holding Tanks.

Section 237-15 is amended to read:

Any person failing to comply with the provisions of this article shall be subject to the summary offense penalties of 35 P.S. § 750.13 and, in addition thereto, may be subject to the civil penalties of 35 P.S. § 750.13a, as amended. Each day of noncompliance shall constitute a separate offense.”

Article IV, Privies.

Section 237-28 is amended to read:

Any person failing to comply with the provisions of this article shall be subject to the summary offense penalties of 35 P.S. § 750.13 and, in addition thereto, may be subject to the civil penalties of 35 P.S. § 750.13a, as amended. Each day of noncompliance shall constitute a separate offense.

Chapter 244, Solid Waste.

Article I, Collection, Storage and Disposal of Garbage, Recyclables and Bulk Items.

- A. Section 244-5B(3) is amended to delete the word “included” therefrom.
- B. Section 244-5B(5) is amended as follows: “No person shall throw or deposit any garbage or recyclable along...”

Chapter 249, Stormwater Management.

- A. In § 249-9, the definition of “regulated earth disturbance activity” is amended to change the reference to Chapter 92 to Chapter 92a.
- B. Section 249-15C is amended to delete the reference to item E.9 therefrom.
- C. Section 249-34C is amended to delete the last sentence thereof (providing website address).

Chapter 256, Streets and Sidewalks.

Article I, Excavations and Openings.

- A. Section 256-3 is amended to read, in part:

“...The application shall be accompanied by a fee in accordance with the schedule of fees set forth by the Pennsylvania Department of Transportation for highway occupancy permits and restoration charges and another fee for making the inspection. The application shall also.....”
- B. Section 256-5 is amended to add, immediately preceding “and, if necessary, shall enforce compliance”: “In addition to that inspection, the Board of Supervisors or its agents may reinspect the work not more than two years after its completion.”
- C. The fourth sentence of § 256-5 is amended to read to read as follows: “...If the applicant fails to rectify a defect which presents an immediate or imminent safety or health problem within 48 hours or any other defect within 60 days after written notice from the Township to do so, the Township may do the work and impose upon the applicant the cost thereof, together with an additional 20% of such cost.”
- D. Section 256-6 is added:
§ 256-6. Emergency repairs.
Nothing in this article shall be construed to require a permit in advance for emergency repairs necessary for the safety of the public or the restoration or continuance of public utility service or other public service, but application for the permit and the fees shall be submitted within five days after completion of the work, after which time the remaining provisions of this article apply.

Chapter 260, Subdivision and Land Development.

A. Section 260-8.

- (1) The term “accessory building or use” is changed to “accessory building” and is amended to read:

ACCESSORY BUILDING—

- A. *A building that is subordinate to and detached from the principal building, is on the same lot as the principal building, and is used for purposes that are customarily incidental to the principal building.*
- B. *An accessory building may not be used as a dwelling.*
- C. *Mobile homes, buses, recreational vehicles or trailers, campers, trucks or truck trailers shall not be considered as accessory buildings, regardless of whether they retain wheels or axles, or whether they are considered immobile.*

- (2) The definition of “accessory use” is added:

ACCESSORY USE — A use customarily incidental and subordinate to the principal use, building or structure located on the same lot with the principal building or structure.

- (3) The original definition of “parking space” is repealed.
- (4) The original definition of “plan, sketch” is amended to repeal the text thereof and instead state: “See ‘sketch plan.’”
- (5) The definitions of “percolation test” and “soil percolation test” are both amended to read: “A procedure to determine the absorption rate of the soil in an area proposed as the installation site for an on-lot septic system. Such a test will be carried out according to the requirements of the Pennsylvania Department of Environmental Protection and shall be conducted by the Township Sewage Enforcement Officer or Sanitarian.”
- (6) The definition of “sketch plan” is amended to read:
An informal plan, requiring no approvals, which indicates salient existing features of a tract and its surroundings and the general layout of a proposed subdivision or land development.
- (7) The following is added:
USE, ACCESSORY — See “accessory use.”

- B. Section 260-10A is amended to read: “Upon approval of a final plan, the developer shall within 90 days after the date an approved plan is signed by the Board of Supervisors record such plan in the Office of the Recorder of Deeds of Cumberland County and forthwith return one copy of the plan showing the official date of recording with the instrument number indicated. If a plan is not recorded within this time, the approval shall expire. The streets, parks, erosion and sedimentation and stormwater

management control facilities and other public improvements shown thereon shall then be considered to be a part of the Official Plan of the Township without a public hearing.”

C Section 260-17C is amended to read:

C. *Fee disputes. In the event the applicant disputes the amount of any fees charged as a result of reviews by the Township's professional consultants or engineer, the applicant shall no later than 100 days after the date of the transmittal of the bill to the applicant, notify the Township and the Township's professional consultants or engineer that such fees are disputed and shall explain the basis of their objections to the fees charged, in which case the Township shall not delay or disapprove a subdivision or land development application due to the applicant's dispute over fees. Failure of the applicant to dispute a bill within 100 days shall be a waiver of the applicant's right to arbitration of that bill under Section 510.g of the Pennsylvania Municipalities Planning Code.*

- (1) *If the professional consultant and the applicant cannot agree on the amount of expenses which are reasonable and necessary, then the applicant shall have the right, within 100 days of the transmittal of the final bill or supplement to the final bill to the applicant, to request the appointment of another professional consultant to serve as an arbitrator. The applicant and professional consultant whose fees are being challenged shall by mutual agreement, appoint another professional consultant to review any bills the applicant has disputed and which remain unresolved and make a determination as to the amount thereof which is reasonable and necessary. The arbitrator shall be of the same profession as the professional consultant whose fees are being challenged.*
- (2) *The arbitrator so appointed shall hear such evidence and review such documentation as the arbitrator in his or her sole opinion deems necessary and shall render a decision no later than 50 days after the date of appointment. Based on the decision of the arbitrator, the applicant or the professional consultant whose fees were challenged shall be required to pay any amounts necessary to implement the decision within 60 days. In the event the municipality has paid the professional consultant an amount in excess of the amount determined to be reasonable and necessary, the professional consultant shall within 60 days reimburse the excess payment.*
- (3) *In the event that the municipality's professional consultant and applicant cannot agree upon the arbitrator to be appointed within 20 days of the request for appointment of an arbitrator, then, upon application of either party, the President Judge of the Court of Common Pleas of the judicial district in which the municipality is located (or if at the time there be no President Judge, then the senior active judge then sitting) shall appoint such arbitrator, who, in that case, shall be neither the municipality's professional consultant nor any professional consultant who has been retained by, or performed services for, the municipality or the applicant within the preceding five years.*
- (4) *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) *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.*

- D. Section 260-18 is amended to read:
Upon approval of a final plan, the developer shall within 90 days after the date an approved plan is signed by the Board of Supervisors record such plan in the Office of the Recorder of Deeds of Cumberland County and forthwith return one copy of the plan showing the official date of recording with the instrument number indicated. If a plan is not recorded within this time, the approval shall expire. The streets, parks, erosion and sedimentation and stormwater management control facilities and other public improvements shown thereon shall then be considered to be a part of the Official Plan of the Township without a public hearing.
- E. Section 260-26G is amended to add Subsection G(12): “As required by current § 300-19A of Chapter 300, Zoning.”
- F. Section 260-28A(2) is amended, in part, as follows: “...pertaining to area, width and depth, or required street frontage, the following note...”
- G. Section 260-29E is amended to read:
Upon approval of a final plan, the developer shall within 90 days after the date an approved plan is signed by the Board of Supervisors record such plan in the Office of the Recorder of Deeds of Cumberland County and forthwith return one copy of the plan showing the official date of recording with the instrument number indicated. If a plan is not recorded within this time, the approval shall expire. The streets, parks, erosion and sedimentation and stormwater management control facilities and other public improvements shown thereon shall then be considered to be a part of the Official Plan of the Township without a public hearing.
- H. Section 260-32.
- (1) Subsection C is amended to change “permitted” to “recommended.”
 - (2) Subsection D is amended to read: “Residential lot sizes. Lot dimensions, areas, yards and building setback lines shall comply with the requirements of Chapter 300, Zoning.”
 - (3) Original Subsection E, Lot frontage, is repealed.
 - (4) Subsection G, Nonresidential lots, is amended to repeal Subsection G(1), Minimum building setback, Subsection G(6), regarding evergreen screen, and Subsection G(7), providing maximum impervious coverage.
- I. Section 260-33S is amended to add the following to the lead-in thereof: “Panhandle lots may be permitted in all zoning districts when in compliance with the following:” Further, Subsection S(3) is amended to change “this chapter” to “Chapter 300, Zoning.”
- J. Section 260-34A is amended to delete “2007” therefrom.”

- K. Section 260-35.
- (1) Subsection B is amended to add “and agricultural” following “nonresidential.”
 - (2) Subsection G is amended to change “commercial and industrial” to “nonresidential and agricultural.”
- L. Section 260-37A is amended to delete instances of “or land development.”
- M. Section 260-40A and D are amended to change instances of “200 feet” to “150 feet.”
- N. Section 260-41 is amended to read: “See Chapter 249, Stormwater Management.”
- O. Section 260-42 is amended to add Subsection A(1)(e)[5]: “Land development for an agricultural use only.”
- P. Section 260-47A(1) is amended, in part, as follows: “The Board of Supervisors may grant a mobile home park permit for a period not to exceed 12 months from the date of approval of such permit. The permit which shall be renewable every 12 months at a fee payable to the Township in an amount as set by resolution of the Board of Supervisors. The Board of Supervisors or its duly...”
- Q. Original Article 13, Telecommunication Antennas and Towers, is repealed.
- R. Section 260-61J and K are amended as follows:
- J. “...~~require retention of~~ retain 10% of the ~~estimated cost of~~ original amount of the posted financial security for the aforesaid improvements.
 - K. “Where the governing body accepts dedication of all or some of the improvements following completion, the governing body may require the posting of financial security to secure structural integrity of said dedicated improvements, as well as the functioning of said dedicated improvements, in accordance with the design and specifications as depicted on the final plan for a term not to exceed 18 months from the date of acceptance of dedication. Said financial security shall be of the same type as otherwise required in this section with regard to installation of such improvements, and the amount of the financial security shall not exceed 15% of the actual cost of installation of said dedicated improvements.”
- S. Section 260-62G(1), (2) and (3) is amended to read as follows:
- (1) *In the event the applicant disputes the amount of any such expense in connection with the inspection of improvements, the applicant shall, no later than 100 days after the date of transmittal of a bill for inspection services, notify the Township that such expenses are disputed as unreasonable or unnecessary, in which case, the Township shall not delay or disapprove a subdivision or land development application or any approval or permit related to development due to the applicant's request over disputed engineer expenses.*

- (2) *If, within 100 days of the transmittal of the final bill or supplement to the final bill to the applicant, the Township and the applicant cannot agree on the amount of expenses which are reasonable and necessary, then the applicant and Township shall jointly, by mutual agreement, appoint another professional engineer licensed as such in the Commonwealth of Pennsylvania to review the said expenses and make a determination as to the amount thereof which is reasonable and necessary.*
- (3) *The professional engineer so appointed shall hear such evidence and review such documentation as the professional engineer in his or her sole opinion deems necessary and render a decision within 50 days after the date of appointment. The applicant shall be required to pay the entire amount determined in the decision immediately.*

Chapter 288, Water and Sewer System.

Article I, Mandatory Connections.

Section 288-3A is amended to change “250 feet” to “150 feet.”

Chapter 300, Zoning.

- A. In §§ 300-8 and 300-75A, references to Nutrient Management Act (Act of May 20, 1993) are changed to Nutrient Management and Odor Management Act, 3 Pa.C.S.A. § 501 et seq.
- B. Section 300-10.
 - (1) The definition of “accessory building” is amended to read:

ACCESSORY BUILDING—

 - A. *A building that is subordinate to and detached from the principal building, is on the same lot as the principal building, and is used for purposes that are customarily incidental to the principal building.*
 - B. *An accessory building may not be used as a dwelling.*
 - C. *Mobile homes, buses, recreational vehicles or trailers, campers, trucks or truck trailers shall not be considered as accessory buildings, regardless of whether they retain wheels or axles, or whether they are considered immobile.*
 - (2) The definition of “accessory use” is amended to read:

ACCESSORY USE — A use customarily incidental and subordinate to the principal use, building or structure located on the same lot with the principal building or structure.
 - (3) The definition of “family” is amended to read:

FAMILY – One or more persons living together in a single dwelling unit as a traditional family or the functional equivalent of a traditional family. It shall be a rebuttable presumption that four or more persons living together in a single dwelling unit, who are not related by blood, adoption, or marriage, do not constitute the functional equivalent of a traditional family. This definition does not intend to prohibit group homes and/or community living arrangements that are determined to be protected by the Federal Fair Housing law, provided such facilities are licensed and permitted under the authority of the Department of Welfare of the Commonwealth of Pennsylvania or other state department or agency. In determining the functional equivalent of a traditional family, the following criteria shall be present:

1. *The group shares the entire dwelling unit.*
 2. *The group lives and cooks together as a single housekeeping unit.*
 3. *The group shares expenses for food, rent, utilities or other household expenses.*
 4. *The group is permanent and stable, and not transient or temporary in nature.*
 5. *Any other factor reasonably related to whether the group is the functional equivalent of a family.*
- (4) The definition of “nonconforming use” is amended to read: “A use, whether of land or of structure, which does not comply with the applicable use provisions in a zoning ordinance or amendment thereto or hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment, or prior to the application of such ordinance or amendment to its location by reason of annexation.”
- (5) The definition of “principal use” is amended to read: “The main or primary use of property, buildings or structures.”
- (6) The definition of “public meeting” is amended to read: “A forum held pursuant to notice under the Sunshine Act, 65 Pa.C.S.A. § 701 et seq., as amended.”
- (7) The definition of “use, accessory” is amended to read:
USE, ACCESSORY — See “accessory use.”
- (8) The definition of “use, nonconforming” is amended to read: “See ‘nonconforming use.’”
- (9) The definition of “use, principal” is amended to read: “See ‘principal use.’”

C. Section 300-116 is amended to add the following subsections:

- G. *The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.*
- H. *The business may not involve any illegal activity.*