CODE OF THE BOROUGH OF OAKLAND

Table of Contents

§01 General Provisions
§05 Animals and Pets
§08 Assessments Permits
§10 Auditor
§15 Building Codes
§17 Building Lines
§20 Burning
§25 Council of Governments
§30 Curfew
§35 Dangerous Structures and Nuisances
§40 Disorderly Conduct
§45 Driveways
§50 Earned Income Tax
§70 Fences
§75 Fire Losses
§85 Fire Protection Tax
§90 Flood Protection
§95 Garbage Collection
§100 Hazardous Waste
§105 Mobile Homes and Recreation Vehicles
§120 Occupation and Per Capita Tax Provisions
§125 Outdoor Wood Furnaces
§130 Peddling and Solicitation
§135 Parking
§140 Real Estate Transfer Tax
§143 Rental Housing - Repealed
§145 Risk Management
§150 Road Naming
§152 Sewage Enforcement
§155 Sewer Connection
§160 Sidewalks
§161 Rental Housing – New (Replaces Chapter 143)

Chapter 01
General Provisions

§01-1 Code Adoption
§01-2 Effective Date
§01-3 Repeal of Ordinances Not Adopted as Part of the Code
§01-4 Ordinances Not Repealed; Matters Not Affected By Repeal
§01-5 Editorial and Minor Changes
§01-6 Code Amendments
§01-7 Code Books to Be Kept Current
§01-8 Severability of Code Provisions
§01-9 Altering Or Tampering With Code; Penalties for Violation
§01-10 Substantive Amendments To Previously Enacted Ordinances

[HISTORY: Adopted by the Borough Council of the Borough of Oakland, Susquehanna County, Pennsylvania as Ordinance No. 21-01.]

Be it enacted and ordained by the Borough Council of the Borough of Oakland, County if Susquehanna, Commonwealth of Pennsylvania, and it is enacted and ordained as follows:

§01-1 Code Adoption

In accord with § 3301.5 of the Pennsylvania Borough Code, the consolidation, codification, and revision of a complete group of ordinances and the revision of certain ordinances for the Borough of Oakland, County of Susquehanna, Commonwealth of Pennsylvania, as revised codified, and consolidated into parts, chapters, articles and sections; and being comprised of Chapter 01 through Chapter 165, are hereby accepted, approved, adopted, ordained and enacted as a single ordinance of Oakland Borough, which shall be known as and may be cited as the "Code of the Borough of Oakland," which is herein referred to as the "Code."

§01-2 Effective Date

All provisions of the Code shall be in full force and effect on and after October 12, 2021.

§01-3 Repeal of Ordinances Not Adopted as Part of the Code

All ordinances or parts of ordinances of a general and permanent, and administrative or regulatory nature, having been duly adopted by the Borough Council of Oakland Borough and which were in effect on or prior to the date of the adoption of this Code, and which are not contained in this Code, are hereby repealed as of the effective date of this Code established in §01-2 of this Chapter, except as hereinafter provided in §01-4.

§01-4 Ordinances Not Repealed; Matters Not Affected by Repeal

The adoption of this Code and the repeal of ordinances provided for in §01-3 of this Chapter shall not affect the following ordinances, rights and obligations which are hereby expressly saved from repeal:

A. Any right or liability established, accrued or incurred under any legislative provision of the Borough prior to the effective date of this Code, or any action or proceeding brought for the enforcement of such right or liability.

B. Any offense or act committed or done before the effective date of this Code in violation of any legislative provision of the Borough, or any penalty, punishment or forfeiture which may result therefrom.

C. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this Code brought pursuant to any legislative provision of the Borough.

D. Any franchise, license, right, easement or privilege heretofore granted or conferred by the Borough.

E. Any ordinance providing for the laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place.

F. Any ordinance or resolution 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 authorizing the purchase, sale, lease or transfer of property, or any lawful contract or obligation.

H. Any ordinance annexing land to the Borough.

I. Any ordinance designating the boundaries of water, sewer or other special purpose districts or creating a municipal authority for such purposes.

J. The levy or imposition of special assessments or charges.

K. The dedication of property.

L. Any ordinance or resolution establishing a tax rate.

M. Any ordinance establishing the salary or compensation of an appointed (non-elected) officer of the Borough.

§01-5 Editorial and Minor Changes

Certain editorial changes and other minor changes of a non-substantive nature were made in certain of the ordinances which are codified in this Code. All such changes are hereby enacted and adopted as part of the Code.

§01-6 Code Amendments

All new ordinances and any and all additions, deletions, amendments or supplements to any of the provisions of this Code as adopted by the Borough Council of Oakland Borough shall be thereby incorporated into and be made a part of the Code provided such incorporation is intended by the Oakland Borough Borough Council. Whenever such additions, deletions, amendments or supplements to the Code shall be enacted, the Code shall thereafter be understood and intended to include such changes.

§01-7 Code Books to be Kept Current

The Borough Secretary, or some other person designated by the Borough Council, shall be responsible to maintain current, certified copies of the Code for the use of the public. All changes in said Code and all ordinances enacted by the Borough Council subsequent to the effective date of this codification which are specifically enacted as part of the Code shall be included therein by reference and shall be inserted in the Code book when such changes or new ordinances are printed as supplements..

§01-8 Severability of Code Provisions

Each section of this Code, and every part of each section, shall be considered an independent section, or part of a section, and the determination that any section, or a part thereof, is unconstitutional, void or ineffective for any cause, shall not be deemed to affect the validity or constitutionality of any other section or part thereof.

§01-9 Altering or Tampering with Code; Penalties for Violation

It shall be unlawful for anyone to improperly change or amend, by additions or deletions, any part or portion of the Code, or to alter or tamper with such code in any manner whatsoever which will cause the law of the Borough to be misrepresented thereby. Anyone violating this section of this chapter shall be subject, upon conviction in a summary proceeding before any District Justice, to a fine of not more than five hundred dollars ($500.00) and costs of prosecution.

§01-10 Substantive Amendments to Previously Enacted Ordinances

The following substantive changes, amendments or revisions to previously enacted ordinances hereby consolidated into the Code are hereby made to become effective upon the effective date of this Code. Any such changes, amendments or revisions that are not specifically noted in this §01-10 shall nevertheless become effective with the adoption of this Code. Chapter and section number references are to the ordinances as they have been renumbered and appear in the Code.

A. Chapter 05 relating to animals and pets has been revised to cite legal authorities for regulations, provide for enforcement, increase penalties, provide further ability to deal with nuisance situations, increase the length of leashes permitted under the leash requirement for dogs and to define kennels to include the keeping of five or more dogs of six months of age or older.

B. Chapter 20 pertaining to burning has been revised to be more permissive, provide for enforcement, allow for permits and establish on fire and receptacle sizes.

C. Chapter 25 relating to the Susquehanna County Council of Governments has been revised to incorporate the resolution introducing what was adopted as Ordinance No. 2019-02 as a "Purposes" sub-section and to delete Appendices already referenced.

D. Chapter 33 relating to dangerous structures and nuisances has been revised to change the enforcement officer and cross-reference Section 1202(4) of the Pennsylvania Borough Code.

E. Chapter 40 relating to disorderly conduct has been revised to delete a curfew provision, update penalties, add a fireworks restriction and provide for enforcement.

F. Chapter 50 relating to an earned income tax has been revised to reconcile conflicting effective dates.

G. Chapter 75 relating to the fire insurance losses has been revised to incorporate the resolution introducing what was adopted as Ordinance 2005-01 as a "Purpose" sub-section.

H. Chapter 95 relating to garbage collection has been revised to eliminate disposal fees paid to the Borough.

I. Chapter 100 relating to hazardous wastes has been revised to update the violations and penalties provisions.

J. Chapter 105 relating to mobile homes has been revised to also address recreational vehicles, set additional standards and provides in more detail for enforcement.

K. Chapter 135 relating to parking consolidates and updates provisions of multiple existing ordinances, sets additional standards and provides in more detail for enforcement.

L. Chapter 160 replaces the ordinance enacted on January 3, 1910 as Ordinance 1910-1, regulating the construction and maintenance of sidewalks in Oakland Borough.

Chapter 05
Animals/Pets

§05-1 Title
§05-2 Definitions
§05-3 Prohibited Activities
§05-4 Enforcement
§05-5 Penalties for Violations

[History: An ordinance enacted on October 7, 1999 as Ordinance No. 1999-02, prohibiting certain activities by pet owners, keepers or their animals and prescribing penalties for violations thereof.]

§05-1 Title

This shall be known and may be cited as the "Oakland Pet Ordinance."

§05-2 Definitions

For the purpose of this ordinance the following words shall have the meanings hereto ascribed to them as set forth below:

BOROUGH – shall always refer to the Borough of Oakland.

NUISANCE – shall always refer to any action on part of the animal of any pet-owner or keeper that will cause discomfort or inconvenience to any other resident of the Borough and included the Common Law definition of nuisance.

PERSON – shall refer to any individual whether legal or natural, male or female, singular or plural.

ANIMAL – shall refer to, but is not limited to, any pet, cat, pot-bellied pig, dog, domestic animal, wild animal or semi-wild animal as defined by 3 P.S. Sec. 459-102.

RESTRAINT – shall refer to any device that restrict a pet's freedom to roam independently, but not limited to a chain, rope, leash, or other appropriate device of control.

EXCREMENT – shall be defined as solid waste matter discharged from the body of an animal.

KENNEL – shall include the definitions of a boarding kennel, breeding kennel, dealer kennel, research kennel and kennel contained in 3 P.S. Sec. 459-102 or the keeping more than five or more dogs of six months of age or older.

§05-3 Prohibited Activities

On and after the effective date of this Ordinance, and pursuant to Section 1202 of the Pennsylvania Borough Code, it shall be unlawful for any person, who is an owner or keeper of animals, within the boundaries of this Borough to:

Keep any animals without a current and valid license that may be required by State or Federal law or regulations

as in the case of a dog(s) issued licenses by the Treasurer's Office of Susquehanna County.

Allow any animal under his ownership or keeping to run free of any restraint except when said animal is securely confined on said owner's or keeper's property or to leave the boundary of said owner's or keeper's property unless controlled by a restraint which in the case of a leash or similar device may be no more than six feet long. All owners shall also otherwise comply with Sections 459-305 of Pennsylvania's Dog Law.

Allow any animal to deposit any excrement on any property public or private outside of the property boundaries of the animal-owner or keeper. Upon such an occurrence, it is the responsibility of the animal-owner or keeper to remove said excrement back to the confines of the animal-owner or keeper's property or to a suitable legal sanitary disposal receptacle.

Keep any animal(s) which is incessantly barking, crying, or making any noise creates a nuisance which interferes or deprives the peace, quiet, rest or sleep of any person within the Borough.

Keep any kennel, pen, pet house, or run which because of the accumulated excrement creates a noxious odor apparent to the persons beyond the boundaries of the property where same is kept.

Keep any kennel within any residential neighborhood or to keep any number of other animals where such number rises to the level of a nuisance, health hazard or inhumane treatment as shall be determined by Borough Council with the advice of competent health or regulatory authority.

§05-4 Enforcement

This Ordinance may be enforced by the Oakland Borough Police Department, Oakland Borough Council or a designated Code Enforcement Officer appointed by the Oakland Borough Council.

§05-5 Penalties for Violation

Upon convictions before a District Justice or other court of competent jurisdiction, a fine of $100.00 (One-hundred Dollars) for the first offense, $200.00 (Two-hundred Dollars) for the second offense, and $300.00 (Three-hundred Dollars) for the third offense shall be levied, plus the costs of prosecution. Each day a violation of this Ordinance exists shall be considered a separate offense.

Chapter 08
Assessment Permits

§08-1 General
§08-2 Definitions
§08-3 Application Procedures
§08-4 Violations and Penalties

[History: An ordinance, adopted February 8, 2021 as Ordinance No. 2021–1, requiring all persons, partnerships, business and corporations to obtain an assessment permit for the construction of all agricultural buildings, historical buildings, accessory and miscellaneous-use structures of less than 1,000 square feet that are not habitable in the Borough of Oakland, excluding portable structures such as doghouses that are less than 100 square feet in size.]

§08-1 General

A. Intent. The intent of this Ordinance is to inform the municipality on construction for assessment purposes.

B. Applicability. It shall be unlawful for any person, partnership or business or corporation to undertake, or cause to be undertaken the construction, renovation or repair of any agricultural building, historical building, accessory or miscellaneous-use structure less than 1,000 square feet which is non-habitable anywhere within the municipality unless an approved assessment permit has been obtained from the Building Official.

C. Abrogation and Greater Restrictions. This Ordinance supersedes any provisions currently in effect. However, any underlying ordinance shall remain in full force and effect to the extent that those provisions are more restrictive.

D. Severability. If any section, subsection, paragraph, sentence, clause of phrase of this ordinance should be declared invalid for any reason such decision shall not affect the remaining portions of this ordinance which shall remain in full force and effect and for this reason the provisions of this ordinance are hereby declared to be severable.

E. Municipal Liability. This Ordinance shall not create liability on the part of the Municipality or any officer or employee thereof for any damages, that result from reliance on this Ordinance or any administrative decision lawfully made hereunder.

§08-2 Definitions

Unless specifically defined below, words and phrases used in this Ordinance shall be interpreted so as to give this Ordinance its most reasonable application.

A. AGRICULTURAL BUILDING means a structure utilized to store farm implements, hay, feed, grain or other agricultural or horticultural products or to house poultry, livestock or other farm animals. The term shall not include habitable space or spaces in which agricultural products are processed, treated or packaged and shall not be construed to mean a place of occupancy by the general public.

B. BUILDING OFFICIAL means a person employed by the Susquehanna County Council of Governments Codes Enforcement Committee as a codes enforcement officer.

C. CONSTRUCTION means the construction or relocation of a building or structure.

D. STRUCTURE means anything constructed or erected on the ground or attached to the ground including, but not limited to buildings, sheds and other similar items.

§08-3 Application Procedures

A. Application. Application for such an assessment permit shall be made in writing to the Building Official, on forms provided by the Susquehanna County Council of Governments Codes Enforcement Committee. Such application shall contain at least the following:

1. Name and address of applicant.

2. Name and address of owner of land on which proposed construction is to occur.

3. Name and address of contractor.

4. Site location.

5. Brief description of proposed work and estimated cost.

6. A plan of the site showing the size and location of the proposed construction as well as any existing buildings or structures, with set back dimensions.

B. Issuance of Assessment Permit

A. The Building Official shall issue an assessment permit only after if has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes or ordinances.

B. After the issuance of an assessment permit, no changes of any kind shall be made to the application, permit, or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Building Official.

C. Start of Construction. Work on the proposed construction shall begin within six (6) months from the date of issuance of the assessment permit. The proposed construction shall be completed within twelve (12) months after the date of issuance of the assessment permit. Construction shall be considered to have started with the first placement of permanent construction to the site, such as pouring of slabs or footings or any work beyond the stage of excavation. For a structure without a basement or poured footings the start of construction includes the first permanent framing or assembly of the structure of any part thereof on its pilings or foundation or the affixing of any prefabricated structure to its permanent site. Permanent construction does not include land preparation, land clearing, grading, filing, excavation for basement, footings, piers or foundations, erection of temporary forms, or installation of piling under proposed subsurface footings.

D. Fees. A fee schedule will be of an attached resolution enacted by the municipal officials.

§08-4 Violations and Penalties

Any person who fails to comply with any or all of the requirements or provisions of this Ordinance or who fails or refuses to comply with any notice, order, or direction of the Building Official or any other authorized employee of the municipality, shall be guilty of an offense and, upon conviction shall pay a fine to the Municipality of not less than twenty-five dollars ($25.00) nor more than three hundred dollars ($300.00), plus costs of prosecution. In addition to the above penalties all other actions are hereby reserved including an action in equity for the proper enforcement of this Chapter. The imposition of a fine or penalty for any violation of, or noncompliance with, this Ordinance shall not excuse the violation or noncompliance or permit it to continue; and all such persons shall be required to correct or remedy such violations and noncompliances within a reasonable time.

Chapter 10
Auditor

§10-1 Auditor
§10-2 Qualifications of Independent Auditor
§10-3 General Powers and Duties of Independent Auditor
§10-4 Compensation of Independent Auditor

[History: An ordinance enacted on December 9, 2004 as Ordinance No. 2004-07, eliminating the position of elected auditor, creating the position of independent auditor, providing for the appointment of independent auditor and providing for the audit of the accounts of Oakland Borough by the independent auditor.]

§10-1 Auditor

Pursuant to authority granted by Section 1005(7) of the Pennsylvania Borough Code:

A. The office of elected Borough Auditor/Auditors is hereby abolished: and

B. The Oakland Borough Council shall appoint an independent Auditor, who shall make an independent examination of the accounting records of Oakland Borough consistent with this Ordinance.

C. The independent Auditor shall be appointed by vote of the Oakland Borough Council.

§10-2 Qualifications of Independent Auditor

The independent Auditor appointed by the Oakland Borough Council shall be a:

A. Certified Public Accountant registered in the Commonwealth of Pennsylvania, or

B. Firm of Certified Public Accountants registered in the Commonwealth of Pennsylvania, or

C. Competent Public Accountant licensed to do business in the Commonwealth of Pennsylvania, or

D. Competent firm of Public Accountants licensed to do business in the Commonwealth of Pennsylvania.

§10-3 General Powers and Duties of Independent Auditor

The powers and duties of the independent Auditor appointed pursuant to this Ordinance shall be those as are stated in Section 1196 of the Pennsylvania Borough Code, as amended.

§10-4 Compensation of Independent Auditor

The compensation to be paid to the independent Auditor appointed pursuant to this Ordinance shall be fixed by the Oakland Borough Council.

Chapter 15
Building Codes

§15-1 Adoption of International Code
§15-2 Code Revisions
§15-3 Violations
§15-4 Penalties

[History: An ordinance adopted on July 12, 2007 as Ordinance No. 2007-04, adopting the 2006 and all succeeding editions of the International Property Maintenance Code, International Building Code, ICC Electrical Code-Administrative Provisions, International Mechanical Code, International Plumbing Code, International Residential Code, International Existing Building Code.]

§15-1 Adoption of International Code

A certain document, a copy of which is on file in the office of the Secretary of the Oakland Borough, being marked and designated as the above named topics, including Appendix Chapters as published by the International Code Council, be and is hereby adopted by Oakland Borough, Susquehanna County, Commonwealth of Pennsylvania, for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures as herein provided; providing for issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties , conditions and terms of said codes on file in the office of the Oakland Borough are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in §15-2 of this ordinance.

§15-2 Code Revisions

The following sections are hereby revised:

A. International Property Maintenance Code:

1. Section 101.1 Title. These regulations shall be known as the Property Maintenance Code of Oakland Borough, hereinafter referred to as "this code."

2. Section 103.5 Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as established by resolution.

3. Section 302.4 Weeds. All premises and exterior property shall be maintained free from weeds or plant growth in excess of eight (8) inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

4. Section 302.8 Motor Vehicles. Except as provided for in other regulations, no more than one (1) inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled.

5. Section 602.3 Heat Supply. Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, shall furnish a heat source with the capability of heating to at least 68 degrees Fahrenheit in all habitable rooms, bathrooms and toilet rooms.

6. Section 602.4 Occupied Work Spaces. Indoor occupied work spaces shall furnish a heat source with the capability of heating to at least 68 degrees Fahrenheit in all habitable rooms, bathrooms and toilet rooms.

B. International Building Code:

1. Section 101.1 Title. These regulations shall be known as the Building Code of Oakland Borough, hereinafter referred to as "this code."

7. Section 1612.3 Establishment of flood hazard areas. To establish flood hazard areas, the governing body has adopted a flood hazard map including areas of special flood hazard as identified by the Federal Emergency Management Agency in an engineering report entitled "The Flood Insurance Study for Oakland Borough," dated July 2, 1980, as amended or revised with the accompanying Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM) dated January 2, 1981 and related supporting data along with revisions thereto. The adopted flood hazard map and supporting data are hereby adopted by reference and are furthered addressed in Chapter 90 hereof relating to Flood Protection.

8. Section 3410.2 Applicability. Structures existing prior to April 7, 2004, in which there is work involving additions, alterations or changed of occupancy shall be made to conform to the requirements of this section or the provisions of section 3403 through 3407. The provisions in Sections 3410.2.1 through 3410.2.5 shall apply to existing occupancies that will continue to be, or are proposed to be, in Groups A, B, E, F, M, R, S and U. These provisions shall not apply to buildings with occupancies in Group H or I.

C. ICC Electrical Code-Administrative Provisions:

1. Section 101.1 Title. These regulations shall be known as the Electrical Code of Oakland Borough, hereinafter referred to as "this code."

9. Section 404.2 Fee Schedule. The fees of electrical work shall be as established by resolution.

D. International Mechanical Code:

Section 101.1 Title. These regulations shall be known as the Mechanical Code of Oakland Borough, hereinafter referred to as "this code".

Section 106.5.2 Fee Schedule. The fees for mechanical work shall be as established by resolution.

Section 106.5.3 Fee Refunds. The code official shall authorize the refunding of fees as follows:

The full amount of any fee paid hereunder which was erroneously paid or collected.

Not more than one hundred percent (100%) of the permit fee paid when no work has been done under a permit issued in accordance with this code.

Not more than one percent (1%) of the plan review fee paid when an application for a permit for which review fee has been paid is withdrawn or cancelled before any plan review effort has been expended.

Section 108.4 Violation Penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair mechanical work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a violation offense, punishable by a fine of not less than One Hundred Dollars ($100.00) nor more than Three Hundred Dollars ($300.00), plus cost of prosecution, or by imprisonment not exceeding ten (10) days or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 108.5 Stop Work Orders. Upon notice from the code official that mechanical work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing, and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine of not less than One Hundred Dollars ($100.00) nor more than Three Hundred Dollars ($300.00).

E. International Plumbing Code:

Section 101.1 Title. These regulations shall be known as the International Plumbing Code of Oakland Borough, hereinafter referred to as "the code."

Section 106.6.2 Fee Schedule. The fees for all plumbing work shall be as established by resolution.

Section 106.6.3 Fee Refunds. The code official shall authorize the refunding of fees as follows:

The full amount of any fee paid hereunder that was erroneously paid or collected.

Not more than one hundred percent (100%) of the permit fee paid when no work has been done under a permit issued in accordance with this code.

Not more than one percent (1%) of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or cancelled before any plan review effort has been expended.

The code official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than one hundred eighty (180) days after the date of fee payment.

Section 108.4 Violation Penalties. Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair plumbing work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a violation offense, punishable by a fine of not less than One Hundred Dollars ($100.00), nor more than Three Hundred Dollars ($300.00), plus costs of prosecution, or by

imprisonment not exceeding ten (10) days, or both such fines and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 108.5 Stop Work Orders. Upon notice from the code official, work on any plumbing system that is being done contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than One Hundred Dollars ($100.00) nor more than Three Hundred Dollars ($300.00).

Section 305.6.1 Sewer Depth. Building sewers that connect to private sewage disposal system shall be a minimum of forty-eight (48) inches (121.92 cm) below finished grade at the point of septic tank connection. Building sewers shall be a minimum of forty-eight (48) inches (121.92 cm) below grade.

Section 904.1 Roof Extension. All open vent pipes that extend through a roof shall be terminated at least six (6) inches (15.24 cm) above the roof, except that where a roof is to be used for any purpose other than weather protection, the vent extensions shall be run at least seven (7) feet (2134 mm) above the roof.

F. International Existing Building Code:

1. Section 101.1 Title. These regulations shall be known as the Existing Building Code of Oakland Borough, hereafter referred to as "this code".

2. Section 1301.2 Applicability. Structures existing prior to April 9, 2004, in which there is work involving additions, alterations, or changes of occupancy shall be made to conform to the requirements of this chapter or the provisions of Chapters 4 through 12. The provisions of Sections 1301.2.1 through 1301.2.5 shall apply to existing occupancies that will continue to be, or are proposed to be, in Groups A, B, E, F, M, R and S. These provisions shall not apply to buildings with occupancies in Group H or Group I.

G. International Residential Code:

1. Section R 101.1 Title. These provisions shall be known as the Residential Code for One- and Two-family Dwellings of Oakland Borough, and shall be cited as such and will be referred to herein as "this code."

2. Table R301.2 (I) Climatic and Geographic Design Criteria. Buildings and portions thereof shall be as defined in the attached Table R301.2.(1) and construction methods in accordance with this code.

3. Section P2603.6. I Sewer Depth. Building sewers that connect to private sewage disposal systems shall be a minimum of forth-eight (48) inches (l21.92 cm) below finished grade at the point of septic tank connection. Building sewers shall be a minimum of forty-eight (48) inches (121.92 cm) below grade.

§15-3 Violations

Whenever the code officer or other authorized municipal representative determines that there are reasonable grounds to believe that there has been a violation of, my provision of this Ordinance, or of any regulations

adopted pursuant thereto, such authority shall give notice of such alleged violation as hereinafter provided. Such notice shall:

Be in writing.

Include a statement of the reasons for its issuance.

Allow a reasonable time for the performance of any act it requires.

Be served upon the property owner or his agent as the case may require, provided, however, that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been served with such notice by any other method authorized or required by the laws of this state.

Contain an outline of remedial action which, if taken, will affect compliance with the provisions of this Ordinance, or any part thereof, and with the regulations adopted pursuant thereto.

§15-4 Penalties

Any person who fails to comply with any or all of the requirements or provisions of this Ordinance or who fails or refuses to comply with any notice, order, or direction of the code officer or any other authorized employee of the municipality, shall be guilty of a violation offense and, upon conviction, shall pay a fine to the Borough of not less than One Hundred Dollars ($100.00) nor more than Three Hundred Dollars ($300.00) plus cost of prosecution, or by imprisonment not exceeding ten (10) days, or both such fines and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense. In addition to the above penalties, all other actions are hereby reserved including an action in equity for the proper enforcement of this Ordinance. The imposition of a fine or penalty for any violation of, or noncompliance with, this Ordinance shall not excuse the violation or noncompliance or permit it to continue and all such persons shall be required to correct or remedy such violations and noncompliance within a reasonable time. Any structure or building constructed, reconstructed, enlarged, altered or relocated, in noncompliance with this Ordinance may be declared by the Borough Council to be a public nuisance and abatable as such.

TABLE R301.2(1) CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

GROUND SNOW LOAD	WIND SPEED [d] (mph)	SEISMIC DESIGN CATEGORY [f]	SUBJECT TO DAMAGE FROM			WINTER DESIGN TEMP [e]	ICE BARRIER UNDERLAYMENT REQUIRED [h]	FLOOD HAZARDS [g]	AIR FREEZING INDEX [i]
			Weathering [a]	Frost line depth [b]	Termite [c]				
(700) 30	90	A	Severe	36 –48″	Very Heavy	5	yes	1980	32° F

For SI: 1 pound per square foot = 0.0479 kPa, 1 mile per hour = 0.447 m/s.

a. Weathering may require a higher strength concrete or grade of masonry than necessary to satisfy the structural requirements of this code. The wea shall be filled in with the weathering index (i.e., "negligible " "moderate" or "severe") for concrete as determined from the Weathering Probabili R301.2(3)]. The grade of masonry units shall be determined from ASTM C 34, C 55, C 62, C 73, C 90, C 129, C 145, C 216 or C 652.

b. The frost line depth may require deeper footings than indicated in Figure R403.1(1). The jurisdiction shall fill in the frost line depth column with depth of footing below finish grade.

c. The jurisdiction shall fill in this part of the table to indicate the need for protection depending on whether there has been a history of local subterranea damage.

d. The jurisdiction shall fill in this part of the table with the wind speed from the basic wind speed map [Figure R301.2(4)]. Wind exposure categor determined on a site-specific basis in accordance with Section R301.2.1.4.

e. The outdoor design dry-bulb temperature shall be selected from the columns of 97 ½-percent values for winter from Appendix D of the *Internatic Code.* Deviations from the Appendix D temperatures shall be permitted to reflect local climates or local weather experience as determined by the buil

f. The jurisdiction shall fill in this part of the table with the seismic design category determined from Section R301.2.2.1.

g. The jurisdiction shall fill in this part of the table with (a) the date of the jurisdiction's entry into the National Flood Insurance Program (date of ador code or ordinance for management of flood hazard areas), (b) the date(s) of the currently effective FIRM and FBFM, or other flood hazard map community, as may be amended.

h. In accordance with Sections R905.2.7.1, R905.4.3.1, R905.5.3.1. R905.6.3.1, R905.7.3.1 and R905.8.3.1, where there has been a history of local da effects of ice damming, The jurisdiction shall fill in this part of the table with "YES". Otherwise, the jurisdiction shall fill in this part of the tal

i. The jurisdiction shall fill in this part of the table with the 100-year return period air freezing index (BF-days) from Figure R403.3.(2) or from the value on the National Climatic Data Center data table "Air Freezing Index- USA Method (Base 32°Fahrenheit)" at www.ncdc.noaa.gov/fpsf.h

j. The jurisdiction shall fill in this part of the table with the mean annual temperature from the National Climatic Data Center data table "Air F USA Method (Base 32°Fahrenheit) at www.ncdc.noaa.gov/fpsf.html.

Chapter 17
Building Lines

§20-1 Purpose
§20-2 Definitions
§20-3 Regulations
§20-4 Exceptions
§20-5 Enforcement
§20-6 Penalties

[History: An ordinance, adopted as part of Codification Ordinance No. 21-01 to regulate building lines in Oakland Borough under the authority of Section 1202(21)(i) of the Pennsylvania Borough Code.]

§20-1 Purpose

This ordinance is enacted for the purpose of establishing and maintain uniform building lines in the Borough of Oakland so as to protect public health and safety, ensure fire-fighting access to buildings and otherwise provide for the general welfare.

§20-2 Definitions

As used in this ordinance, the term "Building Line" shall, unless a different meaning appears clearly from the context, mean the line defining the necessary setback of any new or improved structure from the right-of-way of any street in the Borough or other property line.

§20-3 Regulations

A. No new structure shall be erected within 25 feet of the right-of-way of any street in Oakland Borough.

B. No new structure shall be erected within 10 feet of side or rear property line that does not abut a street, provided that, should the Susquehanna County Subdivision and Land Development Ordinance require a larger setback in the case of new development regulated by such ordinance, the greater standard shall apply.

§20-4 Modifications

The regulations of §20-3 above may be modified by Borough Council where there are unique circumstances connected with the nature of a building lot or existing structure proposed to be expanded or replaced. Where an existing structure does not conform with these standards, the current building line may be extended provided the extent of the variance from the required building line is not increased,

§20-5 Enforcement

This Ordinance may be enforced by a designated Code Enforcement Officer appointed by the Oakland Borough Council.

§20-6 Penalties

Any person who fails to comply with any or all of the requirements or provisions of this Ordinance or who fails or refuses to comply with any notice, order, or direction of the code officer or any other authorized employee of the municipality, shall be guilty of a violation offense and, upon conviction, shall pay a fine to the Borough of not less than One Hundred Dollars ($100.00) nor more than Three Hundred Dollars ($300.00) plus cost of prosecution, or by imprisonment not exceeding ten (10) days, or both such fines and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense. In addition to the above penalties, all other actions are hereby reserved including an action in equity for the proper enforcement of this Ordinance. The imposition of a fine or penalty for any violation of, or noncompliance with, this Ordinance shall not excuse the violation or noncompliance or permit it to continue and all such persons shall be required to correct or remedy such violations and noncompliance within a reasonable time. Any structure or building constructed, reconstructed, enlarged, altered or relocated, in noncompliance with this Ordinance may be declared by the Borough Council to be a public nuisance and abatable as such.

Chapter 20
Burning

§20-1 Purpose
§20-2 Definitions
§20-3 Regulations
§20-4 Exceptions
§20-5 Enforcement
§20-6 Penalties

[History: An ordinance, adopted November 5, 1998 as Ordinance No. 1998-01, regulating fires and burning rubbish, refuse, and other material in the borough of Oakland, providing restrictions, regulations and penalties for the violation thereof.]

§20-1 Purpose

This ordinance is enacted in the interest of the health, safety, and welfare of the residents of the Borough of Oakland for the prevention of fires and to eliminate nuisances caused by smoke, cinders, and ashes.

§20-2 Definitions

As used in this ordinance, the term "Person" shall, unless a different meaning appears clearly from the context, mean any natural person, association, partnership, firm or corporation.

§20-3 Regulations

A. Property owners shall be permitted, except when Borough or other legal burning bans are in effect, to burn leaves, paper and seasoned and untreated wood products, provide such burning is protected by wire screen, steel vessel, masonry enclosure or ditching in the case of leaves and kept a minimum of twenty (20') feet from any building. Any wire, steel vessel or other metal burning receptacle must have openings not greater in size than one inch. The receptacle must also be equipped with a top so constructed as to prevent fly ash from escaping into the atmosphere.

B. Campfires and fire pits shall be permitted with stone or metal enclosures but kept a minimum of twenty (20') feet of any building or the opening of any building and shall not be greater than four (4) feet in diameter.

C. Materials burned shall be strictly limited to leaves, paper and wood products.

D. The burning of any material is prohibited upon any public street, alley or sidewalk with the exception of leaves which may be burned in ditches.

E. No fire shall be left unattended until all material is fully burned and extinguished.

§20-4 Exceptions

A. Open fires may be set in the performance of an official duty of any public officer or fire department if the fire is necessary for:

1. The prevention of a fire hazard which cannot be abated by other means, or

2. The protection of public health,

3. Education and training of fire department members.

B. Open fires may be set with approval of the authorized enforcement agent of this ordinance; provided:

Leaves, branches and other non-putrescible vegetable matter only are burned.

There is no practical available alternative method for disposal of the material to be burned.

No hazardous or other objectionable condition will be created by such burning.

No such burning is allowed on any street or sidewalk within the Borough of Oakland, with the exception of leaves in ditches.

C. This Ordinance shall not be construed to prohibit the operation of an outside barbecue grill used for the purpose of cooking only.

C. Oakland Borough Council reserves the right to issue burning bans during periods of high fire risk and to issue or require burning permits subject to these regulations and such other restrictions demanded by public safety.

§20-5 Enforcement

This Ordinance may be enforced by the Oakland Borough Police Department, Oakland Borough Council or a designated Code Enforcement Officer appointed by the Oakland Borough Council.

§20-6 Penalties

Upon convictions before a District Justice or other court of competent jurisdiction, a warning shall be issued to permanently cease and desist in such activity. Upon a second offense a fine of $100.00 (One-hundred Dollars) shall apply, with a fine of $300.00 (Three-hundred Dollars) for the third offense, and $500.00 (Three-hundred Dollars) for the fourth offense shall be levied, plus the costs of prosecution. Each day a violation of this Ordinance exists shall be considered a separate offense for purposes of the provided herein.

Chapter 25
Council of Governments

§25-1 Purposes
§25-2 Membership
§25-3 By-Laws
§25-4 Pennsylvania Construction Code
§25-5 Uniform Construction Code
§25-6 Administration
§25-7 Board of Appeals
§25-8 Other Ordinances
§25-9 Fees

[History: An ordinance, enacted April 6, 2019 as Ordinance No. 2019-02, authorizing intergovernmental cooperation by establishing membership in the Susquehanna County Council of Governments and establishing the conditions of said membership; providing for the entering into intergovernmental cooperation with other municipalities of Susquehanna County to establish and maintain the Susquehanna County Council of Governments Codes Enforcement Committee to perform and enforce the provisions of the uniform construction code (UCC) under the Pennsylvania Construction Code Act (35 p.s. §§ 7210.101 - 7210.1103), in Oakland Borough; providing for the appointment of a representative of Oakland Borough to serve as a member of said Committee; providing for the adoption of a permit fee schedule and collection of same by the Committee; and authorizing said Committee to establish an Appeal Board in accordance with the provisions of said Pennsylvania Construction Code Act.]

§25-1 Purposes

Pennsylvania Consolidated Statutes, Title 53, Sections 2301 through 2315, commonly known and referred to as the Intergovernmental Cooperation Law, is the law governing intergovernmental cooperation within the Commonwealth of Pennsylvania. The member municipalities of this Susquehanna County Council of Governments have, accordingly, agreed to cooperate in the execution of certain municipal functions. The aforesaid Intergovernmental Cooperation Law provides that full recognition by the Commonwealth of Pennsylvania of an agent of intergovernmental cooperation requires said agent to be established by ordinance by all cooperating units of government. This Ordinance is intended to accomplish this and promote the general health safety and welfare of the citizens of Oakland Borough. It is further intended to conform to the requirements of the Pennsylvania Construction Code Act and regulations to the Act promulgated by the Pennsylvania Department of Labor and Industry (hereinafter sometimes collectively referred to the "Code"). The Pennsylvania Construction Code Act also requires the enactment of an appropriate ordinance by municipalities electing to administer and enforce the building code provisions of the Code.

§25-2 Membership

Oakland Borough joins and will be a member of the Susquehanna County Council of Governments in accordance with the By-Laws of the Susquehanna County Council of Governments, and any laws, agreements or contracts that apply.

§25-3 By-Laws

The By-Laws of the Susquehanna County Council of Governments as revised on May 20, 2008 are hereby approved by reference. Such By-Laws may be amended from time to time by a voting representation of member municipalities of the Susquehanna County Council of Governments.

§25-4 Pennsylvania Construction Code

Oakland Borough hereby reaffirms its election to administer and enforce the provisions of the Pennsylvania Construction Code Act, Act 45 of 1999, as amended from time to time, and its regulations.

§25-4 Uniform Construction Code

Oakland Borough hereby reaffirms that the Uniform Construction Code, contained in 34 Pa. Code, chapters 401-405, as amended from time to time, is the municipal building code of Oakland Borough.

§25-5 Administration

Upon the enactment of this Ordinance, administration and enforcement of the Code within Oakland Borough shall be undertaken through the Susquehanna County Council of Governments Codes Enforcement Committee. Oakland Borough hereby designates the Susquehanna County Council of Governments Codes Enforcement Committee to act on its behalf for administration and enforcement of this Act.

§25-6 Board of Appeals

A Board of Appeals shall be established through the Susquehanna County Council of Governments Codes Enforcement Committee, which shall be in conformity with the requirements of the relevant provisions of the Code, as amended from time to time, and for the purposes set forth therein, from which appeals pursuant to the Code shall be taken.

§25-7 Other Ordinances

It is further enacted that:

A. All building code ordinances or portions of ordinances which were adopted by this Municipality on or before July 1, 1999, and which equal or exceed the requirements of the Code shall continue in full force and effect until such time as such provisions fail to equal or exceed the minimum requirements of the Code, as amended from time to time.

B. All building code ordinances or portions or ordinances which are in effect as of the effective date of this ordinance and whose requirements are less than the minimum requirements of the Code are hereby amended to conform with the comparable provisions of the Code.

C. All relevant ordinances, regulations and policies of Oakland Borough not governed by the Code shall remain in full force and effect.

§25-8 Fees

Fees assessable by Oakland Borough for the administration and enforcement undertaken pursuant to this ordinance or the Act shall be established and collected by the Susquehanna County Council of Governments Codes Enforcement Committee for its use as allowed by law.

Chapter 30
Curfew

§30-1 Curfew Hours for Minors
§30-2 Regulations Review

[History: An ordinance, adopted in 2009 as Ordinance No. 2009-02, defining terms creating hours of curfew for minors; creating offenses for minors, parents of minors, and business establishments violating curfew regulations; providing defenses; providing for enforcement by the police department; and providing for review of this ordinance within 18 months after the date of passage.]

§30-1 Curfew Hours For Minors

A. Definitions: In this section:

1. CHIEF OF POLICE means the police department of the Borough of Oakland or a designated representative.

2. CURFEW HOURS means from 11:00 p.m. or at such time as otherwise posted at a particular location on any Saturday, Sunday, Monday, Tuesday, Wednesday, Thursday or Friday, until 5:00 a.m. of the following day.

3. DIRECT ROUTE means the shortest path of travel through a public place to reach a final destination without any detour or stop along the way.

3. EMERGENCY means, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

4. ESTABLISHMENT means any privately-owned place of business operated for a profit to which the public is invited, including but not limited to any place of amusement or entertainment.

5. HOLDING LOCATION means a place designated by the police department to which a minor taken into custody for a violation of this section will be delivered to await pick up by a parent or juvenile authorities.

6. MINOR means any person under 18 years of age.

7. OPERATOR means any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the members of partners of an association or partnership and the officers of a corporation.

8. PARENT means a person who is:

   a. A natural or adoptive parent of another.

   b. A court-appointed guardian of another or

c. At least 21 years of age and authorized by a parent or court-appointed guardian to have the care and custody of another person.

9. PUBLIC PLACE means any street, alley, highway, sidewalk, playground, park, plaza, building, or other place used by or open to the public.

10. REMAIN means to:

a. Linger or stay unnecessarily; or

b. Fail to leave premises when requested to do so by a police officer or the owner, operator, or other person in control of premises.

B. Offenses.

1. A minor commits an offense if he remains in any public place or on the premises of any establishment within the Borough during curfew hours.

2. A parent of a minor commits an offense if he knowingly permits, or by insufficient control allows, the minor to remain in any public place or on the premises of any establishment within the Borough during curfew hours.

3. The owner, operator, or any employee of an establishment commits an offense if he knowingly allows a minor to remain upon the premises of the establishment during curfew hours.

C. Defenses.

1. It is a defense to prosecution under Subsection (b} that the minor was:

a. Accompanied by the minor's parent;

b. On an errand at the direction of the minor's parent and was using a direct route;

c. In a motor vehicle involved in interstate travel;

d. Engaged in an employment activity, including but not limited to newspaper delivery, and was using a direct route;

e. Involved in an emergency;

f. On the sidewalk, abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police officer about the minor's presence;

g. Attending an official school or religious activity or returning home by a direct route from an official school or religious activity;

h. Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or

i. Married or had been married or had disabilities of minority removed in accordance with the laws of the Commonwealth of Pennsylvania.

2. It is a defense to prosecution under Subsection B. 3 that the owner, operator, or employee of an establishment promptly notified the police department that a minor was present on the premises of the establishment during curfew hours and refused to leave.

D. Enforcement.

1. A police officer, upon finding a minor in violation of Subsection (b) (1), shall:

a. Ascertain the name and address of the minor;

b. Issue to the minor a written warning that the minor is in violation of Subsection (b) (1); and

c. Order the minor to go promptly home by a direct route.

2. Notwithstanding Paragraph (l) of this subsection, a police officer, upon finding a minor in violation of Subsection (b) (1), may take the minor into custody and deliver the minor to a holding location if:

a. The minor has received two previous written warnings for a violation of Subsection (b) (1); or

b. Reasonable grounds exist to believe the minor has engaged in delinquent conduct or conduct indicating a need for supervision in accordance with the provisions of 42 Pa. C.S.A. Section 6301 et seq., the Juvenile Act.

3. When a minor is taken into custody under this subsection, the police department shall immediately notify a parent to pick up the minor at the holding location. After a parent arrives at a holding location and provides information required by the police department to file an incident report, the minor shall be released into the custody of the parent. If a parent cannot be located or fails to take charge of the minor, the minor shall be released to the juvenile authorities.

4. If a minor is not taken into custody for a violation of Subsection (b) (1), the police department shall by certified mail, return receipt requested, notify a parent of the minor that the minor has violated Subsection (b) (1) and include a warning that any subsequent violation may result in prosecution if the minor and the parent under this section. If the minor was found in violation of Subsection (bl (1) at an establishment, the police department shall by certified mail, return receipt requested, notify the owner, operator, or employee of the establishment of the violation and include a warning that any subsequent violation may result in prosecution of the owner, operator, and employee under this section.

5. A police officer shall, within 24 hours after finding a minor in violation of Subsection (b) (1), file a written report on the incident or assist to the extent possible in the preparation and filing of the report by a supervisor.

E. Penalties.

1. Any minor who violates Subsection (b) (1) of this section three or more times within any 24-month period is subject to appropriate action by a juvenile court in accordance with 42 Pa. C.S.A. Section 6301 et seq., the Juvenile Act. A minor may not be prosecuted in adult court for a violation of Subsection (b) (1).

2. A parent of a minor who violates Subsection (b) (2) of this section is, upon conviction, punishable by a fine not to exceed $500.

3. The owner, operator, or employee of an establishment who violates Subsection (b) (3) of this section is, upon conviction, punishable by a fine not to exceed $500.

§30-2 Review

That within 18 months after the passage of this ordinance, the Mayor shall review this ordinance and make recommendations to the Borough Council concerning the effectiveness of and the continuing need for the ordinance.

Chapter 35
Dangerous Structures and Nuisances

§35-1 Nuisance Prohibition
§35-2 Complaint Process
§35-3 Collection of Costs

[History: An ordinance adopted October 13, 1954 as Ordinance No. 1954-03, relating to the removal of dangerous structures and nuisances on public or private grounds.]

§35-1 Nuisance Prohibition

It is hereby prohibited to keep, have, or allow to exist any nuisance or dangerous structure on public or private grounds, which creates a fire hazard, nuisance, dangerous condition, or menace to health, or safety.

§35-2 Complaint Process

Any complaint concerning violations of the above section, shall be referred to such enforcement officer as Borough Council shall designate. Upon investigation, if such enforcement officer shall find the complaint is valid and a violation of Section 33-1 hereof, the officer shall give the owner, or last known owner, and any occupant or tenant of the premises involved, notice of the violation, specifically setting forth the nature of the violation or violations, with notice that if the said violations are not abated within the ten (10) days, the Borough will enter into the property and cause the same to be corrected pursuant to Section 1202(4) of the Pennsylvania Borough Code.

§35-3 Collection of Costs

The Borough shall collect the costs of all work done in correcting the said violations; together with a penalty of ten per cent (10%) of each cost; in the manner provided by law for municipal claims and as described in Section 1202(4) of the Pennsylvania Borough Code.

Chapter 40
Disorderly Conduct

§40-1 Definition and Prohibition of Disorderly Conduct
§40-2 Unlicensed Vehicles on Street
§40-3 Enforcement
§40-4 Violations and Penalties

[History: An ordinance, adopted October 2, 1969 as Ordinance No. 1969-02, defining disorderly conduct, prohibiting such conduct, providing penalties for violations and prohibiting unlicensed vehicles left on public streets.]

§40-1 Definition and Prohibition of Disorderly Conduct

Disorderly conduct within the limits of the Borough of Oakland shall be and is hereby defined as any act, word, harassment, or conduct causing or tending to cause a disturbance of the peace and good order of the Borough or causing or tending to cause any danger, discomfort or annoyance to the inhabitants of the Borough or users of the Borough's thoroughfares or park. This shall include littering, fighting, drunk behavior, vagrancy, begging, unnecessary noise-making, profanity, or indecent language, loitering about public streets or park, failing to move on when ordered to do so by the Borough Police and any other activity described in Section 5503 of Title 18 of the Pennsylvania Code. Use of fireworks on other than Federal holidays shall also be prohibited. Any use of vehicles or activities of occupants that shall endanger the safety or interfere with the comfort or convenience of persons using or residing on public thoroughfares shall also be defined as disorderly conduct. All activities within such definition are hereby declared unlawful and are prohibited.

§40-2 Unlicensed Vehicles on Street

It shall be unlawful for any unlicensed vehicle to be left on Borough streets in excess of seven (7) days. If at the end of this period of time, such vehicle shall be towed away at the owner's expense.

§40-3 Enforcement

This Ordinance shall be enforced by the Oakland Borough Police Department.

§40-4 Violations and Penalties

Upon convictions before a District Justice or other court of competent jurisdiction, a fine of $100.00 (One-hundred Dollars) for the first offense, $200.00 (Two-hundred Dollars) for the second offense, and $300.00 (Three-hundred Dollars) for the third offense shall be levied, plus the costs of prosecution. Each day a violation of this Ordinance exists shall be considered a separate offense for purposes of the provided herein.

Chapter 45
Driveways

§45-1 Short Title
§45-2 Legislative Intent and Applicability
§45-3 Definitions
§45-4 Requirement of Permit
§45-5 Application Procedures
§45-6 Requirements for a Driveway Connection
§45-7 Existing Driveways
§45-8 Additional Specifications by Resolutions
§45-9 Inspection
§45-10 Penalties

[History: An ordinance, adopted November 13, 2008 as Ordinance No. 2008-04, requiring all persons to obtain permits prior to connecting or paving driveways to public roads; requiring the submission of Plans in compliance with PENNDOT and Borough design requirements prior to the issuance of permits; providing for the disapproval of plans where connection or work would result in improper drainage or noncompliance with PENNDOT and Borough design and construction requirements; providing for the payment of Permit fees; and providing penalties for violations.]

§45-1 Short Title

This Ordinance shall be known as the "Oakland Borough Driveway Ordinance."

§45-2 Legislative Intent and Applicability

The background of this Ordinance and the legislative intention of the Borough Council in enacting it are as follows:

A. The Borough of Oakland has suffered damage to its roads as a result of improper connection of driveways to Borough roads and faulty drainage.

B. Improper connections and faulty drainage have resulted in hazardous conditions (i.e., Icing).

C. The Borough deems it necessary for the proper management, maintenance and control of its public road system to regulate the connection of driveways to Borough roads.

D. The Borough desires to require proper connection of driveways to minimize damage to Borough roads.

§45-3 Definitions

For the purposes of this Ordinance, the following terms shall be defined as follows: The Borough Council of Oakland Borough, Susquehanna County, Pennsylvania.

Contractor: The person who installs a driveway or excavates in a Borough roadway, including all agents, subcontractors, officers or employees of that person or business entity.

Driveway: Every entrance or exit used by vehicular traffic to or from properties abutting a public road. The term includes proposed streets, lanes, alleys, courts and ways.

Owner: The owner of the land upon which the driveway is located and his successors or assigns.

Person: Any natural person, firm, partnership, corporation, entity, association or other group of persons. The singular shall include the plural and the masculine shall include the feminine and the neuter.

Permit: A permit issued by the Borough pursuant to this Ordinance.

Permittee: The holder of a duly issued permit.

Public Road: Any road, street, alley, bridge or public thoroughfare, including the entire area between right-of-way lines, either presently maintained by Oakland Borough, or shown on a subdivision or land development plan and intended to be dedicated to Oakland Borough in the future.

PENNDOT: Pennsylvania Department of Transportation.

Right-of-way: The area which has been acquired by the Borough for highway purposes.

Borough: Oakland Borough, Susquehanna County, Pennsylvania, or its duly appointed representative.

Sight Distance: The distance at a point ten feet outside the shoulder of the Borough street which will have unobstructed views for (typically a minimum of 100 feet in either direction).

§45-4 Requirement of Permit

A. Permit required. No person shall hereafter install or alter an existing driveway or allow any work incident to the alteration or installation of a driveway including the alteration of existing drainage characteristics without first obtaining a permit from the Borough.

B. No combined permits. Each driveway, whether or not serving the same premises, shall require an individual permit.

§45-5 Application Procedures

Any owner shall, prior to obtaining a permit for a driveway connection, file an application with Oakland Borough, on a form furnished by the Borough. The application shall be accompanied by such permit issuance fees and general inspection fees as determined by resolution from time to time by the Borough. Issuance fees are used to defray costs incurred by the Borough in reviewing and processing the application and plan(s), including the preliminary review of the site location identified in the application, and issuing and processing the permit. General inspection fees are used to defray costs incurred by the Borough in spot inspection(s) during the progress of the work and after it has been completed to ensure compliance with the permit and these regulations.

§45-6 Requirements for a Driveway Connection

A. Required information. The application shall be accompanied by a sketch of the proposed driveway which at a minimum shall indicate:

1. Geometric information such as width, radius, dimensions and location of the public road, right of way, slope and grades, length of driveway to residence or building, and distance to property lines and nearest driveway(s) and intersection(s). In conjunction with submission of the application, the applicant shall place a stake at the desired location which shall coincide with the submitted sketch.

2. Safe sight distances shall be indicated on the sketch as obtained from actual field measurement. Signature of the application by the owner shall be an admission that the indicated sight distance is the result of actual field measurement.

3. Drainage culvert (if applicable) or swale including related grades as may be required. The determination for installation of a culvert pipe or swale shall be made by the Borough following initial review by the Borough representative. The application must also include a long-term drainage and erosion control plan which shall specify provisions for road side drainage and control and mitigation of surface water runoff created by installation or improvement of the driveway.

B. Review criteria. The application and accompanying sketch and drainage plan shall be reviewed by the Borough or its duly appointed representative. Driveway design shall conform to the requirements and standards and specifications of this Ordinance, PENNDOT, and all related standards and specifications which are incorporated herein by reference. In no event shall a permit be issued for a proposed driveway under any of the following circumstances:

1. It would create hazardous effects of storm water run-off.

2. It would cause damage to a public road.

3. It would increase hazardous driving conditions on the public road.

4. It would be constructed in a manner which would obstruct it from view.

5. The sight distance is inadequate to safely allow movement to be made into or out of the driveway.

6. The free movement of highway or street traffic would be impaired.

7. It would create an area of traffic congestion on the highway or street.

8. It shall not be located at an interchange, ramp area or a location that would interfere with the placement, functioning or maintenance of a highway or street sign, detector, lighting or other device that affects traffic control.

9. Where the property abuts two or more streets or highways, ingress and egress may be restricted to only that highway or street which can more safely accommodate its traffic.

10. No more than one driveway shall be permitted per lot on any one highway or street frontage. The Borough Council may grant permission for additional driveways under exceptional circumstances.

11. It shall not be located within thirty (30) feet of the right-of-way line of an intersecting street when deemed reasonably necessary for safety by the Borough Council. This dimension shall be increased for driveways to shopping centers and other commercial, industrial, public or institutional purposes.

12. It shall not be located within five (5) feet of a fire hydrant, catch basin or drain inlet.

13. It shall not be located within three (3) feet of a property line.

C. Damage to public roads. The owner and/or contractor are responsible for damage to any portion of the public road caused by equipment en route or used at the work site.

D. Traffic protection and maintenance. Maintenance and protection of traffic shall be carried out in accordance with the requirements of the Pennsylvania Department of Transportation, as set forth in Publication No. 43 and Publication No. 90.

1. The Permittee shall provide and maintain all necessary precautions to prevent injury or damage to persons and property in accordance with instructions furnished by the Borough office.

2. Warning signs shall be placed in advance of the actual operation in such a manner as to be visible to the traveling public, and substantial barricades with adequate illumination shall be provided and maintained for any open trench or hole in the improved area.

3. Designated employees shall be assigned by the Permittee to direct one-lane traffic. Flagmen shall be provided as specified in the permit and in accordance with Publication No. 43 and Publication No. 90.

E. Drainage. All driveways which are installed on any public road will be required to install either a drainage pipe (culvert) or construct a drainage swale as directed by the Borough representative.

F. Converging limits. All driveways which are constructed and have access onto a paved public road will be required to be level with the edge of the existing public road to prevent damage.

G. PENNDOT requirements. When a driveway accesses a state road, the owner shall comply with all PENNDOT requirements, including the requirement to obtain a permit from PENNDOT.

H. Re-inspections. The Borough may re-inspect the work not more than two years after its completion, and if there is settlement of the connection or any other defects appear in the work contrary to the conditions, restrictions and regulations of this Ordinance, the Borough may enforce compliance therewith. If the owner fails to rectify a defect which presents an immediate or imminent safety or health problem within forty-eight (48) hours or any other defect within sixty (60) days after written notice from the Borough to do so, the Borough may do the work and impose upon the owner the cost thereof, together with an additional twenty (20%) percent of the costs, which may be recovered by the Borough.

I. Owner's responsibility. As part of obtaining a driveway permit, all property owners shall be responsible for long-term maintenance of the driveway and related drainage or stormwater management plan. In the event that excess stormwater runoff or sediment is diverted onto public roads the owner will be given notice and required to make necessary corrections to bring the driveway and drainage into compliance. In the event that a driveway culvert pipe becomes crushed or blocked it will be replaced at the owner's expense. The

Borough reserves the right to require the owner to make repairs, to make the repair at the owner's expense or to contract with a third party at owner's expense to perform the needed repairs. All property owners shall be responsible for any and all costs for maintenance to public roadways resulting from water runoff caused by improperly maintained driveway pipes.

J. Overnight parking. Where construction permitted by this Ordinance requires equipment to park at the site overnight, it shall be located a minimum of four (4) feet from the edge of the cartway of the Borough Road.

K. Sight distance. The location for the new driveway shall be selected to provide safe sight distance, and shall be designed and built in such a manner so that a driver at a point ten feet outside the shoulder of the town road, will have unobstructed views for a minimum of 100 feet in either direction. The driver eye height is to be 3.5 feet; the vehicle height on traveled roadway is to be 4.25 feet. Adequate sight distance is to be provided to the right and to the left of the driveway. If the driveway entrance for this lot does not meet the minimum site distance standards and requirements due to the lot location, the driveway permit may be granted only on the condition that the owner's having been advised of this sight distance situation, agrees to hold the Borough harmless from any liability due to the sight distance problems or for any other liability issues-associated with this driveway. Any and all lower brush, weeds and trees, as well as snowbanks in the winter season, must be removed and maintained to keep the maximum sight distance possible through all four seasons.

L. Permit issuance. If the plans meet the criteria above, the Borough shall issue the permit. If the application is found to be deficient, or if in the opinion of the Borough the plan should be revised in order to meet the criteria above, the Borough shall notify the owner of the changes to be made, whereupon the applicant shall make such changes and return the revised plans to the Borough. When the application is acceptable to the Borough, the permit shall be issued.

§45-7 Existing Driveways

Owner's responsibility. All property owners shall be responsible for long-term maintenance of the driveway and related drainage or storm water management plan. In the event that excess stormwater runoff or sediment is diverted onto public roads the owner will be given notice and required to make necessary corrections to bring the driveway and drainage into compliance. In the event that a driveway culvert pipe becomes crushed or blocked it will be replaced at the owner's expense. All driveways which are constructed and have access onto a paved public road will be required to be maintained level with the edge of the existing public road to prevent damage. Any and all lower brush, weeds and trees, as well as snow banks in the winter season, must be removed and maintained to keep the maximum sight distance possible through all four seasons. The Borough reserves the right to require the owner to make repairs, to make the repair at the owner's expense or to contract with a third party at owner's expense to perform the needed repairs. All property owners shall be responsible for any and all costs for maintenance to public roadways resulting from water runoff caused by improperly maintained driveway.

§45-8 Additional Specifications by Resolution

From time to time, the Borough Council may adopt, by resolution, such additional driveway and/or excavation specifications and requirements, and may supplement or modify the driveway and excavation specifications set forth in this Ordinance. Any violation of the additional requirements or specifications, modifications and supplements, as duly adopted, shall be subject to the penalties set forth in Section 10 of this Ordinance.

§45-9 Inspection

It shall be the duty of the Borough to inspect all work for conformity with all of the ordinances of the Borough. Notice must be given by the owner and/or contractor to the Borough when the work is sufficiently advanced for inspection, when it shall be the duty of the proper officer to inspect the same after receipt of said notification.

§45-10 Penalties

Any owner or contractor who violates any provision of this Ordinance shall, upon being found liable therefore in a civil enforcement proceeding pay a fine not less than one hundred dollars ($100.00) nor more than three hundred dollars ($300.00) plus the cost of prosecution plus all court costs including reasonable attorney's or consultant fees incurred by Oakland Borough. Each day of violation shall constitute a separate offense and be subject to the penalty set forth herein.

Chapter 50
Earned Income Tax

§50-1 Purpose
§50-2 Definitions
§50-3 Imposition of Tax
§50-4 Individual Tax Returns and Payments
§50-5 Employer Withholding, Remittance, and Tax Returns
§50-6 Tax Collector
§50-7 Interest, Penalties, Costs and Fines

[History: An ordinance, adopted December 19, 2019 as Ordinance 2019-03, levying a tax on earned income and net profits; requiring tax returns; requiring employers to withhold and remit tax; and related provisions.]

§50-1 Purpose

The primary purpose of this Ordinance is to conform the earned income and net profits tax currently imposed by the Taxing Authority to the Local Tax Enabling Act, as amended and restated by Act 32 of 2008, and to do so within the time frame required by Act 32.

§50-2 Definitions

All terms defined in the Local Tax Enabling Act, 53 P.S. § 6924.101 et seq., shall have the meanings set forth therein. The following terms shall have the meanings set forth herein:

A. Business. An enterprise, activity, profession or any other undertaking of an unincorporated nature conducted for profit or ordinarily conducted for profit whether by a person, partnership, association or any other entity.

B. Collector. The person or entity appointed as tax officer pursuant to the Local Tax Enabling Act to collect the Tax.

C. Municipal Tax Rate Applicable to Non-Residents. The total rate applicable to non-residents working within the Taxing Authority based on the municipal non-resident tax rate is one percent (1%).

D. Combined Tax Rate Applicable to Residents. The total rate applicable to residents of the Taxing Authority, including the tax imposed by the School District and by the municipality in which the individual resides, is one percent (1%).

E. Domicile. The place where a person lives and has a permanent home and to which the person has the intention of returning whenever absent. Actual residence is not necessarily domicile, for domicile is the fixed place of abode which, in the intention of the taxpayer, is permanent rather than transitory. Domicile is the voluntarily fixed place of habitation of a person, not for a mere special or limited purpose, but with the present intention of making a permanent home, until some event occurs to induce the person to adopt some other permanent home. In the case of a business, domicile is that place considered to be the center of business affairs and the place where its functions are discharged.

F. Earned Income. The compensation required to be reported to as determined by the Pennsylvania Department of Revenue under Section 303 of the Tax Reform Code of 12971, as amended and rules and

regulations promulgated thereunder. Employee business expenses as reported to or determined by the Department of Revenue under Article III of the Tax Reform Code shall constitute allowable deductions in determining earned income. The term does not include offsets for business losses. The amount of any housing allowance provided to a member of the clergy shall not be taxable as earned income.

G. Effective Date. January 1, 2020.

H. Employer. A person, business entity or other entity, employing one or more persons for a salary, wage commission or other compensation. The term includes the Commonwealth, a political subdivision and an instrumentality or public authority of either. For purpose of penalties under this Ordinance, the term includes a corporate officer.

I. Governing Body. The Borough Counsel of the Borough Oakland, Susquehanna County, Pennsylvania.

J. Local Tax Enabling Act. The Local Tax Enabling Act, 53 P.S. § 6924.101 et seq., and any amendments thereto.

K. Net Profits. The net income from the operation of a business, other than a corporation, as required to be reported to or as determined by the Pennsylvania Department of Revenue under section 303 of the Tax Reform Code of 1971, as amended and rules and regulations promulgated thereunder. The term does not include income under any of the following paragraphs:

1. Income which:

   a. Is not paid for services provided; and

   b. Is in the nature of earnings from an investment, or gain from the sale of property (except for sales commissions representing earnings for the services provided.

2. Income which represents:

   a. Any gain on the sale of farm machinery;

   b. Any gain on the sale of livestock held for 12 months or more for draft, breading or dairy purposes; or

   c. Any gain on the sale of other capital assets of a farm.

L. Nonresident. A person or business domicile outside the Taxing Authority.

M. Resident. A person or business domiciled in the Borough.

N. Person. A natural person.

O. TCD. Any tax collection district to which the Taxing Authority or any part of the Taxing Authority is assigned under the Local Tax Enabling Act.

P. ICC. The Susquehanna County Tax Collection Committee, which has been established to govern and oversee the collection of earned income tax within the TCD under the Local Tax Enabling Act.

Q. Tax. The tax imposed by this Ordinance.

R. Tax Return. A form prescribed by the Collector for reporting the amount of Tax or other amount owed or required to be withheld, remitted, or reported under this Ordinance or the Local Tax Enabling Act.

S. Tax Year. The period from January 1 to December 31.

T. Taxing Authority. The Borough of Oakland, Susquehanna County, Pennsylvania.

U. Taxpayer. A person or business required under this Ordinance and the Local Tax Enabling Act to file a return of the earned income and net profits tax or to pay the earned income and net profits tax.

§50-3 Imposition of Tax

A. General Purpose Resident Tax. The Taxing Authority hereby imposes a Tax for general revenue purposes at the rate of one percent (1%) on earned income and net profits of residents of the Taxing Authority.

B. General Purpose Nonresident Tax. The Taxing Authority also imposes a Tax for general revenue purposes at the rate of one percent (1%) on earned income and net profits derived by an individual who is not a resident of the Taxing Authority, from any work, business, profession, or activity, of any kind engaged in within the boundaries of the Taxing Authority.

C. Ongoing Tax. The Tax shall continue at the above rates during the current Tax Year and each Tax Year thereafter, without annual re-enactment, until this Ordinance is repealed or the rate is changed.

D. Local Tax Enabling Act Applicable. The Tax is imposed under authority of the Local Tax Enabling Act, and all provisions thereof that relate to a tax on earned income or net profits are incorporated into this Ordinance. Any future amendments to the Local Tax Enabling Act that are required to be applied to a tax on earned income or net profits will automatically become part of this Ordinance upon the effective date of such amendment, without the need for formal amendment of this Ordinance, to the maximum extent allowed by 1 Pa.C.S.A. § 1937.

E. Applicable Laws, Regulations, Policies, and Procedures. The Tax shall be collected and administered in accordance with: (1) all applicable laws and regulations; and (2) policies and procedures adopted by the TCC or by the Collector. This includes any regulations, policies, and procedures adopted in the future to the maximum extent allowed by 1 Pa.C.S.A. § 1937.

§50-4 Individual Tax Returns and Payments

Every resident receiving earned income or earning net profits in any Tax Year shall file tax Returns and pay Tax in accordance with the Local Tax Enabling Act and this Ordinance.

§50-5 Employer Withholding, Remittance, and Tax Returns

Every employer shall register, withhold, and remit Tax, and file Tax Returns in accordance with the Local Tax Enabling Act and this Ordinance.

§50-6 Tax Collector

The Tax will be collected from residents and employers by the Collector.

§50-7 Interest, Penalties, Costs and Fines

Residents and employers are subject to interest, penalties, costs, and fines in accordance with the Local Tax Enabling Act, including costs imposed by the Collector in accordance with authorization by the TCC having jurisdiction.

Chapter 70
Fences

§70-1 Permit Required
§70-2 Height Limitations
§70-3 Barbed Wire and Other Unsafe Fencing Prohibited
§70-4 Construction Standards
§70-5 Treatment of Metal Fences
§70-6 Maintenance; Sturdiness
§70-7 Variances
§70-8 Proximity to Lot and Curb Lines
§70-9 Fences Surrounding Pools or Other Structures
§70-10 Permit Fee
§70-11 Violations and Penalties

[History: An ordinance, adopted with codification, setting standards and requiring permits for fences, together with provisions for penalties.]

§70-1 Permit Required

No person, corporation, partnership, company or other entity shall construct, install, add to or alter a fence in the Borough, unless a permit is secured therefore.

§70-2 Height Limitations

No fence shall be constructed which exceeds any of the following height limitations:

A. Forty-eight inches in front of a line parallel to the street defining where building on the lot begins.

B. Seventy-two inches behind a line parallel to the street defining where building on the lot begins, except as otherwise provided in subsection C below.

C. Forty-eight inches wherever the fence shall be located on any portion of any lot that abuts a street, intersection or common drive that empties onto a public street.

§70-3 Barbed Wire and Other Unsafe Fencing Prohibited

Barbed wire and all other fencing that is designed to cut or injure is prohibited in all residential districts. In zoning districts other than residential, such fencing shall not be permitted, unless a request is made to Council and approved by a majority vote at a public Council meeting.

§70-4 Construction Standards

All fences erected must be of good construction quality and must be firmly and sturdily footed in the ground.

§70-5 Treatment of Metal Fences

Any fence erected which is made of a metal fabric or which is partially made of any metal fabric shall be

galvanized or otherwise treated to prevent the formation of rust, and the metal used in the fabric shall be at least eleven gauge or heavier, unless it is subject to the provisions of Section 9 regarding the gauge of metal fences around pools.

§70-6 Maintenance; Sturdiness

A. All fences shall be maintained in a sturdy and good condition. Fences which become loose, rusted or rotted, whether in whole or in part, shall be repaired, replaced or removed.

D. Any fence that cannot support the weight of 150-pound man without bending, breaking, leaning or moving shall be deemed not to be sturdy.

§70-7 Variances

A. Any property owner or tenant desiring to erect a fence or maintain a fence which does not conform to the provisions of this chapter may apply for a variance from the Zoning Hearing Board of the Borough.

B. All requests for a variance shall be according to the procedures and governing provisions of the Zoning Code of the Borough and the laws of the Commonwealth.

§70-8 Proximity to Lot and Curb Lines

All fences shall be set back a minimum of 12 inches from all side and rear yard property lines. All fences shall be set back at least twelve inches from all front yard property lines and/or sidewalks. Further, all fences must be set back a minimum of six feet from any curb line.

§70-9 Fences Surrounding Pools of Other Structures

A. All pools, swimming pools, water retention basins and other structures, temporary or permanent and below ground, which may hold water, shall be surrounded by a fence, except as provided in subsection D hereof.

B. Fences required by Subsection A hereof may surround the pool or the property. The wall of a building may constitute a portion of the fence. Such fences shall be adequate to make the structure containing the water inaccessible to small children.

C. Fences required by Subsection A hereof shall not be less than four feet in height and shall be subject to the height limitations imposed in Section 70-2 above. Further, such fences shall be constructed out of any of the following materials:

1. Masonry or brick.

2. Wire mesh, a minimum of nine gauge with posts not more than ten feet apart.

3. All gates or door openings through any fence required to be erected under this section shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when not in actual use, except that the door for any dwelling which forms a part of the fence enclosure need not be so equipped.

D. Structures which are not capable of holding water in excess of two feet in depth need not be surrounded by a fence if the structures are emptied of all water when not in use, or are securely and adequately covered to prevent small children from uncovering the pool when not in use.

§70-10 Permit Fee

The fee for a permit for construction, installation, addition or alteration of any fence shall be Fifty dollars ($50.00) but may be adjusted from time to time by resolution of Borough Council.

§70-11 Violations and Penalties

Upon convictions before a District Justice or other court of competent jurisdiction, a fine of $100.00 (One-hundred Dollars) for the first offense, $200.00 (Two-hundred Dollars) for the second offense, and $300.00 (Three-hundred Dollars) for the third offense shall be levied, plus the costs of prosecution. Each day a violation of this Ordinance exists shall be considered a separate offense for purposes of the provided herein.

Chapter 75
Fire Losses

§75-1 Purpose
§75-2 Designated Officer
§75-3 Certificate Required
§75-4 Claim Proceeds
§75-5 Procedure
§75-6 Penalty

[History: An ordinance, adopted June 9, 2005 as Ordinance 2005-01, pursuant to act 98 of 1992, as amended by act of 1994, providing that in certain fire losses the insurance company. Association, or exchange shall transfer insurance proceeds to a designated officer of the municipality as a portion of the insurance proceeds to be held as security against the total cost of removing, repairing, or securing the damaged building, providing for fees; providing penalties for violation; and setting forth procedures and requirements pertaining to such insurance proceeds and to the implementation of said legislation in the Borough of Oakland.]

§75-1 Purpose

The Commonwealth of Pennsylvania has enacted Act 98 of 1992 and Act 93 of 1994, amending The Insurance Company Law of 1921 to provide procedures for the payment of certain fire loss claims and has enacted amendments thereto. It is the purpose of said legislation to deter the commission of arson and related crimes, to discourage the abandonment of property, and to prevent urban blight and deterioration. This ordinance is adopted pursuant to Section 508 of the insurance company Law of 1921 to provide for the payment of proceeds from certain fire loss claims to the Borough.

§75-2 Designated Officer

The Borough Secretary, or such official's designee is hereby appointed as the designated officer who is authorized to carry out all responsibilities and duties stated herein.

§75-3 Certificate Required

No insurance company, association or exchange (hereinafter the "Insuring Agent") doing business in the Commonwealth of Pennsylvania shall pay a claim of a named insured for fire damage to a structure located within the Borough of Oakland (hereinafter "Municipality") where the amount recoverable for the fire loss to the structure under all policies exceeds seven Thousand Five Hundred ($7,500.00) Dollars, unless the insuring Agent is furnished by the municipal treasurer with a municipal certificate pursuant to section S08(B) of Act 98 of 1992 as Amended and unless there is compliance with section 508(C) Of Act 99 of 1992 as amended and the provisions of this ordinance.

§75-4 Claim Proceeds

Where pursuant to Section 508(8)(1)(1) of Act 98 of 1992, as amended, the municipal treasurer issues a certificate indicating that there are not delinquent taxes, assessments, penalties, or user charges against real property, the insuring Agent shall pay the claim of the named insured, provided however, that if the loss agreed upon by the named insured and the insuring Agent equals or exceeds sixty (60%) percent of the aggregate limits of liability on all fire policies covering the building or structure, the following procedures must be followed:

A. The insuring Agent shall transfer from the insurance proceeds to the designated officer of the municipality in the aggregate of $2,000.00 for each $15,000.00 of a claim and for each fraction of that amount of a claim, this section to be applied such that if the claim is $15,000.00 or less, the amount transferred to the Municipality shall be $2,000.00; or

B. If at the time of a proof of loss agreed to between the named insured and the insuring Agent, the named insured has submitted a contractor's signed estimate of the costs of removing, repairing or securing the building or other structure, the insuring Agent shall transfer to the municipality from the insurance proceeds the amount specified in the estimate.

C. The transfer of proceeds shall be on pro rata basis by all companies, associations or exchanges insuring the building or other structure.

D. After the transfer, the named insured shall submit a contractor's signed estimate within sixty (60) days of the costs of removing, repairing or securing the building or other structure, and the designated officer shall return the amount of the funds transferred to the municipality in excess of the estimate to the named insured, if the Municipality has not commenced to remove, repair or secure the building or other structure.

E. Upon receipt of proceeds under this section, the municipality shall do the following:

1. The designated officer shall place the proceeds in a separate fund to be used solely as security against the total costs of removing, repairing, or securing the building or structure which are incurred by the municipality. Such costs shall include all reasonable and customary engineering, legal or administrative costs incurred by the municipality in connection with such removal, repair, or securing of the building or any proceedings related thereto-; and

2. It is the obligation of the insuring Agent when transferring the proceeds to provide the municipality with the name and address of the named insured. upon receipt of the transferred funds and the name and address of the named insured, certify that the proceeds have been received by the municipality and notify the named insured that the procedures under this subsection shall be followed; and

3. When repairs, removal or securing of the building or other structure have been completed in accordance with all applicable regulations and orders of the municipality and the required proof of such completion received by the designated officer, and if the municipality has not incurred any costs for repairs, removal or securing, the fund shall be returned to the named insured. If the municipality has incurred costs for repairs, removal or securing of the building or other structure, the costs shall be paid from the fund and if excess funds remain, the Municipality shall transfer the remaining funds to the named insured; and

4. To the extent that interest is earned on proceeds held by the municipality pursuant to this Section, and not returned to the named insured, such interest shall belong to the Municipality. To the extent that proceeds are returned to the named insured, interest earned on such proceeds shall be distributed to the named insured at the time that the proceeds are returned.

F. Nothing in this section shall be construed to limit the ability of the municipality to recover any deficiency. Furthermore, nothing in this subsection shall be construed to prohibit the Municipality and the named insured from entering into an agreement that permits the transfer of funds to the named insured if some

other reasonable disposition of the damaged property has been negotiated.

§75-5 Procedures

The council of the Borough of Oakland may, by resolution, adopt procedures and regulations to implement Act 98 of 1992 as amended and this ordinance may, by resolution, fix reasonable fees to be charged for municipal activities or services provided pursuant to Act 98 or 1992 as amended and this ordinance, including but not limited to, issuance of certificates and bills, performance of inspections and opening separate fund accounts.

§75-6 Penalty

Any owner of property, any named insured or any insuring Agent who violates this ordinance shall be subject to a penalty of up to $1,000.00 per violation.

Chapter 85
Fire Protection Tax

§85-1 Tax Levy
§85-2 Use of Revenues
§85-3 Assessed Value
§85-4 Property Subject to Tax
§85-5 Collection of Tax

[History: An ordinance, adopted December 29, 1986 as Ordinance No. 1986-03, providing for the enactment of a three (3) mill tax for the payment of fire protection services for the Borough; authorizing the collection of the tax.]

§85-1 Tax Levy

There is hereby levied upon each and every owner of property in the Borough a tax in the amount of three (3) mills of the assessed value of said property for each calendar year beginning in 1987.

§85-2 Use of Revenues

The revenues of said tax shall be used by the Borough to purchase fire protection services for the Borough.

§85-3 Assessed Value

The "assessed value of any property" shall mean the value placed upon said property by the Tax Assessment Office of Susquehanna County, Pennsylvania.

§85-4 Property Subject to Tax

The property subject to this tax shall be any property which has been or will be assessed and subject to taxes by the Tax Assessment Office of Susquehanna County, Pennsylvania.

§85-5 Collection of Tax

This tax shall be collected by the Borough Tax Collector, the Borough or the County of Susquehanna under applicable laws of the Commonwealth of Pennsylvania.

Chapter 90
Flood Prevention

§90-1 General Provisions
§90-2 Administration
§90-3 Enforcement
§90-4 Floodplain provisions
§90-5 Variances
§90-6 Definitions

[History: An ordinance, adopted June 17, 2020 as Ordinance No. 2020-2, requiring all persons, partnerships, businesses and corporations to obtain a building permit for the construction, reconstruction, enlargement, alteration, relocation of any building or structure or development in Borough of Oakland providing for the issuance of such building permits; prohibiting all new construction and development in the floodplain, and providing for penalties for any persons who fail or refuse to comply with the requirements or provisions of this ordinance.]

§90-1 General Provisions

A. Intent. The intent of this Ordinance is to promote the general health, welfare, and safety of the community by:

1. Lessening the exposure of life and property to the danger of flooding.
2. Preventing the unnecessary obstruction of floodwaters and alteration of natural drainage.
3. Minimizing health hazards which result from the damage to sewage systems, the contamination of water supplies and the general unsanitary and unhealthful conditions which result from flooding.
4. Reducing financial burdens imposed on the community, its governmental units, and its residents, by minimizing flood damage in the future.
5. Providing for the availability of flood insurance through participation in the National Flood Insurance Program.

B. Applicability.

1. It shall be unlawful for any person, partnership, business, or corporation to undertake, or cause to be undertaken, any construction or development anywhere within the Borough unless an approved building permit has been obtained from the Building Official.
2. A building permit shall not be required for minor repairs to existing buildings or structures, provided that no structural changes or modifications are involved.

C. Greater restrictions. This Ordinance supersedes any provisions currently in effect in floodplain areas. However, any underlying ordinance shall remain in full force and effect to the extent that those provisions are more restrictive.

D. Municipal liability. The degree of flood protection sought by the provisions of this Ordinance is considered reasonable for regulatory purposes in the identified floodplain area(s). Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Ordinance does not imply that areas outside any identifies floodplain area, or that land uses permitted within such areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the Borough or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

§90-2 Administration

A. Issuance of building permit

1. The Building Official shall issue a building permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances and only after all other required permits have been obtained from any other office or agency.

2. No building permit shall be issued for any proposed alteration or relocation of any watercourse within the municipality unless:

   a. A permit has been obtained from the Pennsylvania Department of Environmental resources;

   b. All affected adjacent municipalities have been duly notified; and

   c. Copies of such notifications have been forwarded to both the Federal Emergency management Agency and the PA Department of Community Affairs.

   Under no circumstances shall any use, activity and/or development adversely affect the capacity of the channels of any watercourse, drainage ditch, or any other drainage facility or system.

3. After the issuance of a building permit, no changes of any kind shall be made to the application, permit, or any of the plans, specifications or other documents submitted with this application without the written consent or approval of the Building Official.

4. In addition to the building permit, the Building Official shall issue a placard with shall be displayed on the premises during the time construction is in progress. This placard shall show the number of the building permit, the date of its issuance and be signed by the Building Official.

B. Application procedures. Application for such a building permit shall be made, in writing, to the Building Official on forms supplied by the Borough. Such application shall contain, at a minimum, the name and address of applicant.

§90-3 Enforcement

A. Notices. Whenever the Building Official or other authorized municipal representative determines that there are reasonable grounds to believe that there has been a violation of any provision of this Ordinance, or of

any regulations adopted pursuant thereto, such authority shall give notice of such, alleged violation as hereinafter provided. Such notice shall:

1. Be in writing.

2. Include a statement of the reasons for its issuance.

3. Allow a reasonable time for the performance of any act it requires.

4. Be served upon the property owner or his agent as the case be require; provided, however, that such notice or order shall be deemed to have been properly served. upon such owner or agent when a copy thereof has been served with such notice by any other method authorized or required by the laws of this state.

5. Contain and outline of remedial action which, if taken, will affect compliance with the provisions of this Ordinance, or any part thereof, and with the regulations adopted pursuant thereto.

B. Penalties. Any person who fails to comply with any or all of the requirements or provisions of this Ordinance or who fails or refuses to comply with any notice, order or direction of the Building Official or any other authorized employee of the municipality, shall be guilty of an offense and, upon conviction, shall pay a fine to the Borough of not less than Twenty-Five Dollars ($25.00) nor more than Three Hundred Dollars ($300.00), plus costs of prosecution. In default of such payment, such person shall be imprisoned in county prison for a period not to exceed ten (10) days. each day during which any violation of this Ordinance continues shall constitute a separate offense. In addition to the above penalties all other actions are hereby reserved including an action in equity for the proper enforcement of this Ordinance. The imposition of a fine or penalty for any violation of, or noncompliance with, this Ordinance shall not excuse the violation or noncompliance or permit it to continue; and all such persons shall be required to correct or remedy such violations and noncompliance's within a reasonable time. Any structures or building constructed, reconstructed, enlarged, altered, or relocated, in noncompliance with this Ordinance may be declared by the Borough Council to be a public nuisance and abatable as such.

C. Appeals. Any person aggrieved by an action or decision of the Building Official may appeal to the Council. Such appeal must be filed, in writing, within thirty (30) days after the decision or action of the Building Official. Upon receipt of such appeal, the Council shall set a time and place, within not less than ten (10) nor more than thirty (30) days, for the purpose of hearing the appeal. Notice of the time and place of the hearing of the appeal shall be given to all parties, at which time they may appear and be heard. Any person aggrieved by any decision of the Council may seek relief therefrom in any court of competent jurisdiction, as provided by the laws of this Commonwealth.

§90-4 Floodplain provisions

A. No construction or development.

1. No construction or development shall take place within any identified floodplain area of the Borough.

2. Repairs, improvements, or modifications to an existing structure which amount to less than fifty (50) percent of the market value are permitted provided such work does not result in the expansion or enlargement of the structure.

B. Identification.

1. For the purposes of this Ordinance, the areas considered to be floodplain within the Borough shall be those areas identified as being subject to the one hundred (100) year flood in the Flood Insurance Study prepared for the Borough by the Federal Emergency Management Agency, dated July 2, 1980. A map showing all areas considered to be subject to the one hundred (100) year flood is available for inspection at the Borough offices. The floodplain. is composed of the following:

   a. FW (Floodway Area) - the areas identified as "Floodway" in the Flood Insurance Study prepared by the FEMA.

   b. FF {Flood-Fringe Area) - the areas identified as "Floodway Fringe" in the Flood Insurance Study prepared by the FEMA.

3. The identified floodplain area may be revised or modified by the Council where studies or information provided by a qualified agency or person documents the need for such revision or modification. However, prior to any such change, approval must be obtained from the Federal Emergency Management Agency.

4. Should a dispute concerning any identified floodplain boundary arise, any party aggrieved by such determination may appeal to the Council. The burden of proof shall be on the appellant.

§90-5 Variances

A. If compliance with any of the requirements of this Ordinance would result in an exceptional hardship to a prospective builder, developer or landowner, the Council may, upon request, grant relief from the strict application of the requirements. Requests for variances shall be considered by the Council in accordance with the procedures contained in Section 3.02 and the following:

B. If granted, a variance shall involve only the least modification necessary to provide relief. If it should be necessary to grant a variance, the applicant shall be required to comply with all applicable requirements of the National Flood Insurance Program regulations (60.3, a, b, c, and d) including the requirements for elevation, flood-proofing and anchoring. The applicant must also comply with any other requirements considered necessary by the Borough.

C. In granting any variance, the Borough shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare, and to achieve the objectives of this Ordinance.

D. Whenever a variance is granted, the Borough shall notify the applicant in writing that:

1. The granting of the variance may result in increased premium rates for flood insurance.

2. Such variances may increase the risks to life and property.

E. In reviewing any request for a variance, the Council shall consider, at a minimum, the following:

1. There is good and sufficient cause.

2. Failure to grant the variance would result in exceptional hardship to the applicant.

3. The granting of the variance will neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense, nor create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable State or local ordinances and regulations.

F. A complete record of all variance requests and related actions shall be maintained by the Borough. In addition, a report of all variances granted during the year shall be included in the Annual Report to the Federal Emergency Management Agency. Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the one hundred (100) year flood.

F. Notwithstanding the provisions of this Article, no variance shall be granted for:

1. The commencement of any of the following activities: or the construction, enlargement, or expansion of any structure used, or intended to be used, for any of the following activities:

   a. Hospitals

   b. Nursing homes

   c. Jails or prisons

2. The commencement of, or any construction of, a new mobile home park or mobile home subdivision, or substantial improvement to an existing mobile home park or mobile home subdivision.

3. Any new or substantially improved structure which will be used for the production or storage of any of the following dangerous materials or substances or which will be used for any activity requiring the maintenance of a supply (more than 550 gallons or other comparable volume or any amount of radioactive substances) or any of the following dangerous materials or substances on the premises:

   a. Acetone
   b. Ammonia
   c. Benzene
   d. Calcium carbide
   e. Carbon disulfide
   f. Celluloid
   g. Chlorine
   h. Hydrochloric acid
   i. Hycrocyanic acid
   j. Magnesium
   k. Nitric acid and oxides of nitrogen
   l. Petroleum products (gasoline, fuel oil, etc.)
   m. Phosphorus
   n. Potassium
   o. Sodium

p. Sulphur and sulphur product
q. Pesticides (including insecticides. fungicides, and rodenticides)
r. Radioactive substances. insofar as such substances are not otherwise regulated.

§90-6 Definitions

A. General. Unless specifically defined below, words and phrases used in this Ordinance shall be interpreted so as to give this Ordinance its most reasonable application.

B. Specific Definitions

1. CONSTRUCTION - the construction, reconstruction, renovation, repair, extension, expansion, alteration, or relocation of a building or structure, including the placement of mobile homes.

2. DEVELOPMENT - any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, the placement of mobile homes, streets, and other paving, utilities, filling, grading, excavation, mining, dredging, or drilling operations.

3. FLOODPLAIN AREA - a relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and paid accumulation of surface waters from any source.

4. MOBILE HOME - a transportable single-family dwelling intended for permanent occupancy, office, or place of assembly, contained in one or more sections, built on a permanent chassis, which arrives at a site complete and ready of occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used with or without a permanent foundation. The term does not include recreational vehicles or travel trailers.

5. ONE-HUNDRED-YEAR FLOOD - a flood that, on the average, it likely to occur once every one hundred (100) years (i.e., that has a one (1%) percent chance of occurring each year, although the flood may occur in any year).

6. STRUCTURE - anything constructed or erected on the ground or attached to the ground including, but not limited to buildings, sheds, mobile homes, and other similar items.

7. SUBSTANTIAL IMPROVEMENT - any modifications, alteration, reconstruction or improvement of any kind to an existing structure, to an extent or amount of fifty (50%) percent or more of its market value either (a) before the improvement, modification, or repair is started, or (b) if the structure has been damaged and is being restored, before the damage occurred.

Chapter 95
Garbage Collection

§95-1 Definitions
§95-2 Basic Requirement
§95-3 Licenses
§95-4 Prohibition
§95-5 Disposal
§95-6 Violations and Penalties

[History: An ordinance, adopted June 12, 1986 as Ordinance No. 1986-03, regulating the manner of collection, costs and disposal of refuse, requiring that all refuse collectors be licensed and prescribing penalties for violation.]

§95-1 Definitions

The following words, as used in this Ordinance have the meanings hereby ascribed hereto, unless the context clearly indicates a different meaning.

A. GARBAGE - All table refuse, animal and vegetable matter, offal from meat, fish and fowl, fruits, vegetables and parts thereof and other articles and materials ordinarily used for food which have become unfit for such use or which are for any reason discarded.

B. REFUSE - All discarded articles or materials, except sewage and liquid waste and including garbage, ashes and combustible and non-combustible waste.

C. PERSON - Any natural person, association, partnership, firm or corporation.

In this Ordinance, the singular shall include the plural the masculine shall include the feminine and the neuter.

§95-2 Basic Requirement

All garbage originating within the Borough of Oakland shall be disposed of only by removal beyond the limits of the Borough by a licensed collector. In no case may garbage be brought into the Borough for the purpose of disposal therein, nor may garbage be disposed of within the limits of the Borough by burning. Pending disposal as hereby authorized, garbage may be stored in covered containers and plastic trash bags, securely tied, and in such limited quantities and for such limited period of time as shall insure that no annoyance, nuisance or health hazard shall be created or maintained thereby. Except for such temporary storage as is hereby specifically authorized, no person shall keep, have, maintain, store upon or allow to exist in any manner whatsoever, any garbage upon any lot or piece of ground within the limits of the Borough.

§95-3 Collection Frequency

Refuse shall be collected at least once each week by a licensed collector.

§95-4 Violations and Penalties

Upon convictions before a District Justice or other court of competent jurisdiction, a fine of $100.00 (One-hundred Dollars) for the first offense, $200.00 (Two-hundred Dollars) for the second offense, and $300.00 (Three-hundred Dollars) for the third offense shall be levied, plus the costs of prosecution. Each day a violation of this Ordinance exists shall be considered a separate offense for purposes of the provided herein.

Chapter 100
Hazardous Waste

§100-1 Purpose
§100-2 Definitions
§100-3 Prohibition
§100-4 Violations and Penalties

[History: An ordinance, adopted on February 7, 1985 as Ordinance 1985-01, prohibiting the accumulation, burying, processing or disposal of hazardous waste upon property in the Borough of Oakland, which may be known and cited as the "Oakland Borough Hazardous Waste Ordinance."]

§100-1 Purpose

It is the purpose and intention of this Ordinance to prohibit the accumulation, burying, processing or disposal of hazardous waste in order to maintain, provide for and protect the health, safety and sanitation of residents. Adopted pursuant to the authority of the Pennsylvania Solid Waste Management Act, it is further intended to provide for municipal regulation of the storage and collection of solid wastes, and hazardous materials, including the prohibition of nuisances.

§100-2 Definitions

The following words, terms and phrases when used in this Ordinance shall have the meaning hereinafter ascribed to them, except when the context clearly indicates a different meaning:

A. HAZARDOUS WASTES: Shall mean all flammables, toxic, poisons, reactive, corrosives, low-level nuclear waste materials and high-level nuclear waste materials, which because of its quantity, concentration or physical, chemical or infections characteristics may:

   1. Cause or significantly contribute to an increase in mortality or an increase in morbidity in either an individual or the total population or;

   2. Pose a substantial present or potential hazard to human (or animal) health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

B. DISPOSAL: The dumping, burying, or release of any hazardous wastes anywhere within Oakland Borough.

C. STORAGE: The holding or temporary deposit of hazardous wastes anywhere within Oakland Borough, above or below ground.

D. PROCESSING: The treatment, preparation or handling of hazardous waste by some special method.

E. PERSON: Every natural person, firm, corporation, partnership, association or institution.

§100-3 Prohibition

It shall be unlawful for any person to accumulate, bury, process or dispose of hazardous wastes within the limits of Oakland Borough.

§100-4 Violations and Penalties

Upon convictions before a District Justice or other court of competent jurisdiction, a fine of $100.00 (One-hundred Dollars) for the first offense, $200.00 (Two-hundred Dollars) for the second offense, and $300.00 (Three-hundred Dollars) for the third offense shall be levied, plus the costs of prosecution. Each day a violation of this Ordinance exists shall be considered a separate offense for purposes of the provided herein. Any person or any officer of any firm or corporation shall upon conviction be liable for all costs associated with the restoration of the area to the same environmental state that prevailed prior to the violation. In the case of any continuing action or remaining instances in violation of this Ordinance, the Borough Council may institute in the name of the Borough any appropriate action or proceeding to prevent, restrain, correct or abate the problem constituting a violation.

Chapter 105
Mobile Homes

§105-1 Definitions
§105-2 Minimum Lot Area
§105-3 Skirting
§105-4 Application
§105-5 County Regulations
§105-6 Violations and Penalties

[History: An ordinance. adopted September 21, 1971 as Ordinance No. 1974-3, prohibiting the placement of a mobile home (manufactured home) within the Borough of Oakland, except in the manner specifically authorized.]

§105-1 Definitions

A. MOBILE HOME (also known as a MANUFACTURED HOME): A transportable single family dwelling unit intended for permanent occupancy and constructed as a single unit, or as two or more units designed to be joined into one integral unit capable of being separated for repeated towing, which arrives at a site completed and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

D. RECREATIONAL VEHICLE: A vehicle with or without motor power which may be towed on the public highways by a passenger automobile or truck without a special hauling permit, or which may be driven under its own power. This definition includes, but is not limited to campers, travel trailers, buses, camping trailers, pick up trucks with slide-in campers, park units and other similar vehicular homes for temporary occupancy.

§105-2 Mobile Home Requirements

A. Minimum Lot Area. The lot on which a mobile home is to be placed shall consist of a minimum of twenty thousand (20,000) square feet, with a minimum frontage of one hundred (100) feet.

B. Skirting. All mobile homes shall within thirty (30) days of becoming attached to the lot, have skirting attached to cover the area from bottom of mobile home to ground.

C. APPLICATION. This ordinance shall apply to any mobile home meeting the requirements of Section 105-1 of this ordinance, whether said mobile home to be used as a home, or place of legitimate business.

D. County Regulations. All mobile homes shall comply with the such regulations of Susquehanna County as apply to such homes.

§105-3 Recreational Vehicle Requirements

A. RECREATIONAL VEHICLE USE. Recreational vehicles or similar vehicles or equipment shall not, under any circumstances, be used for commercial, storage or permanent residential occupancy.

B. PARKING OF RECREATIONAL VEHICLES. Individual recreational vehicles may be stored on any lot provided no more than one (1) such vehicle shall be stored on any lot and the vehicle is not connected to any utilities, except on a temporary basis for purposes of testing equipment, cleaning and similar activities or temporary use as provided in Subsection C below.

C. TEMPORARY USE. A single recreational vehicle may be parked on any property and used for up to four (4) consecutive days subject to an annual maximum of seven (7) days for use by visiting family members or guests. The Borough Council may implement a permit system for regulating this activity.

§105-4 Violations and Penalties

Upon convictions before a District Justice or other court of competent jurisdiction, a fine of $100.00 (One-hundred Dollars) for the first offense, $200.00 (Two-hundred Dollars) for the second offense, and $300.00 (Three-hundred Dollars) for the third offense shall be levied, plus the costs of prosecution. Each day a violation of this Ordinance exists shall be considered a separate offense for purposes of the provided herein.

Chapter 120
Occupation and Per Capita Tax Repeal

§120-1 Repeal of Occupation and Per Capita Tax Provisions
§120-2 Retention of Other Provisions

[History: An ordinance, adopted on June 17, 2020 as Ordinance No. 2020-01, repealing the Occupation and Per Capita Tax provisions previously adopted through Ordinance No 2019-01 on January 11, 2019.]

§120-1 Repeal of Occupation and Per Capita Tax Provisions

The Occupation Tax and the Per Capita Tax provisions of Ordinance No. 2019-01 adopted on January 11, 2019 are hereby repealed in their entirety.

§120-2 Retention of Other Provisions

All other aspects and provisions of Ordinance No. 2019 including, but not limited to, the Tax rate for General Purposes shall remain in full force and effect.

Chapter 125
Outdoor Wood Furnaces

§125-1 Purpose
§125-2 Definitions
§125-3 Regulations for Outdoor/Indoor Wood Furnaces
§125-4 Substantive Requirements
§125-5 Appeals/Variances
§125-6 Violations and penalties
§125-7 Civil Proceedings

[History: An ordinance, adopted June 18, 2009 as Ordinance No. 2009-01, a regulating outdoor furnace/indoor wood furnaces in the Borough of Oakland, providing restrictions and regulations and penalties for the violation thereof.]

§125-1 Purpose

This ordinance is enacted in the interest of the health, safety, and welfare of the residents of the Borough of Oakland by reducing/eliminating nuisances and health hazards caused by smoke from Outdoor/Indoor Wood Furnaces by preventing and/or correcting outdoor wood furnace misuse - including burning anything other than the manufacturer's listed fuels and operating with too short of a chimney - to encourage cleaner outdoor wood furnaces and to recommend Best Burn Practices (See Attachment).

§125-2 Definitions

As used in this ordinance, the following terms shall have the meanings indicated, unless a different meaning appears clearly from the context:

A. OUTDOOR/INDOOR WOOD FURNACE: Any equipment, device, appliance or apparatus, or any part thereof, which is installed, affixed or situated indoors or outdoors for the primary purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat for any interior space or water source. An Outdoor/Indoor Wood Furnace (a.k.a. wood boilers or wood hydronic heaters) will be referred to in this ordinance as Wood Furnaces except where applicable to a specific location (OUTDOOR or INDOOR).

E. CHIMNEY: Any flue or flues that carries oil exhaust from a Wood Furnace firebox or burn chamber.

F. NATURAL WOOD: Wood, which has not been painted, varnished or coated with a similar material, has not been pressure treated with preservatives and does not contain resins or glues as in plywood or other composite wood products.

G. SEASONED WOOD: usually contains 20 - 25% moisture content, while unseasoned wood can have up to 45% water content. A maximum moisture content of 25%, as measured by a hand-held moisture meter in the center of a freshly split piece of wood, will be taken to be an indicative measure of seasoned wood.

H. EXISTING WOOD FURNACE: A Wood Furnace that was purchased and installed prior to the effective date of this ordinance.

§125-3 Regulations for Outdoor/Indoor Wood Furnaces

No person shall, from the effective date of this ordinance, construct, install or establish a Wood Furnace without a permit unless:

A. The existing Wood Furnace was constructed, installed, established prior to the effective date of this section;

B. No person shall, from the effective date or this ordinance operate a Wood Furnace unless such operation conforms with the manufacturer's instructions regarding such operation and the requirements of this ordinance regarding fuels that may he burned in a Wood Furnace as set forth in Sections 4.A and 4.B of this ordinance and chimney height (Outdoor Only) as set forth in Section 4.D of this ordinance.

C. All new Wood Furnaces shall be constructed, established, installed, operated and maintained in conformance with the manufacturer's instructions and the requirements of this ordinance. Indoor wood furnaces will comply with the Universal Construction Code (Mechanical Code) and insurance requirements. In the event of a conflict, the requirements of this ordinance shall apply unless the manufacturer's instructions arc stricter, in which case the manufacturer's instructions shall apply.

D. The owner of any new Wood Furnace shall produce the manufacturer's owner's manual or installation instructions to the current building inspector to review prior to installation.

E. All new Wood Furnaces shall be laboratory tested and listed to appropriate safety standards such as U L, CAN/CSA, ANSI or other applicable safety standards.

F. Exception: If any Wood Furnace is, through the course of a proper investigation by local authorities, creating a verifiable nuisance, as defined by local or state law, one of the following steps will be taken by the owner.

   1. Modifications made to the unit to eliminate the nuisance such as extending the chimney, or relocating the Outdoor Wood furnace or both.

   2. Cease and desist operating the unit until reasonable steps can he taken to ensure that the Wood Furnace will not be a nuisance.

§125-4 Substantive Requirements

Wood furnaces shall be constructed, established. installed, operated and maintained pursuant to the following conditions:

A. Fuel burned in any new or existing Wood Furnace shall be only seasoned wood, natural untreated wood, wood pellets, corn products or other listed fuels specifically permitted by the manufacturer's instructions such as fuel oil, natural gas or propane backup.

B. The following fuels are strictly prohibited in new or existing Wood Furnaces:

   1. Wood that has been painted, varnished or coated with similar material and/or has been pressure treated with preservatives and contains resins or glues as in plywood or other composite wood products.

2. Unseasoned wood (exceeds moisture content of twenty-five percent (25%)).

3. Rubbish or garbage, including but not limited to food wastes, food packaging, food wraps.

4. Any plastic materials including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.

5. Rubber including tires or other synthetic rubber-like products.

6. Newspaper, cardboard. or any paper with ink or dye products.

7. Any other items not specifically allowed by the manufacturer or this provision.

C. Setbacks for any new Outdoor Wood Furnace:

The Outdoor Wood Furnace shall be located 15 feet from the property line.

The Outdoor Wood Furnace shall be located on the property in compliance with manufacturer's recommendations and or testing ami listing requirements for clearance to combustible materials.

D. Chimney heights for new and existing Outdoor Wood Furnaces: The Outdoor Wood Furnace chimney shall extend 20 feet above the ground surface or at least above the roof line of the owner (whichever is greater).

§125-5 Appeals/Variances

Appeals from any actions, decisions, or rulings of the existing board or for a variance from the strict application of the specific requirements in Section 4 of this ordinance may be made to the Borough Board of Appeals. Requests for all appeals shall be made in writing to the Board of Appeals not later than ten (10) days of the act, decision, or ruling from which relief is sought.

A. Appeals fees: Appeals fees shall be established by Oakland Borough resolution.

B. Public hearing: Within sixty (60) days after receiving the written request, the Board of Appeals shall hold a public hearing on the appeal, with prior notice published in a newspaper of general circulation in the Borough at least sixty (60) days before the date of the hearing and specifying the date, place, time, and purpose of the hearing.

C. Decision of Board of Appeals. Within sixty (60) days or the final adjournment of a public hearing, the Board or Appeals shall affirm, modify, or deny the action, decision, or ruling of the current building inspector or correct any omission by the current building inspector, or approve, approve with conditions, or disapprove the application. The decision of the Board or Appeals shall be in writing and shall contain findings and the factual basis for each finding from the record of the hearing, which shall support the decision of the Board or Appeals. As part of any decision, the Board of Appeals shall direct the officer to issue any appropriate permit in conformity with its ruling and shall state a time by which such permit shall he issued, in conformity with this ordinance.

D. Criteria for variances. In making its determination, the Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighted against the detriment to the neighborhood or community by such grant. In making such determination the board shall also consider:

Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the variance;

Whether the benefit sought by the applicant can he achieved by some method, feasible for the applicant to pursue, other than a variance;

Whether the requested variance is substantial;

Whether the alleged difficulty was self-created. which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the variance.

§125-6 Violations and Penalties

Any person, firm or corporation who shall violate any provision of this Ordinance, shall, upon conviction thereof, be sentenced to pay a fine of not more than three hundred dollars ($300.00) and in default of payment of said fine, to imprisonment for a term not to exceed ninety (90) days. Every week that a violation of this Ordinance continues. shall constitute a separate and distinct offense.

§125-7 Civil Proceedings

Compliance with this ordinance may also be compelled and violations restrained by order or by injunction of a court of competent jurisdiction. Any person who violates any provision of this ordinance shall also be subject to a civil penalty of not more than three hundred dollars ($300), to be recovered by the Borough in a civil action, and each week's continued violation shall be for this purpose a separate and distinct violation. In the event the Borough is required to take legal action to enforce this ordinance, the violator will be responsible for any and all necessary costs relative thereto, including attorney's fees, and such expense shall be charged to the property so affected by including such expense in the next annual tax levy against the property or by the filing of a municipal lien against the property.

Chapter 130
Peddling and Soliciting

§130-1 Definitions
§130-2 License Required
§130-3 Standards of Conduct
§130-4 Exceptions
§130-5 Violations and Penalties

[History: An ordinance, adopted as part of Codification Ordinance No. 21-01 to regulate peddling and soliciting in Oakland Borough under the general authority of Section 1202(20)(ii) of the Pennsylvania Borough Code.]

§130-1 Definitions

A. As used in this chapter, the following terms shall have the meanings indicated:

PEDDLER — Any person who shall engage in peddling as herein defined.

PEDDLING — Engaging in peddling, canvassing, soliciting or taking of orders, either by sample or other wise, for any goods, wares or merchandise, including subscriptions for magazines or other printed matter, upon any of the streets or sidewalks or from house to house within the Borough of Oakland.

PERSON — Any natural person, association, partnership, firm or corporation.

B. As used in this chapter, the singular shall include the plural, and the masculine shall include the feminine and the neuter

§130-2 License Required

A. From and after the passage of this chapter, it shall be unlawful for any person to engage in peddling in the Borough of Oakland without first having taken out a license as hereinafter provided.

B. Every person desiring to engage in peddling in the Borough of Oakland shall first make application to the Oakland Borough Police Department for a license. Upon such application, the applicant shall give their name, age, home address and business address; previous criminal record, if any; the name of the person, firm or corporation employing them; the type of goods, wares or merchandise they wishes to peddle; the place or places where they were engaged in peddling immediately prior to such application; the place or places where they propose to engage in peddling after leaving the Borough of Oakland; and the type, make and model of vehicle they use and its state registration and registration number, if any.

C. The Oakland Borough Police Department may, at its discretion, require any applicant for a license under this section to submit a photograph, of themselves, taken within one year of the date of application, and/or allow their fingerprints to be placed upon such application, provided that, when a person makes application for himself and one or more helpers, all applicable personal information specified above shall be given for each helper, and provided further that the Police Department shall have the authority to investigate any application for a license under this section, and for that purpose, to impose a waiting period of 24 hours between the making of an application and the issuance of the license.

D. All licenses issued hereunder shall be valid for one calendar year from the date of issuance unless revoked as herein provided and shall be in the form of an identification card or letter.

E. The fee for a license to peddle or solicit, which shall be paid to the Borough Treasurer for the use of the Borough, shall be $25 but may modified from time to time by resolution of the Oakland Borough Council.

F. No license granted to any individual under this chapter shall be transferable. Every person, firm or corporation granted a license under this chapter shall at all times have such license displayed in the place or upon the vehicle from which the licensed activities are conducted and, in case of an individual engaged in peddling or soliciting, shall carry such license upon his person.

G. Any license issued pursuant to this chapter may be revoked by the Oakland Borough Police Department if the holder fails to comply to the standards of conduct contained in §130-4 hereof, or any of them, or upon discovery the holder has made a false statement in their application for a license, or the license may be suspended pending an investigation into charges that they have been guilty of any false pretense or representation.

§130-3 Standards of Conduct

Every person to whom a license has been issued shall, in the conduct of his activities, comply with the following standards of conduct:

A. They shall carry his identification card at all times and exhibit it, upon request, to any police officer or to any person on whom such officer shall call or to such officer shall talk.

B. They shall not permit any person to have possession of their identification card and shall immediately report its loss to the Oakland Borough Police Department. They shall not alter or deface their license in any way.

C. They shall not enter or attempt to enter any dwelling without the invitation or permission of the occupant and shall immediately leave any premises upon request of the occupant.

D. They shall not represent their license to be an endorsement of themselves or their goods and services or the goods and services of their employer.

§130-4 Exceptions

A. This chapter shall not apply to individuals under 18 years of age who take orders for newspapers, greeting cards, candy and the like or who represent the Boy Scouts and Girl Scouts or similar organizations and take orders for and deliver cookies and the like, nor to any person who works for an organization which has registered with the Pennsylvania Department of State as required by Act 337, approved August 9, 1963, known as the "Solicitation of Charitable Funds Act."

B. Nothing in this chapter shall apply to farmers selling their produce or to any sale of goods, wares or merchandise donated by the owners thereof, the proceeds whereof are to be applied to any charitable or philanthropic purpose, or to any manufacturer or producer in the sale of bread and bakery products, meat and meat products or milk or milk products.

§130-5 Violations and Penalties

Upon convictions before a District Justice or other court of competent jurisdiction, a fine of $100.00 (One-hundred Dollars) for the first offense, $200.00 (Two-hundred Dollars) for the second offense, and $300.00 (Three-hundred Dollars) for the third offense shall be levied, plus the costs of prosecution. Each day a violation of this Ordinance exists shall be considered a separate offense for purposes of the provided herein.

Chapter 135
Parking

§135-1 Parking Rules
§135-2 Modification of Rules
§135-3 Violations and Penalties

[History: An ordinance permitting Borough Council to set parking rules for Oakland Borough; incorporating and modifying provisions of ordinances adopted on October 4, 1965, October 4, 1974, May 1, 1975 and August 6, 1989 and providing for future modifications of rules by resolution of Borough Council.]

§135-1 Parking Rules

The following parking rules shall initially apply, subject to future modification or supplementation as provided in Section 135-2 below.

A. Except on Sundays or holidays, it shall be unlawful to park any vehicle longer than one hour between the hours of 9:00 AM to 6:00 PM except on Friday between the hours of 9:00 AM to 9:00 PM, on the South side of the East River Street.

B. Except on Sundays and holidays, it shall be unlawful to park any vehicle longer than two hours on the South side of West River Street.

C. Except on Sundays or holidays, it shall be unlawful to park any vehicle longer than two hours on the East and West sides of Westfall Avenue to Prospect Street.

D. Parking is prohibited at all times on the following designated portions of the following streets and alleys:

   1. North side of East River Street.

   2. North side of High Street.

   3. North side of Prospect Street.

   4. Both sides of Park Avenue.

   5. North side of Boyden Street.

E. Overnight parking is prohibited from Midnight to 6:00 AM, from November 1st to March 31st, inclusive, or any time during PennDOT winter weather advisories, for snow removal purposes.

F. Parking is prohibited within 30 feet of any pavement intersection.

G. Parking is prohibited on any sidewalk such that pedestrian movement is obstructed in any way.

H. The Borough shall have the authority to place any posts or signs on, over or by any street to notify residents or visitors of applicable parking restrictions adopted by either the Borough or PennDOT.

§135-2 Modification of Rules

Borough Council may, from time to time, and by resolution, amend or supplement the parking rules set out in Section 135-1 above to address public safety.

§135-3 Violations and Penalties

Upon convictions before a District Justice or other court of competent jurisdiction, a warning shall be issued to permanently cease and desist in such activity. Upon a second offense a fine of $50.00 (Fifty Dollars) shall apply, with a fine of $100.00 (One-hundred Dollars) for each subsequent shall be levied. Each day a violation of this Ordinance exists shall be considered a separate offense for purposes of the provided herein.

Chapter 140
Realty Transfer Tax

§140-1 Imposition of tax
§140-2 Administration
§140-3 Interest

[History: An ordinance, adopted August 10, 2006, as Ordinance No. 2006-08, enacting a realty transfer tax and other tax related provisions pursuant to Article XI-D of the Tax Reform Code of 1971, and authorizing the Department of Revenue of the Commonwealth of Pennsylvania to determine, collect and enforce the tax, interest and penalties.]

§140-1 Imposition of Tax

Oakland Borough adopts the provisions of Article XI-D of the Tax Reform Code of 1971 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 five-tenths percent (0.500%).

§140-2 Administration

The tax imposed under Section I 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") provided, that if the correct amount of the tax is not paid by the last date prescribed for timely payment, Oakland Borough, pursuant to Section 1102-D of the Tax Reform Code of 1971, authorizes and directs the Department of Revenue of the Commonwealth of Pennsylvania to determine, collect and enforce the tax, interest and penalties.

§140-3 Interest

Any tax imposed under Section 1 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) 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), 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 143
Rental Housing

§143-1 Purpose
§143-2 Administration and Enforcement
§143-3 Definitions
§143-4 Duties of Owners
§143-5 Rental Registration and License
§143-6 Maintenance of Premises
§143-7 Duties of Tenant
§143-8 Nonrenewal, Suspension or Revocation of License
§143-9 Violations and Penalties
§143-10 License Fee
§143-11 Notices
§143-12 Exemptions

[History: An ordinance, adopted as part of Codification Ordinance No. 21-01 to regulate peddling and soliciting in Oakland Borough under the general authority of Section 1202(5) of the Pennsylvania Borough Code.]

§143-1 Purpose

A. It is the purpose of this chapter and the policy of the Council of the Borough of Oakland to establish rights and obligations of owners and occupants relating to residential rental units in the Borough of Oakland and to encourage owners and occupants to maintain and improve the quality of rental housing within the community..

B. In considering the adoption of this chapter, the Council of the Borough of Oakland makes the following findings:

1. The Borough has experienced significant problems with the maintenance of residential rental properties.

2. There are an increasing number of disturbances at residential rental properties that adversely affect the peace and quiet of the Borough.

3. The health, safety and welfare of occupants of rental units within the Borough would be enhanced by a system of residential rental unit licensing, insuring compliance with the codes governing the maintenance of existing structures.

§143-2 Administration and Enforcement

The Borough Code Enforcement Officer or such other individual or firm appointed by the Borough Council shall administer this chapter in accordance with its terms and shall be responsible for instituting enforcement proceedings on behalf of the Borough.

§143-3 Definitions

As used in this chapter, the following terms shall have the meaning indicated unless a different meaning clearly appears from the context:

AGENT — An adult individual designated by the owner of a residential rental unit as a responsible local agent.

BED-AND-BREAKFAST — A private residence where rooms are set aside for paying guests on an overnight or transient basis.

CODE ENFORCEMENT OFFICER — The officer is charged with the administration of this chapter or any duly authorized representative of said officer.

DISRUPTIVE CONDUCT — Any form of conduct, action, incident or behavior perpetrated, caused or permitted by any occupant or visitor of a residential rental unit that is so loud, offensive, riotous or that otherwise disturbs other persons of reasonable sensibility in their peaceful enjoyment of their premises or causes damage to said premises such that a report is made to a police officer complaining of such conduct, action, incident or behavior. It is not necessary that such conduct, action, incident or behavior constitute a criminal offense, nor that criminal charges be filed against any person in order for said person to have perpetrated, caused or permitted the commission of disruptive conduct as defined herein; provided, however, that no disruptive conduct shall be deemed to have occurred unless a public officer or a police officer shall investigate and make a determination that such did occur. The tenant, the owner and the responsible agent shall be notified of any such occurrences in writing.

HOTEL OR MOTEL UNIT — Any room or group of rooms located within a hotel or motel forming a single habitable unit used or intended to be used for living and sleeping on a transient basis.

OWNER — The legal or beneficial holder of title to a residential unit.

RESIDENTIAL RENTAL REGISTRATION AND LICENSE — A document issued every year for a fee by the Borough of Oakland to the owner or responsible agent of a residential rental unit evidencing the existence of said residential rental unit upon completed application by owner or agent to the Borough of Oakland.

RESIDENTIAL RENTAL UNIT — The residential unit occupied by a person other than the owner.

RESIDENTIAL UNIT — Any structurally enclosed area including or intending to include sleeping facilities.

TENANT — Any and all duly registered and identified occupants of any and all residential rental units.

TENANT OF RECORD — The occupant(s) of the residential unit identified to the Borough at the time of the registration of every and all such residential rental units. Identification of any and all such tenants shall be reported to the Borough upon each and every change of tenant(s).

§143-4 Duties of Owners

A. It shall be the duty of every owner to keep and maintain all regulated rental units and premises in compliance with all applicable codes and provisions of all other applicable laws and regulations and local ordinances and to keep said property in a good and safe condition. As provided in this chapter, every owner shall be responsible for regulating the proper and lawful use of said property.

B. It shall also be the duty of every owner to schedule an inspection of each and every residential unit each and every time a change of the tenant of record occurs. The owner shall be responsible for an inspection fee for each and every residential inspection required under these provisions. The inspection fee shall be the inspection fee as promulgated and duly adopted by Oakland Borough Council by resolution.

§143-5 Rental Registration and License

A. License requirement. It shall be unlawful for any person, firm or business entity to conduct or operate or cause to be rented, either as owner, agent or manager, within the Borough any residential unit without having first obtained a license to do so as hereafter provided.

B. Application. Within 90 days after the effective date of this chapter and annually thereafter, the owner of each residential rental unit existing on the effective date of this chapter shall make written application to the Code Enforcement Officer for a license for such use on a form to be supplied by the Code Enforcement Officer and containing such information as necessary to administer and enforce and to insure compliance with the provisions of this chapter and the Borough Building Codes.

C. Designation of agent. Every owner who is not a full-time resident of the Borough of Oakland or elsewhere in an area that is not within a twenty-mile radius of the Borough of Oakland shall designate an agent who shall reside in the Borough of Oakland or in an area that is within a twenty-mile radius of the Borough of Oakland. If the owner is a business entity, an agent shall be required if an officer of the business does not reside within the aforesaid area. The agent shall be authorized by the owner to receive service of process, notices and demands, as well as perform the obligations of the owner under this chapter. The identity, address and telephone number of the person who is designated as agent shall be provided by the owner or agent to the Borough, and such information shall be kept current and updated as it changes.

D. Issuance of license. Upon the receipt of a fully completed application, including the list of tenants' names and the appropriate license fee and provided that the owner is not in violation of the requirements of this chapter or any ordinance or code of the Borough, the Code Enforcement Officer shall issue a license for the property.

E. Renewal of license. Each license shall expire on the date set on the license and shall be renewed upon reapplication by the owner as long as the owner is not in violation of the requirements of this chapter or any ordinance or code of the Borough.

F. Transfer of license/change of ownership. The license issued is transferable to any person or entity who has acquired ownership of the licensed residential rental unit for the unexpired portion of the licensed term for which it was issued or reissued, provided that the application to transfer such license is filed with the Code Enforcement Officer at least 10 days prior to any change in ownership and the licensed residential rental unit is in compliance with all of the Borough codes and ordinances.

§143-6 Maintenance of Premises

A. The owner shall maintain the premises in compliance with the applicable codes of the Borough and shall regularly perform all routine maintenance and shall promptly make any necessary repairs to fulfill this obligation.

B. Inspections by Code Enforcement Officer. The owner shall permit inspections of any premises by the Code Enforcement Officer at reasonable times upon reasonable notice. The Code Enforcement Officer may inspect premises with the tenant's approval at any reasonable time.

§143-7 Duties of Tenant

The tenant shall comply with all applicable codes and ordinances of the Borough of Oakland.

A. Inspection of premises. The tenant shall permit inspections of any premises by the Code Enforcement Officer at reasonable times upon reasonable notice. The Code Enforcement Officer may inspect premises with an owner's approval at any reasonable time.

B. Disruptive conduct. The occupant shall not engage in nor tolerate nor permit others on the premises to engage in disruptive conduct or other violations of this chapter.

1. When police investigate an alleged incident of disruptive conduct, he or she shall complete a disruptive conduct report upon a finding that the reported incident did in his or her judgment constitute disruptive conduct as defined herein. The information filed on said report shall include, if possible, the identity or identities of the alleged perpetrator of the disruptive conduct and all other obtainable information, including the factual basis for the disruptive conduct, requested on the prescribed form. Where the police make such investigations, said police officer shall then submit the completed disruptive conduct report to the Code Enforcement Officer. In all cases, notice of the disruptive conduct shall be mailed to the owner or agent within three working days of the occurrence of the alleged disruptive conduct.

2. After three disruptive conduct incidents in any twelve-month period by an occupant, the owner or agent shall have 10 working days from the date of receiving the notice to begin eviction proceedings against the occupants. Failure to take such action will result in the immediate revocation of the residential rental license. This subsection is not intended to limit the owner or agent from initiating eviction actions prior to the third disruptive incident.

§143-8 Nonrenewal, Suspension or Revocation of License

A. The Code Enforcement Officer may suspend a license upon a finding that one or more of the requirements of the Borough of Oakland Code has been violated. The Code Enforcement Officer shall give written notice to the owner and agent if applicable of the violations of the Borough of Oakland Code. Upon failure of the licensed holder to correct the violation stated in the notice of violation within 30 days, the license may be revoked. The suspended license may be reinstated upon meeting the requirements of the Code.

B. Nonrenewal. Nonrenewal is the determination by the Code Enforcement Officer that an owner's application for a license should not be granted or renewed because the owner is in violation of a provision or provisions of any Borough Code. The Code Enforcement Officer will accept application for renewal of a license but will not approve or disapprove the same until all prior violations of this chapter have been corrected.

C. Failure to file an application for residential rental license. In the event that an owner fails to file an application for a residential rental license as required by this chapter, the Code Enforcement Officer shall provide written notice to the owner that unless the owner files said application within 10 business days of the date of the letter, the Code Enforcement Officer may deny license renewal after the expiration of the present license and/or file charges for the violation.

D. Discontinuation of occupancy. When a license has been denied, expired, suspended or revoked, no further rental or occupancy of such rental units shall be permitted until a license has been issued.

§143-9 Violations and Penalties

It shall be unlawful for any person as either owner or agent of a regulated rental unit for which a license is required to operate without a valid current license issued by the Borough authorizing such operation. It shall be unlawful for any owner or occupant to violate this chapter.

A. Any owner found to be operating a residential rental unit without an effective rental license shall be subject to a fine in the amount of $100 a day for every day the owner is found to be operating the residential rental unit without a license issued from the Borough of Oakland.

B. Any person violating any of the other provisions of this chapter shall be subject to a fine of $50 for a first offense, $100 for second offense and $150 for each offense thereafter.

C. The failure of the owner to secure an inspection upon change of tenant of record shall also constitute a violation under this chapter. An owner who is found to have failed to have secured such an inspection shall be subject to a fine in the amount of the inspection fee then in effect for each and every day the owner is found to have failed to secure such an inspection.

§143-10 License Fee

A. The fee for a residential rental license shall be set by the Borough Council upon enactment of this chapter and may be amended by the Borough Council from time to time.

B. Any and all such amendments to any and all such fees, costs, inspections, or similar levies or charges provided for herein may be promulgated and adopted by Oakland Borough Council by resolution referenced herein.

§143-11 Notices

A. All mailings under this chapter shall be made by the Borough of Oakland via United States mail, postage prepaid, certified mail, return receipt requested.

B. The notice provision provided for herein shall also include the means of service of any notice of violation, notice of penalties and any and all other such notice requirements provided for herein.

§143-12 Exemptions

Hotels, motels and bed-and-breakfasts are exempt from this chapter.

Chapter 145
Risk Management

§145-1 Membership
§145-2 Contract
§145-3 Custody of Funds
§145-4 Conditions of Agreement

[History: An ordinance, adopted in 2005 as Ordinance No. 2005-3, to joining Oakland Borough with other local government units as a member of the Pennsylvania Risk Management Association (the "Association") for the purpose of entering into an Intergovernmental Contract under the authority of the Intergovernmental Cooperation Act (1972 P.L. 762 No. 180) to form a Local Government Risk Pool, to provide for joint or cooperative action by Members relative to their financial and administrative resources for the purpose of providing risk management services and risk-sharing facilities to the Members and to the Members' Employees, and to defend and protect, in accordance with this Agreement, any Member of the Pool against liability as outlined in the Appendix to the Intergovernmental Contract.]

§145-1 Membership

This municipality shall join with other municipalities in accordance with the Pennsylvania Intergovernmental Cooperation Act by becoming a Member of the Association and entering into the Intergovernmental Contract which was adopted by reference with the same effect as if it had been set out verbatim in this Section and a copy of which shall be filed with the minutes of the meeting at which this Ordinance was adopted.

§145-2 Contract

This municipality is authorized to enter into the Intergovernmental Contract for the purposes contained therein, as well as any amendments or modifications thereto as the same may be required from time to time. These actions are to be taken by the member(s) or employee(s) of this municipality designated for this purpose, pursuant to general or specific instructions by the governing body adopting this Ordinance.

§145-3 Custody of Funds

The Association is designated as having official custody of this municipality's funds which are invested by Association pursuant to the terms of the Intergovernmental Contract.

§145-4 Conditions of Agreement

As required by the Intergovernmental Cooperation Act, the following matters are specifically found and determined:

A. The conditions of the agreement are set forth in the Intergovernmental Contract referred to in Section I;

I. This municipality's participation in the Association shall be terminable at any time by ordinance;

J. The purposes and objectives of the agreement are set forth hereinabove and the Intergovernmental Contract and actions contemplated thereby and purposes and objectives contained therein are otherwise legal as part of a pooled arrangement with other governmental units, thereby achieving economic and other advantages of intergovernmental cooperation;

K. It is not necessary to finance the agreement authorized herein from municipal funds except through the contribution of this municipality's Basis Rate (as such term is defined in the Intergovernmental Contract) to the Association.

L. The Association shall be managed by a Board of Commissioners or Executive Committee as set forth in the By-Laws of said Association, a copy of which has been provided for review in connection with the adoption of this Ordinance;

M. All property, real or personal, shall be acquired, managed, or disposed of by the Association in accordance with the terms of the Intergovernmental Contract.

Chapter 150
Road Naming

§150-1 County Policy
§150-2 County Assistance
§150-3 Borough Coordinator

[History: An ordinance, adopted June 8, 2006 as Ordinance No. 2006-04, County of Susquehanna Commonwealth of Pennsylvania, adopting the Susquehanna County Board Naming and Addressing Policy for the implementation and maintenance of road naming and structure addressing and marking thereof within the Oakland Borough.]

§150-1 County Policy

The Susquehanna County Road Naming and Addressing Policy adopted by County Resolution 2002-37 on October 23, 2002, is hereby adopted and implemented as outlined in Exhibit "A".

§150-2 County Assistance

The Susquehanna County Emergency Management Agency/911 Communications Department will assist the borough in implementing this policy, and will accept full responsibility in implementing this policy.

§150-3 Borough Coordinator

The Borough will appoint a coordinator to work with the County Emergency Management Agency/911 Communications Department in development and maintaining Road Naming and Addressing within the borough, in accordance with the County Policy.

Chapter 152
Sewage Enforcement

§152-1 Authority
§152-2 Delegation and Transfer
§152-3 General Provisions
§152-4 Violations and Penalties

[History: An ordinance enacted on May 13, 2021 as Ordinance No. 2021-2, providing for the entering into intergovernmental cooperation with other municipalities of Susquehanna County to establish and maintain the Susquehanna County Council of Governments Sewage Enforcement Committee to perform and enforce the provisions of the Pennsylvania Sewage Facilities Act, Act No. 537, as amended, in the Borough of Oakland providing for the appointment of a representative of the Borough to serve as a member of said committee, providing. for the adoption of a permit fee schedule and collection of same by the committee, and authorizing said Committee to establish an appeal board in accordance with the provisions of said Sewage Facilities Act.]

§152-1 Authority

Pursuant to the provisions of the Intergovernmental Cooperation Law, Act 180, approved July 12, 1972, the Borough of Oakland (hereinafter referred to as the "Borough" shall and does hereby enter into and adopt an Agreement of Cooperation (hereinafter, Agreement) with such other municipalities of Susquehanna County as may ordain to do so, providing for the establishment and maintenance of local local agency as authorized by Section 8 of the Pennsylvania Sewage Facilities Act, Act No. 537, as amended, (hereinafter "Act") to be known as the Susquehanna County Council of Governments Sewage Enforcement Committee (hereinafter, "Committee").

§152-2 Delegation and Transfer

The Agreement provides as follows:

A. The Borough delegates and transfers to the Committee all functions, powers, and/or responsibilities of the Borough, as provided for by the Act, as amended or hereafter amended, which shall include, but not limited to, the following:

   1. Accepting applications for, making the required inspections and issue, deny and/or revoke permits pursuant to the requirements of the Act aforesaid, for and on behalf of this Borough.

   2. Setting fee schedules for processing permit applications and issuing permits; to adopt and revise from time to time a permit fee schedule and to collect the permits fees in accordance therewith on behalf of this Borough, to be used to underwrite the cost of administration of this program, this Borough further agreeing to assign annually its rights to the Committee to all reimbursements, appropriations or grants to which this Borough might be entitled under this program, in accordance with applicable regulations of the Department of Environmental Protection, or other State or Federal agency.

   3. Appointing and/or employing certified sewage enforcement officers and such other employees or personnel on behalf of this Borough, as may be necessary, to make the required inspections within the said Borough, and to receive applications for and to issue in the name of said Borough, permits as provided for by said Act, or to deny and/or revoke the same, and determining the amount and method of compensation for such personnel.

4. Applying for and receiving reimbursement from the Pennsylvania Department of Environmental Protection.

5. Establishing all necessary provisions and procedures for issuance of permits, collection of fees, enforcement of the Act and the Rules and Regulations promulgated pursuant thereto, prosecution of violations, hearing appeals from decisions of the sewage enforcement officers, and appearing as a party respondent to appeals taken from the decision of the local agency pursuant to the Local Act.

6. Adopting rules and regulations and procedures not inconsistent with the Sewage Facilities Act or the Rules and Regulations promulgated pursuant thereto, which the Agency deems necessary and proper to the effective administration of the Act and to the effective execution of the powers, duties, and responsibilities granted by the Act, the Ordinances of participating municipalities and the Agreement of Cooperation.

7. To require and collect an annual fee from this Borough and all participating municipalities for membership in the Susquehanna County Council of Government as established by said Council of Governments in accordance with their By-Laws as a condition of participation in the aforesaid Sewage Enforcement Committee and the conduct of the responsibilities herein contained in this Ordinance by the Committee.

B. The purposes and objectives of the Agreement are to create a local agency which will equally administer and enforce the provisions of the Act within each Borough that is a part of and included within the jurisdiction of the Agency created.

C. The manner and extent of financing the activities of the Agency shall be determined by the Agency which will annually, before preparation of budgets of participating municipalities, specify the amount of funds, if any, that will be needed from each member Borough to finance any costs not covered by fees and reimbursement, which amounts shall be approved by each member Borough. The Agency shall attempt as nearly as is feasible, to limit its expenditures to income received from fees and reimbursements.

D. The organizational structure of the Agency shall include, but not limited to, a governing body composed of one (1) elected official or other designated representative from each participating municipality to be chosen on an annual basis by each participating municipality.

E. The Agency may acquire, manage or dispose of property, real or personal, but, upon complete termination of the Agency's existence, its remaining assets shall be equally reimbursed to the participating municipalities existing at such time.

F. The Agency shall serve only those municipalities participating therein. Non-member municipalities in the County of Susquehanna may become participating members of the Agency by proper Ordinance adopting the Agreement.

G. The Agreement may be amended be amended by a two-thirds vote of all Committee members or terminated by Ordinance of all participating members. All amendments duly passed by a two-thirds vote of the full Committee must be adopted by Ordinance of each of the participating municipalities within 90 days of the said action by the Committee; failure on the part of a participating municipality to act within 90 days to amend said Articles of Cooperation shall be deemed as termination of its participation and membership in

the Susquehanna County Council of Governments Sewage Enforcement Committee and the actions, decisions and conduct of the Committee.

H. The Borough, in furtherance of the implementation of this inter-municipal program, shall hereby name, constitute, and appoint annually, one elected official or other designated representative of the Borough, to serve as a member of the Committee, said appointment to continue in full force and effect until such time as the Borough withdraws from the program, or until such time as the Borough appoints a successor representative by official action at a regularly scheduled meeting of the Borough Council.

I. The Borough Council of the Borough of Oakland hereby directs, authorizes, and empowers the Committee to establish a process of appeal, including the appointment of members thereto as necessary, to conduct hearings in the event of the denial or revocation of any permit in accordance with the provisions of the Act, for and on behalf of this Borough.

§152-3 General Provisions

A. Repealer. All prior Ordinances or parts thereof inconsistent with the provisions of this Ordinance, the Agreement entered into pursuant hereto, or requirements legally adopted by the Agency, are hereby repealed.

B. Separability and Validity. Any portion of this Ordinance that may subsequently be determined to be invalid shall not affect the remaining portions thereof, it being the intent of the Borough to have enacted such remaining portion without regard to the portion declared invalid.

§152-4 Violations and Penalties

Any person who shall violate or fail to comply with any rule or regulation adopted by the Agency pursuant to the powers delegated in Section §152-2 hereof, shall be guilty of a summary offense and shall be subjected to the same fines and penalties as are provided for in Section 13 of the Act.

Chapter 155
Sewer Connection

§155-1 Definitions
§155-2 Use of Public Sewers Required
§155-3 Building Sewers and Connecting to Sewers
§155-4 Rules and Regulations
§155-5 Enforcement
§155-6 Declaration of Purpose

[History: An ordinance, adopted on September 19, 1974 as Ordinance No. 1974-04 and amended on December 5, 2011 as Ordinance No. 2011-12, regulating the manner of collection, costs and disposal of refuse, requiring that all refuse collectors be licensed and prescribing penalties for violation.]

§155-1 Definitions

Unless the context specifically and clearly indicates otherwise, the meaning of terms .and phrases used in this Ordinance shall be as follows:

A. AUTHORITY means the Tri-Boro Municipal Authority, a Pennsylvania municipality authority.

N. BUILDING SEWER means the extension from the sewage drainage system of any structure to the Lateral of a Sewer.

O. BOROUGH means the Borough of Oakland, Susquehanna County, Pennsylvania, a municipality of the Commonwealth of Pennsylvania, acting by and through its Council or, in appropriate cases, acting by and through its authorized representatives.

P. IMPROVED PROPERTY means any property located within this Borough upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure Sanitary Sewage and/or Industrial Wastes shall be or may be discharged.

Q. INDUSTRIAL ESTABLISHMENT means any room, group of rooms, building or other enclosure used or intended for use, in whole or in part, in the operation of a business enterprise for the manufacturing, fabricating, processing, cleaning, laundering or assembling of any product, commodity or article, or from which any process waste, as distinct from Sanitary Sewage, shall be discharged.

R. INDUSTRIAL WASTES means any solid, liquid: or gaseous substance or water borne wastes or form of energy rejected or escaping in the course of any industrial, manufacturing, trade or business process or in the course of the development, recovery or processing of natural resources, as distinct from Sanitary Sewage.

S. LATERAL means that part of the Sewer System extending from a Sewer to the curb line or, if there shall be no curb line, to the property line or, if no such Lateral shall be provided, then "Lateral" shall mean that portion of, or place in, a Sewer which is provided for connection of any Building Sewer.

T. OWNER means any Person vested with ownership legal or equitable, sole or partial, of any Improved Property.

U. PERSON means any individual, partnership, company, association, society, trust, corporation or other group or entity.

V. SANITARY SEWAGE means normal water carried household and toilet wastes discharged from any Improved Property.

W. SEWER means any pipe, main or conduit constituting a part of the Sewer System used or usable for sewage collection purposes.

X. SEWER SYSTEM means all facilities, as of any particular time, for collecting, transporting, pumping, treating and disposing of Sanitary Sewage and Industrial Wastes, situate in or adjacent to this Borough, owned by the Authority.

§155-2 Use of Public Sewers Required

A. The Owner of any Improved. Property benefited, improved or accommodated by a Sewer spall connect such Improved Property with such Sewer, in such manner as this Borough. or Authority may require, within 45 days after notice to such Owner from the Authority to make such connection, for the purpose of discharge of all Sanitary Sewage and Industrial Wastes from such Improved Property, subject to such limitations and restrictions as shall be established herein or as otherwise shall be established by this Borough or the Authority, from time to time.

B. All Sanitary Sewage and Industrial Wastes from any Improved Property, after connection of such Improved Property with a Sewer shall be required under Section 155-2.A, shall be conducted into a Sewer, subject to such limitations and restrictions as shall be established herein or as otherwise shall be established by this Borough or the Authority, from time to time.

C. No Person shall place or deposit or permit to be placed or deposited upon public or private property within this Borough any Sanitary Sewage or Industrial Wastes in violation of Section 155-2.A. No Person shall discharge or permit to be discharged to any natural outlet within this Borough any Sanitary Sewage or Industrial Wastes in violation of Section 155-2.A, except where, suitable treatment has been provided which is satisfactory to this Borough and the Authority.

D. No privy vault, cesspool, sinkhole, septic tank or similar receptacle shall be used or maintained at any time upon any Improved Property which has been connected to a Sewer or which shall be required under Section 155-2.A to be connected to a Sewer. Every such privy vault, cesspool, sinkhole, septic tank or similar receptacle in existence shall be abandoned and, at the discretion of this Borough, shall be cleansed and filled at the expense of the Owner of such Improved Property and under the direction and supervision of this Borough; and any such privy vault, cesspool, sinkhole, septic tank or similar receptacle not so abandoned and, if required by this Borough, cleansed and filled, shall constitute a nuisance and such nuisance may be abated as provided by law, at the expense of the Owner of such Improved Property.

E. No privy vault, cesspool, sinkhole, septic tank or similar receptacle at any time shall be connected with a Sewer.

F. The notice by the Authority to make a connection to a Sewer, referred to in Section 155-2.A, shall consist of a copy of this Ordinance, including any amendments and/or supplements at the time in effect, or a summary of each section hereof, and a written or printed document requiring the connection in accordance with the

provisions of this Ordinance and specifying that such connection shall be made within forty-five (45) days from the date such notice is given. Such notice may be given at any time after a Sewer is in place which can receive and convey sanitary sewage and Industrial Wastes for treatment and disposal from the particular Improved Property. Such notice shall be served upon the Owner either by personal service or by registered mail or by such other. method as at the time may be provided by law.

§155-3 Building sewers and connecting to sewers

A. No Person shall uncover, connect with, make any opening into or use, alter or disturb in any manner any Sewer or any part of the Sewer System without first obtaining a permit, in writing from the Authority.

B. Application for a permit required under Section 155-3.A shall be made by the Owner of the Improved Property served or to be served.

C. No Person shall make or cause to be made a connection of any Improved Property with a Sewer until such Person shall have fulfilled each of the following conditions:

1. Such Person shall have notified the Secretary of the Authority of the desire and intention to connect such Improved Property to a Sewer.

3. Such Person shall have applied for and obtained a permit as required by Section 155-3.A.

4. Such Person shall have given the Secretary of the Authority at least twenty-four (24) hours notices of the time when such connection will be made so that the Authority may supervise and inspect the work of connection and necessary testing.

5. Such Person shall have furnished satisfactory evidence to the Secretary or the Authority that any tapping fee charged and imposed by the Authority against the Owner of each Improved Property who connects such Improved Property to a Sewer has been paid.

D. Except as otherwise provided in this Section 155-3.D, each Improved Property shall be connected separately and independently with a Sewer through a Building Sewer. Grouping of more than one Improved Property on one Building Sewer shall not be permitted except under special circumstances and for good sanitary reasons or other good cause shown and then only after special permission of this Borough, and the Authority, in writing, shall have been secured and subject to such rules, regulations and conditions as may be prescribed by this Borough and the Authority.

E. All costs and expenses of construction of a Building Sewer and all costs and expenses of connection of a Building Sewer to a Sewer, including testing, shall be borne by the Owner of the Improved Property to be connected; and such Owner shall indemnify and save harmless this Borough and the Authority from all loss or damage that may be occasioned, directly or indirectly, as a result of construction of a Building Sewer or of connection of a Building Sewer to a Sewer.

F. A Building Sewer shall be connected to a Sewer at the place designated by the Authority and where the Lateral is provided. The invert of a Building Sewer at the point of connection shall be at the same or a higher elevation than the invert of the Sewer. A smooth, neat joint shall be made and the connection of a Building Sewer. to the Lateral shall be made secure and watertight.

G. Remedies.

1. If the Owner of any Improved Property benefited, improved or accommodated by a Sewer, after forty-five (45) days' notice from the Authority requiring the connection of such Improved Property with a Sewer, in accordance with Section 155-2.A, shall fail to-connect such Improved Property, as required, the Authority may make such connection and may collect from such Owner the costs and expenses thereof by a municipal claim, an action in assumpsit or such other legal proceeding as may be permitted by law.

3. If the Owner of any improved Property benefitted, improved or accommodated by a Sewer, after 15 days 'notice from the Authority requiring the connection of such improve property with a Sewer, in accordance with Section 155-2.A, shall fail to connect such Improved Property, as required, the Authority may make such connection and may collect from such Owner the costs and expenses thereof by a municipal claim, an action in assumpsit or such other legal proceeding as may be permitted by law.

§155-4 Rules and regulations

A. Where an Improved Property, at the time connection to a Sewer is required, shall be served by its own sewage disposal system or device, the existing house sewer line shall be broken on the structure side of such sewage disposal system or device and attachment shall be made, with proper fittings, to continue such house sewer line, as a Building Sewer.

B. No Building Sewer shall be covered until it has been inspected and approved by this Borough and the Authority. If any part of a Building Sewer is covered before so being inspected and approved, it shall be uncovered for inspection at the cost and expense of the Owner of the Improved Property to be connected to a Sewer.

C. Every Building Sewer of any Improved Property shall be maintained in a sanitary and safe operating condition by the Owner of such Improved Property.

D. Every excavation for a Building Sewer shall be guarded adequately with barricades and lights to protect all Persons from damage and injury. Streets, sidewalks and all other public property disturbed in the course of installation of a Building Sewer shall be restored, at the cost and expense of the owner of the Improved Property being connected, in a manner satisfactory to the Borough.

E. If any Person shall. fail or refuse, upon receipt of a notice from this Borough or Authority, in writing, to remedy any unsatisfactory conditions with respect to a Building Sewer, within forty-five (45) days of receipt of such notice, this Borough or the Authority may refuse to permit such Person to discharge Sanitary Sewage and Industrial Wastes into the Sewer System until such unsatisfactory conditions shall have been remedied to the satisfaction of this Borough and the Authority.

F. This Borough reserves the right to adopt, from time to time, additional rules and regulations as it shall deem necessary and proper relating to connections with a Sewer and the Sewer System, which additional rules and regulations, to the extent appropriate, shall be and shall be construed as a part of this Ordinance.

§155-5 Enforcement

A. Upon convictions before a District Justice or other court of competent jurisdiction, a fine of $100.00 (One-hundred Dollars) for the first offense, $200.00 (Two-hundred Dollars) for the second offense, and $300.00 (Three-hundred Dollars) for the third offense shall be levied, plus the costs of prosecution. Each day a violation of this Ordinance exists shall be considered a separate offense for purposes of the provided herein.

B. Fines and costs imposed under provisions of this Ordinance shall be enforceable and recoverable in the manner at the time provided by applicable law.

§155-6 Declaration of Purpose

It is declared that the enactment of this Ordinance is necessary for the protection, benefit and preservation of the health, safety and welfare of the inhabitants of this Borough.

Chapter 160
Sidewalks

§160-1 Compliance Required
§160-2 Maintenance Obligation
§160-3 Annual Inspection
§160-4 Property Owner to Repair; Time Limits
§160-5 Construction and Repair on Initiative of Property Owners
§160-6 Permit Required
§160-7 Borough to Act at Expense of Property Owner
§160-8 Violations and Penalties

[History: An ordinance, adopted as part of Codification Ordinance No. 21-01 to fully replace the ordinance enacted on January 3, 1910 as Ordinance 1910-1, regulating the construction and maintenance of sidewalks in Oakland Borough.]

§160-1 Compliance Required

The owner or owners of any lot or lots in the Borough with sidewalks in the public right of way shall maintain such sidewalks in a safe and passable condition, free of tripping hazards and obstructions. The said owner or owners shall repair any defects in such sidewalks and remove any obstructions, which make them unsafe or impassable to pedestrians.

§160-2 Maintenance Obligation

The obligation of maintenance shall include but not be limited to:

A. Repair of holes, and repair of cracks having a width in excess of ½ inch at any one point along a length of one foot or greater.

B. Maintenance of a constant grade.

   1. Repair shall be made when one or more sections of the sidewalk rises above or drops below the grade of the edges of immediately adjacent sections resulting in an irregular surface with depression greater than ½ inch in depth.

   2. Repair shall be made when the curb is out of vertical alignment with the adjacent curb or an adjacent section or slab of sidewalk in excess of ¾ inch.

   3. Repair shall be made when the curb is out of horizontal alignment with the adjacent curb in excess of ½ inch.

C. Repair of any section of sidewalk that has spalling on twenty-five percent (25%) or more of its surface.

D. The removal of leaves, tree limbs, grass clippings, debris, cinders, gravel, grits, or any other refuse on such sidewalk or projecting branches and other obstructions below six (6) feet, eight (8) inches above the sidewalk. The property owner shall be responsible for the prompt removal of any such items whether or not such items were deposited by the owner, his tenants, anyone acting under his direction, control, license or

any third person. Such leaves, tree limbs, grass clippings, debris, cinders, gravel, grits and other refuse shall be properly bagged and disposed of upon being removed from such sidewalk. The sweeping or other removal of such items onto Borough streets or state highways is prohibited. Snow and ice shall also be removed within 48 hours of snowfall with proper ice melting treatment, based upon the sidewalk material, applied as necessary.

E. Repair of any other instance, which may create a pedestrian safety hazard as determined by the Borough's designated enforcement official.

§160-3 Annual Inspection

Once each year, the Borough's designated enforcement official shall inspect all sidewalks and curbing in the Borough. Within thirty days of his/her inspection, he/she shall forward a report to the Borough Manager containing a list of those properties not in compliance with the requirements of this Ordinance. The report shall include a brief description of each noncompliance and shall specify the required repairs. The Borough Council may utilize a professional engineer for this purpose or to review any plans submitted with regard to Sections 160-5 and 105-6 below.

§160-4 Property Owner to Repair; Time Limits

Every owner of property in the Borough shall, on sixty (60) days notice, repair the sidewalk or curbing, or both, in the manner stipulated in such notice, in front of or alongside such property. If the sixty (60) days concludes after November 15, then said repairs shall be made on or before April 30 of the following year of said notice. However, where a condition exists of an emergency nature, such repairs shall be made within ninety-six (96) hours of said notice.

§160-5 Construction and Repair on Initiative of Property Owners

Any property owner, upon his own initiative and without notice from any borough authority, may repair a sidewalk or curbing along his property, provided that such owner shall have obtained the permits specified in this Ordinance and shall do such repairs in accordance with the requirements of this Ordinance.

§160-6 Permit Required

A permit shall be obtained from the Borough's designated enforcement official before doing any repairs or maintenance required. Application for the permit shall be made in accordance with the following rules and regulations:

A. The applicant shall submit three (3) copies of the application and three (3) copies of the information requested on the form of application to the Borough's designated enforcement official.

B. An application fee, in accordance with the Fee Schedule as approved by Borough Council and on file in the Borough office, shall be submitted with the application to the Borough's designated enforcement official.

C. The Borough's designated enforcement official shall inspect the work to determine the degree of compliance to the regulations governing the work.

§160-7 Borough to Act at Expense of Property Owner

Upon failure of any owner of property in the Borough to repair any curb or sidewalk after notice has been given in accordance with this Ordinance, the borough may cause the necessary repairs to be done at the expense of said owner and may collect the cost thereof and all additional charges, expenses and penalties as authorized.

§160-8 Violations and Penalties

Upon convictions before a District Justice or other court of competent jurisdiction, a fine of $30.00 (Thirty Dollars) for the first offense, $50.00 (Fifty Dollars) for the second offense, and $75.00 (Seventy-five Dollars) for the third offense shall be levied, plus the costs of prosecution. Each day a violation of this Ordinance exists shall be considered a separate offense for purposes of the provided herein.

CODE OF THE BOROUGH OF OAKLAND
RENTAL HOUSING – CHAPTER 161 (Replaces Chapter 143)

§161-1 Purpose
§161-2 Administration and Enforcement
§161-3 Definitions
§161-4 Duties of Owners
§161-5 Rental Registration and License
§161-6 Maintenance of Premises
§161-7 Duties of Tenant
§161-8 Non-renewal, Suspension or Revocation of License
§161-9 Violations and Penalties
§161-10 License Fee
§161-11 Notices
§161-12 Exemptions
§161-13 Severability Clause
§161-14 Appeals and Modifications
§161-15 Repealer

§161-1 Purpose

A. It is the purpose of this chapter and the policy of the Council of the Borough of Oakland to establish rights and obligations of owners and occupants relating to residential rental units in the Borough of Oakland and to encourage owners and occupants to maintain and improve the quality of rental housing within the community..

B. In considering the adoption of this chapter, the Council of the Borough of Oakland makes the following findings:

1. The Borough has experienced significant problems with the maintenance of residential rental properties.

2. There are an increasing number of disturbances at residential rental properties that adversely affect the peace and quiet of the Borough.

3. The health, safety and welfare of occupants of rental units within the Borough would be enhanced by a system of residential rental unit licensing, insuring compliance with the codes governing the maintenance of existing structures.

§161-2 Administration and Enforcement

The Borough Code Enforcement Officer or such other individual or firm appointed by the Borough Council shall administer this chapter in accordance with its terms and shall be responsible for instituting enforcement proceedings on behalf of the Borough.

§161-3 Definitions

As used in this chapter, the following terms shall have the meaning indicated unless a different meaning clearly appears from the context:

AGENT/MANAGER — An adult individual designated by the owner of a residential rental unit as a responsible local agent.

BED-AND-BREAKFAST — A private residence where rooms are set aside for paying guests on an overnight or transient basis.

CODE ENFORCEMENT OFFICER — The officer is charged with the administration of this chapter or any duly authorized representative of said officer.

DISRUPTIVE CONDUCT — Any form of conduct, action, incident or behavior perpetrated, caused or permitted by any occupant or visitor of a residential rental unit that is so loud, offensive, riotous or that otherwise disturbs other persons of reasonable sensibility in their peaceful enjoyment of their premises or causes damage to said premises such that a report is made to a police officer complaining of such conduct, action, incident or behavior. It is not necessary that such conduct, action, incident or behavior constitute a criminal offense, nor that criminal charges be filed against any person in order for said person to have perpetrated, caused or permitted the commission of disruptive conduct as defined herein; provided, however, that no disruptive conduct shall be deemed to have occurred unless a public officer or a police officer shall investigate and make a determination that such did occur. The tenant, the owner and the responsible agent shall be notified of any such occurrences in writing.

HOTEL OR MOTEL UNIT — Any room or group of rooms located within a hotel or motel forming a single habitable unit used or intended to be used for living and sleeping on a transient basis.

OWNER — The legal or beneficial holder of title to a residential unit.

RESIDENTIAL UNIT — Any structurally enclosed area including or intending to include sleeping facilities.

RESIDENTIAL RENTAL REGISTRATION AND LICENSE — A document issued for a fee by the Borough of Oakland to the owner or responsible agent of a residential rental unit evidencing the existence of said residential rental unit upon completed application by owner or agent to the Borough of Oakland.

RESIDENTIAL RENTAL DWELLING OR UNIT—The residential unit occupied by a person other than the owner. Residential rental units refer to properties that are rented out for residential purposes. Any rental or tenant-occupied single-family dwelling, room or group of rooms located within a building and forming a single, habitable unit with facilities intended to be used for living, sleeping, cooking and eating by a single family. Rooming houses, boarding houses, sober living and/or other similar residential facilities, which provide for single or multiple tenants who rent rooms individually, but who share kitchen and bathroom facilities shall be considered rental dwelling for purposes of this Ordinance. Residential rental dwellings shall also include apartment units, apartment complexes or buildings, short term rental/hotel style units or buildings, and single family homes. Includes movable dwellings: caravans, mobile homes, or other relocatable units used for residential purposes. Residential rental properties consist of condominiums, townhouses, and multifamily buildings.

SECONDARY DWELLINGS --- Additional units on the same property lot, such as granny flats.

TENANT — Any and all duly registered and identified occupants of any and all residential rental units.

TENANT OF RECORD — The occupant(s) of the residential unit identified to the Borough at the time of the registration of every and all such residential rental units. Identification of any and all such tenants shall be reported to the Borough upon each and every change of tenant(s).

TOWNHOUSES AND DUPLEXES --- Multi-level or attached homes that share walls with neighboring units.

§161-4 Duties of Owners

A. It shall be the duty of every owner to keep and maintain all regulated rental units and premises in compliance with all applicable codes and provisions of all other applicable laws and regulations and local ordinances and to keep said property in a good and safe condition. As provided in this chapter, every owner shall be responsible for regulating the proper and lawful use of said property.

B. It shall also be the duty of every owner to schedule an inspection of each and every residential unit each and every time a change of the tenant of record occurs unless a change in tenancy occurs within 6 months of the last inspection. No new inspection is required, but the owner shall update the tenant of record with Oakland Borough. For applications going forward, the year 2026 will be the first year, and thereafter the owner of each residential rental property shall renew their application and schedule an inspection every three years unless there is a change of tenancy. The owner shall be responsible for an inspection each and every residential inspection required under these provisions. The inspection fee shall be the fee as promulgated and duly adopted by Oakland Borough Council by resolution.

§161-5 Rental Registration and License

A. License requirement. It shall be unlawful for any person, firm or business entity to conduct or operate or cause to be rented, either as owner, agent or manager, within the Borough any residential unit without having first obtained a license to do so as hereafter provided.

B. Application. For applications going forward, the year 2026 will be the first year, and thereafter the owner of each residential rental property will renew their application every three years unless there is a change of tenancy. The owner/agent shall make written application to the Code Enforcement Officer for a license for such use on a form to be supplied by the Code Enforcement Officer and containing such information as necessary to administer and enforce and to insure compliance with the provisions of this chapter and the Borough Building Codes.

C. Designation of agent. Every owner who is not a full-time resident of the Borough of Oakland or elsewhere in an area that is not within a twenty-mile radius of the Borough of Oakland shall designate an agent who shall reside in the Borough of Oakland or in an area that is within a twenty-mile radius of the Borough of Oakland. If the owner is a business entity, an agent shall be required if an officer of the business does not reside within the aforesaid area. The agent shall be authorized by the owner to receive service of process, notices and demands, as well as perform the obligations of the owner under this chapter. The identity, address and telephone number of the

person who is designated as agent shall be provided by the owner or agent to the Borough, and such information shall be kept current and updated as it changes.

D. Issuance of license. Upon the receipt of a fully completed application, including the list of tenants' names and the appropriate license fee and provided that the owner is not in violation of the requirements of this chapter or any ordinance or code of the Borough, the Code Enforcement Officer shall issue a license for the property.

E. Renewal of license. Each license shall expire on the date set on the license and shall be renewed upon reapplication by the owner as long as the owner is not in violation of the requirements of this chapter or any ordinance or code of the Borough.

F. Transfer of license/change of ownership. The license issued is transferable to any person or entity who has acquired ownership of the licensed residential rental unit for the unexpired portion of the licensed term for which it was issued or reissued, provided that the application to transfer such license is filed with the Code Enforcement Officer at least 10 days prior to any change in ownership and the licensed residential rental unit is in compliance with all of the Borough codes and ordinances.

§161-6 Maintenance of Premises
A. The owner shall maintain the premises in compliance with the applicable codes of the Borough and shall regularly perform all routine maintenance and shall promptly make any necessary repairs to fulfill this obligation.

B. Inspections by Code Enforcement Officer. The owner shall permit inspections of any premises by the Code Enforcement Officer at reasonable times upon reasonable notice. The Code Enforcement Officer may inspect premises with the tenant's approval at any reasonable time.

§161-7 Duties of Tenant The tenant shall comply with all applicable codes and ordinances of the Borough of Oakland.

A. Inspection of premises. The tenant shall permit inspections of any premises by the Code Enforcement Officer at reasonable times upon reasonable notice. The Code Enforcement Officer may inspect premises with an owner's approval at any reasonable time.

B. Disruptive conduct. The occupant shall not engage in nor tolerate nor permit others on the premises to engage in disruptive conduct or other violations of this chapter.

1. When police investigate an alleged incident of disruptive conduct, he or she shall complete a disruptive conduct report upon a finding that the reported incident did in his or her judgment constitute disruptive conduct as defined herein. The information filed on said report shall include, if possible, the identity or identities of the alleged perpetrator of the disruptive conduct and all other obtainable information, including the factual basis for the disruptive conduct, requested on the prescribed form. Where the police make such investigations, said police officer shall then submit the completed disruptive conduct report to the Code Enforcement Officer. In all cases, notice of the disruptive conduct shall be mailed to the owner or agent within three working days of the occurrence of the alleged disruptive conduct.

2. After three disruptive conduct incidents in any twelve-month period by an occupant, the owner or agent shall have 10 working days from the date of receiving the notice to begin eviction proceedings against the occupants. Failure to take such action will result in the immediate revocation of the residential rental license. This subsection is not intended to limit the owner or agent from initiating eviction actions prior to the third disruptive incident.

§161-8 Non-renewal, Suspension or Revocation of License

A. The Code Enforcement Officer may suspend a license upon a finding that one or more of the requirements of the Borough of Oakland Code has been violated. The Code Enforcement Officer shall give written notice to the owner and agent if applicable of the violations of the Borough of Oakland Code. Upon failure of the licensed holder to correct the violation stated in the notice of violation within 30 days, the license may be revoked. The suspended license may be reinstated upon meeting the requirements of the Code.

B. Non-renewal. Non-renewal is the determination by the Code Enforcement Officer that an owner's application for a license should not be granted or renewed because the owner is in violation of a provision or provisions of any Borough Code. The Code Enforcement Officer will accept application for renewal of a license but will not approve or disapprove the same until all prior violations of this chapter have been corrected.

C. Failure to file an application for residential rental license. In the event that an owner fails to file an application for a residential rental license as required by this chapter, the Code Enforcement Officer shall provide written notice to the owner that unless the owner files said application within 10 business days of the date of the letter, the Code Enforcement Officer may deny license renewal after the expiration of the present license and/or file charges for the violation.

D. Discontinuation of occupancy. When a license has been denied, expired, suspended or revoked,

§161-9 Violations and Penalties

It shall be unlawful for any person as either owner or agent of a regulated rental unit for which a license is required to operate without a valid current license issued by the Borough authorizing such operation. It shall be unlawful for any owner or occupant to violate this chapter.

A. Any owner found to be operating a residential rental unit without an effective rental license shall be subject to a fine in the amount of $100 a day for every day the owner is found to be operating the residential rental unit without a license issued from the Borough of Oakland.

B. Any person violating any of the other provisions of this chapter shall be subject to a fine of $50 for a first offense, $100 for second offense and $150 for each offense thereafter.

C. The failure of the owner to secure an inspection upon change of tenant of record shall also constitute a violation under this chapter. An owner who is found to have failed to have secured such an inspection shall be subject to a fine in the amount of the inspection fee then in effect for each and every day the owner is found to have failed to secure such an inspection.

§161-10 License Fee

The fee for a residential rental license shall be set by the Borough Council upon enactment of this chapter and may be amended by the Borough Council from time to time. B. Any and all such amendments to any and all such fees, costs, inspections, or similar levies or charges provided for herein may be promulgated and adopted by Oakland Borough Council by resolution referenced herein.

§161-11 Notices

A. All mailings under this chapter shall be made by the Borough of Oakland via United States mail, postage prepaid, certified mail, return receipt requested.

B. The notice provision provided for herein shall also include the means of service of any notice of violation, notice of penalties and any and all other such notice requirements provided for herein.

§161-12 Exemptions

None

§161-13 Severability Clause

If any provision (or portion thereof) of this Ordinance shall be held by a court of competent jurisdiction to be invalid, void, or otherwise unenforceable, the remaining provisions shall remain enforceable to the fullest extent permitted by law

§161-14 Appeals and Modifications

The owner, applicant or agent thereof may appeal a decision of the Code Enforcement Officer or request a modification of the strict letter of this chapter in accordance to the Borough Code.

§161-15 Repealer

All ordinances or parts of ordinances in conflict with the terms of this Ordinance are repealed and rescinded to the extent of such conflict. Any other terms and provisions of the ordinances of the Borough that are unaffected by this Ordinance are hereby reaffirmed and ratified. This ordinance replaces Chapter 143 which has been repealed.