

BOROUGH OF EAST McKEESPORT

ORDINANCE NUMBER 881

AN ORDINANCE OF THE BOROUGH OF EAST McKEESPORT, AMENDING ORDINANCE 786, as adopted on January 9, 1997, REQUIRING OWNERS OF DWELLINGS, NON RESIDENTIAL BUILDINGS, OR THEIR AGENTS TO NOTIFY THE BOROUGH BUILDING INSPECTOR OR OTHER APPOINTED OFFICIAL, OF THE NAMES AND ADDRESSES OF ALL TENANTS OR OCCUPANTS OCCUPYING RESIDENTIAL DWELLING UNITS, NON RESIDENTIAL STRUCTURES, OR OTHER STRUCTURES AS ZONED THAT ARE UNDER THEIR OWNERSHIP OR CONTROL TO OBTAIN OCCUPANCY PERMITS, SETTING OCCUPANCY FEE'S, PROVIDING FOR SETTING FURTHER FEE'S BY RESOLUTUION, AND REQUIRING ZONING CERTIFICATES.

WHEREAS, the Borough of East McKeesport desires to amend Ordinance 786, pertaining to the inspection and occupancy of dwellings and structures, both residential and non-residential, and other matters;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED into law by the Council of the Borough of East McKeesport and it is hereby ordained and enacted by the authority of the same as follows:

Section 1. Any person who hereinafter offer's for rent, lease, purchase, owns, or otherwise intends to occupy or utilize any apartment, building, space, or structure within the Borough of East McKeesport, either residential or non-residential, must apply for and obtain an occupancy permit in conformance with existing ordinances as applicable before occupying or utilizing said apartment, building, space, or structure. The responsibility for obtaining an occupancy permit shall be the owner or approved designated agent of record of the structure for residential occupancies and use. The responsibility for obtaining an occupancy permit for non residential uses shall be the owner and tenant. A occupancy permit shall be required when any new tenant occupancy begins, change in use of structure, and or when new ownership of any property occurs within the Borough.

Section 2. The obligation of owners, tenants, or lessee's to obtain an occupancy permit shall not apply to any residency or any occupancy less than seven days. Any residency or occupancy in excess of seven consecutive days shall be presumed to be a permanent occupancy requiring an occupancy permit under this Ordinance.

Section 3. All owners or approved agents of owners of real estate must furnish the borough building inspector or other appointed official a signed completed application for a Certificate of/for Occupancy prior to any occupancy and utilization of any apartment, building, space, or structure. The application for a Certificate of/for Occupancy must contain the following minimum information.

- A. Address of the residential or non residential structure.
- B. Name and address of the owner and rental agent, if any
- C. Name and current address of tenant or lessee, including the names of all adults and children (under age 18) who will be residing in the structure or residential apartment, building, space, or structure.
- D. Name and current address of tenant or lessee who will be utilizing any building, space, or structure in a non residential capacity.
- E. Provide all such information as required by the building inspector to determine proper use with zoning and building code requirements.

Section 4. From this date hereafter each application for an occupancy permit or zoning permit shall be accompanied by a check, cash, or money order in an amount described hereinafter:

- A. Non – Residential or business places shall pay the sum of \$75.00 as long as the inspection is of a routine nature. If the inspection requires a complex procedure, excessive time, or other matters as determined by the building code official or inspector the applicant shall bear the cost of the inspection time. Inspections in excess of one hour shall be considered excessive in time. The rate for the inspector's time shall be at the rate of \$50.00 per hour not to exceed \$300.00 per inspection.

- B. Residential inspections shall pay the sum of \$30.00 per single family house, per apartment unit each, or per each non-related occupied space as long as the inspection is of a routine nature. If the inspection requires a complex procedure, excessive time, or other matters the applicant shall bear the cost of the inspection for said procedures or time. The rate for the inspector's time shall be at the rate of \$50.00 per hour not to exceed \$250.00 per inspection.
- C. Zoning inspections and certificates shall pay the sum of \$15.00 for each zoning application and certificate issued.

Section 5. Each inspection shall include the initial inspection time and one follow up inspection to inspect for compliance when follow up is requested by the property owner or his agent. Thereafter, if the applicant fails to comply with the regulations or requirements of the code as directed, the second re-inspection shall be deemed to be a new inspection and subject to additional fees as described above.

Section 6. The Borough of East McKeesport may, from time to time, change said rules, fees, or costs and establish new rules, fees, or costs as may be determined by Resolution of Council. An application for a Certificate of/for Occupancy shall expire in 30 days if application is incomplete, fee unpaid, or inspection is not scheduled by applicant.

Section 7. It shall be a violation of this ordinance for any owner and or his agent to lease, rent, or otherwise permit the occupancy of any dwelling under his/her/their ownership and/or control without first having obtained a certificate of/for occupancy from the building inspector or other appointed official approving said occupancy.

Section 8. It shall be a violation of this ordinance for any owner and or his agent to collect any rent or lease payment from any tenant for any residential dwelling unit or any non residential space without first complying with the obligations of this ordinance.

Section 9. It shall be a violation of this ordinance for any person(s) to occupy any residential or non-residential space as an owner, relative of any owner, tenant, either on a paying or non paying basis, without first having complied with ordinance and obtained an occupancy permit.

Section 10. The building inspector/code official or other appointed official of the Borough of East McKeesport shall not permit the occupancy of any residential or non-residential space, if at the time of application for any occupancy permit there are outstanding building code violations on the property as evidenced by uncorrected notices of violations or other orders of the building code official prior to the date of occupancy application.

Section 11. The building inspector/code official or other appointed official of the Borough of East McKeesport shall not permit the occupancy of any residential or non-residential space, if at the time of application for any occupancy permit there are outstanding building permits issued where no required inspection has been obtained or where work was completed with no permit without first complying with the Borough's ordinance for inspection and required permits.

Section 12. All property owners upon sale or legal transfer of property to any individual or entity must first apply for and obtain a zoning certificate from the Borough Building Inspector or Zoning Officer designating the proper use of the owner's property in conformance with the Borough's Zoning Ordinance prior to the sale or transfer of property owner's real estate.

Section 13. All property owners of vacant real estate within the Borough of East McKeesport who do not have valid current certificate of occupancy must first apply for and obtain a zoning certificate from the Borough Building Inspector or Zoning Officer designating the proper use of the property in conformance with the Borough's Zoning Ordinance prior to the issuance of any certificate of occupancy.

Section 14. All property owners must first obtain a zoning certificate from the Borough Building Inspector or Zoning Officer prior to the placement, construction, or installation of any structure, addition, accessory structure, garage, retaining wall, shed, fence, parking space, or other type of improvement on any real estate within the Borough of East McKeesport.

Section 15. If any part of this ordinance shall be deemed to be or held unconstitutional then it is the intention of the Borough of East McKeesport Council that the balance of the ordinance would have been enacted irrespective of said unconstitutional provision.

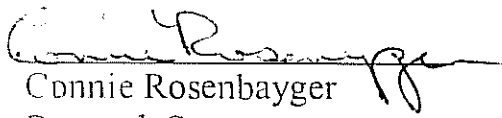
Section 16. Penalties. Any person, individual, corporation, partnership, association, entity, who individually or representing any said corporation, partnership, association, or entity violates any provision or section of this ordinance shall be subject to a fine of not less than \$300.00 and not more than \$1,000.00 per violation. Each day that a violation shall go uncorrected shall be deemed a separate violation and subject to the maximum penalty provided herein. Upon default of payment of said fine, any such violator shall be subject to imprisonment for a period not exceeding thirty days.

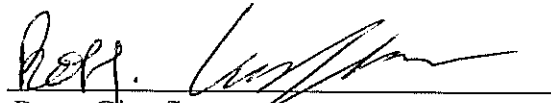
Section 17. It shall be the intent of the Borough of East McKeesport and Council that upon enactment of this revised ordinance that the original Ordinance 786 as written shall be considered repealed in its entirety.

ORDAINED AND ENACTED into law this 13th day of August, 2009.

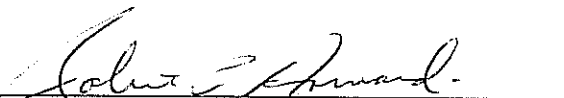
WITNESS:

BOROUGH OF EAST MCKEESPORT


Connie Rosenbayger
Borough Secretary

By: 
Ross Cianflone
President of Council

EXAMINED AND APPROVED by the undersigned this 13th day of August, 2009

By: 
Robert P. Howard
Mayor

BOROUGH OF EAST McKEESPORT
COUNTY OF ALLEGHENY
COMMONWEALTH OF PENNSYLVANIA
ORDINANCE NO. 882

AN ORDINANCE OF THE BOROUGH OF EAST
McKEESPORT, COUNTY OF ALLEGHENY AND
COMMONWEALTH OF PENNSYLVANIA, AUTHORIZING
THE OFFICES OF ADMINISTRATOR/SECRETARY AND
TREASURER TO BE HELD BY THE SAME PERSON.

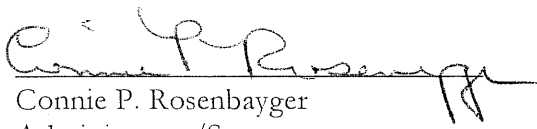
BE IT ORDAINED AND ENACTED by the Borough of East McKeesport, in Council assembled and it is hereby ordained and enacted by the authority of the same:

Section 1. Administrator/Secretary/Treasurer. The Council of the Borough of East McKeesport, pursuant to Borough Code, 53 P.S. § 461104, hereby authorizes that the office of Administrator/Secretary and of Treasurer may be held by the same person.

Section 2. Repealer. All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed.


Section 3. Effective Date. This Ordinance shall be effective immediately.

ATTEST:




Connie P. Rosenbayger
Administrator/Secretary

BOROUGH OF EAST McKEESPORT

By: 

Ross Cianflone, President
East McKeesport Borough Council

EXAMINED AND APPROVED by me this 10th day of September, 2009.



Robert P. Howard, Mayor

BOROUGH OF EAST McKEESPORT
ALLEGHENY COUNTY, PENNSYLVANIA
ORDINANCE NO. 883

AN ORDINANCE FIXING THE SALARIES AND WAGES OF OFFICERS
AND EMPLOYEES OF THE BOROUGH OF EAST McKEESPORT FOR
THE YEAR 2010.

BE IT ORDAINED AND ENACTED by the Borough of East McKeesport, in Council assembled and it is hereby ordained and enacted by the authority of the same:

Section 1. That the salaries and wages of the following named officers and employees and appointed officers of the Borough of East McKeesport, be and the same are hereby fixed at the following amounts effective January 1, 2010.

- A. Councilmen, the sum of \$125.00 per month
- B. President of Council - \$160.00 per month
- C. Mayor, the sum of \$160.00 per month
- D. Solicitor, the sum of \$300.00 per month for attendance at meetings and the sum of \$85.00 per hour for legal work.
- E. Engineer, the sum of \$100.00 per month, for attendance at meetings. In addition, the following rates shall also apply:
 - Chief Engineer, the sum of \$70.00 per hour
 - Staff Engineer, the sum of \$60.00
- F. Secretary, the salary of \$41,200.00 per year.
Hospitalization: Full paid hospitalization/healthcare benefits.
Holidays/Vacation/Bereavement Schedule/Life Insurance/Personal Days/Sick Leave: Same as Public Works
\$1,500.00 per year contribution to retirement fund through Equi-vest

G. Public Works, benefits are as follows: Foreman \$15.50 per hour wages, with time and a half over 40 hours worked; paid holidays: (7) New Years, Good Friday, Memorial Day, July 4th, Labor Day, Thanksgiving and Christmas; vacation:

1 year = 1 week

2 years = 2 weeks

After 2nd year, 1 day for each year worked up to 3 week vacation maximum

Hospitalization: Full paid hospitalization/healthcare benefits

Life Insurance - \$25,000.00 Life Insurance Policy

Retirement - \$1,500.00 per year contribution to retirement fund with Equi-vest

Bereavement Leave - Five (5) consecutive scheduled work days, with pay, for the death of a spouse, child or parent. Three (3) consecutive scheduled work days, with pay, for mother-in-law, father-in-law, sibling, grandparent or grandchild.

Sick Leave - Ten (10) days per year. Sick leave shall be accumulated up to but not exceeding one hundred (100) days during the term of employment by the Borough. Upon retirement, employees shall be paid a lump sum calculated by multiplying the number of unused sick days up to a maximum of fifty by \$50.00 per day. No more than fifty unused sick days, or \$2,500.00, will be paid for upon retirement.

Personal Days: 2

H. Laborer, the sum of \$11.00 per hour for General Laborers and three (3) Personal Days

Truck Driver, the sum of \$8.00 per hour

I. Police Department salaries:

See Collective Bargaining Agreement

J. Tax Collector, the salary of \$5,800.00 per year

K. Refuse Collector, the salary of \$4,000.00 per year

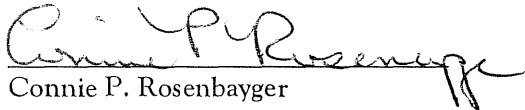
All other conditions and terms of employment with regard to the East McKeesport Borough Police Department shall also be governed by the labor agreement entered into by the parties, effective January 1, 2010, or such modifications as may be agreed upon.

Section 2. That any ordinance or part of any ordinance conflicting with the provisions of this Ordinance be and the same are hereby revoked and repealed.

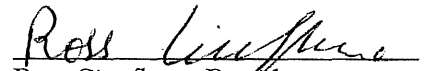
ORDAINED AND ENACTED into law this 10th day of December, 2009.

ATTEST:

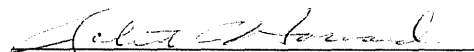
BOROUGH OF EAST McKEESPORT


Connie P. Rosenbayer
Administrator/Secretary

By:


Ross Cianflone, President
East McKeesport Borough Council

EXAMINED AND APPROVED by me this 10th day of December, 2009.


Robert P. Howard, Mayor

BOROUGH OF EAST McKEESPORT
ALLEGHENY COUNTY, PENNSYLVANIA

ORDINANCE NO. 884

AN ORDINANCE LEVYING AND ASSESSING BOROUGH TAXES WITHIN
THE BOROUGH OF EAST McKEESPORT FOR GENERAL AND SPECIFIC
BOROUGH PURPOSES FOR THE FISCAL YEAR 2010.

BE IT ORDAINED AND ENACTED by the Borough of East McKeesport, in Council assembled and it is hereby ordained and enacted by the authority of the same:

Section 1. That a tax for general and specific Borough purposes for the fiscal year beginning January 1, 2010, and expiring December 31, 2010 of 6.1 mills on the dollar be and is hereby levied and assessed being \$6.10 on each \$1,000.00 assessed valuation on the valuation fixed and assessed for Borough purposes in the said Borough of East McKeesport as now provided by law and to be collected on all properties situated in said Borough and made taxable for Borough purposes by the laws of the Commonwealth of Pennsylvania to provide a fund for the payment of the interest and principal to the bonded indebtedness of the Borough of East McKeesport and other purposes.

Section 2. That a net profits and earned income tax of one percent has been levied on all residents of the Borough for the said fiscal year by non-cancellation of an ordinance levying such tax without substantial change and pursuant to the provisions of the law enacted December 31, 1965, P.L. 1257, Act 511 entitled "The Local Tax Enabling Act," as amended.

Section 3. That a tax on occupations and on the privilege of engaging in said occupations within the corporate limits of the Borough of East McKeesport, the Local Service Tax, in the amount of \$52.00, is hereby levied by non-cancellation of an ordinance levying such tax without substantial change and pursuant to the provisions of the law enacted December 31, 1965, P.L. 1257, Act 511 entitled "The Local Tax Enabling Act" as amended.

Section 4. That a tax upon each dollar of the whole volume of business transacted by wholesale dealers and retail dealers in goods, wares and merchandise, proprietors of restaurants, places of amusement or other places where food, drink and refreshments are served, in the amount of one and one-half mil (1-1/2) retail and one (1) mil wholesale has been levied for the said fiscal year from January 1, 2010 through December 31, 2010, by reenactment of an ordinance levying such tax without substantial change and pursuant to the provisions of the law enacted December 31, 1965,

P.L. 1257, Act 511 entitled "The Local Tax Enabling Act" as amended.

Section 5. That a Real Estate Transfer Tax is levied upon the sale or conveyance of any lands, tenements, hereditaments or any interest therein situated in the Borough of East McKeesport. Such tax is for general Borough purposes and is in the amount of one percent of the value of the real estate, lands, tenements, hereditaments or interest therein conveyed, being \$1.00 on each \$100.00 or fraction of value. The tax is levied by non-cancellation of an ordinance levying such tax without substantial change and pursuant to the provisions of the law enacted December 31, 1965, P.L. 1257, Act 511 entitled "The Local Tax Enabling Act" as amended.

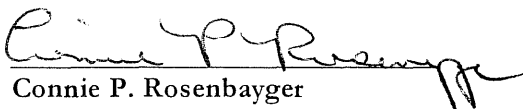
Section 6. That a Business Privilege Tax of 1 mill upon the privilege of operating and conducting a business in the Borough of East McKeesport as measured by the gross receipts therefrom has been levied for the said fiscal year from January 1, 2010 through December 31, 2010, by reenactment of an ordinance levying such tax without substantial change and pursuant to the provisions of the law enacted December 31, 1965, P.L. 1257, Act 511 entitled "The Local Tax Enabling Act" as amended.

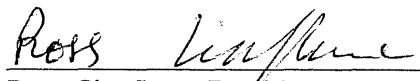
Section 7. That the revenues derived from the levy and collection of the aforesaid taxes as well as the revenues derived from all other lawful purposes, including debt service and lawful expenses of Borough operation and administration for said fiscal year, as provided and specified in the budget for said fiscal year, and said revenues are hereby appropriated to the proportions therein specified.

ORDAINED AND ENACTED into law this 10th day of December, 2009.

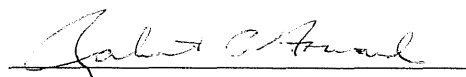
ATTEST:

BOROUGH OF EAST McKEESPORT


Connie P. Rosenbayer
Administrator/Secretary

By: 
Ross Cianflone, President
East McKeesport Borough Council

EXAMINED AND APPROVED by me this 10th day of December, 2009.


Robert P. Howard, Mayor

BOROUGH OF EAST MCKEESPORT
ORDINANCE NO. 885

AN ORDINANCE OF THE BOROUGH OF EAST MCKEESPORT RELATIVE TO THE ESTABLISHMENT AND MAINTENANCE OF BOROUGH EMPLOYEES PENSION, ANNUITY, INSURANCE AND BENEFIT FUND OR FUNDS, TO AMEND CERTAIN PROVISIONS OF THE PENSION PLAN OR PROGRAM APPLICABLE TO THE POLICE OF SAID BOROUGH AND TO RESTATE IN ITS ENTIRETY SUCH PENSION PLAN OR PROGRAM.

WHEREAS, the Borough of East McKeesport (Borough) has previously adopted by ordinance the Borough of East McKeesport Police Pension Plan (Plan); and

WHEREAS, the Borough desires to maintain the Plan in compliance with applicable state law including Act 600 of 1956; and

WHEREAS, the General Assembly of the Commonwealth of Pennsylvania enacted Act 51 of 2009 which, effective October 9, 2009 repealed Act 600's killed in service benefit.

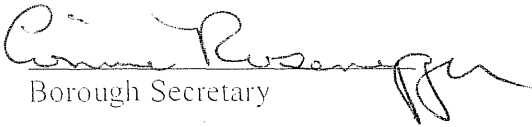
NOW THEREFORE, BE IT ORDAINED AND ENACTED by the Borough Council of the Borough of East McKeesport (Borough) and it is HEREBY ORDAINED AND ENACTED by authority of the same that the Plan is amended as follows:

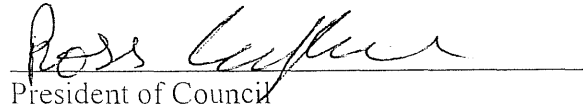
Effective October 9, 2009, or the earliest date allowed by law, if later, Plan Section 7.03, Killed in Service Benefit, is deleted in its entirety.

ORDAINED AND ENACTED into law this 10th, day of June, 2010.

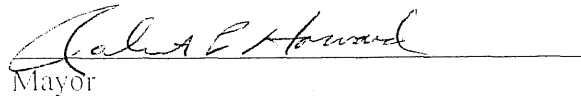
WITNESS:

BOROUGH OF EAST MCKEESPORT


Borough Secretary


President of Council

EXAMINED AND APPROVED by me this 6, day of 10 - 2010, 2010.


Mayor

BOROUGH OF EAST McKEESPORT
ALLEGHENY COUNTY, PENNSYLVANIA
ORDINANCE NO. 886

AN ORDINANCE FIXING THE SALARIES AND WAGES OF OFFICERS
AND EMPLOYEES OF THE BOROUGH OF EAST McKEESPORT FOR
THE YEAR 2011.

BE IT ORDAINED AND ENACTED by the Borough of East McKeesport, in Council assembled and it is hereby ordained and enacted by the authority of the same:

Section 1. That the salaries and wages of the following named officers and employees and appointed officers of the Borough of East McKeesport, be and the same are hereby fixed at the following amounts effective January 1, 2011.

- A. Councilmen, the sum of \$125.00 per month
- B. President of Council - \$160.00 per month
- C. Mayor, the sum of \$160.00 per month
- D. Solicitor, the sum of \$300.00 per month for attendance at meetings and the sum of \$85.00 per hour for legal work.
- E. Engineer, the sum of \$100.00 per month, for attendance at meetings. In addition, the following rates shall also apply:
 - Chief Engineer, the sum of \$70.00 per hour
 - Staff Engineer, the sum of \$60.00
- F. Secretary, the salary of \$42,436.00 per year.
Hospitalization: Full paid hospitalization/healthcare benefits.
Holidays/Vacation/Bereavement Schedule/Life Insurance/Personal Days/Sick Leave: Same as Public Works
\$1,500.00 per year contribution to retirement fund through Equi-vest

G. Public Works, benefits are as follows: Foreman \$16.00 per hour wages, with time and a half over 40 hours worked; paid holidays: (7) New Years, Good Friday, Memorial Day, July 4th, Labor Day, Thanksgiving and Christmas; vacation:

1 year = 1 week

2 years = 2 weeks

After 2nd year, 1 day for each year worked up to 3 weeks

11 or more years = 4 weeks

Hospitalization: Full paid hospitalization/healthcare benefits

Life Insurance - \$25,000.00 Life Insurance Policy

Retirement - \$1,500.00 per year contribution to retirement fund with Equi-vest

Bereavement Leave - Five (5) consecutive scheduled work days, with pay, for the death of a spouse, child or parent. Three (3) consecutive scheduled work days, with pay, for mother-in-law, father-in-law, sibling, grandparent or grandchild.

Sick Leave - Ten (10) days per year. Sick leave shall be accumulated up to but not exceeding one hundred (100) days during the term of employment by the Borough. Upon retirement, employees shall be paid a lump sum calculated by multiplying the number of unused sick days up to a maximum of fifty by \$50.00 per day. No more than fifty unused sick days, or \$2,500.00, will be paid for upon retirement.

Personal Days: 2

H. Laborer, the sum of \$11.33 per hour for General Laborers and three (3) Personal Days

Truck Driver, the sum of \$8.00 per hour

I. Police Department salaries:

See Collective Bargaining Agreement

J. Tax Collector, the salary of \$5,800.00 per year

K. Refuse Collector, the salary of \$4,000.00 per year

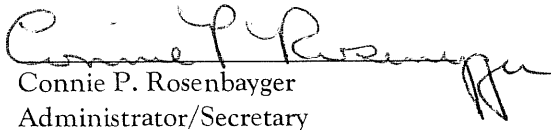
All other conditions and terms of employment with regard to the East McKeesport Borough Police Department shall also be governed by the labor agreement entered into by the parties, effective January 1, 2010, or such modifications as may be agreed upon.

Section 2. That any ordinance or part of any ordinance conflicting with the provisions of this Ordinance be and the same are hereby revoked and repealed.

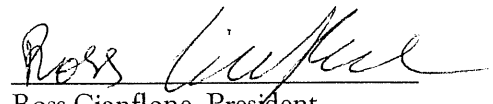
ORDAINED AND ENACTED into law this 9th day of December, 2010.

ATTEST:

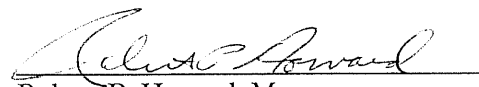
BOROUGH OF EAST MCKEESPORT


Connie P. Rosenbayer
Administrator/Secretary

By:


Ross Cianflone, President
East McKeesport Borough Council

EXAMINED AND APPROVED by me this 9th day of December, 2010.


Robert P. Howard, Mayor

BOROUGH OF EAST McKEESPORT
ALLEGHENY COUNTY, PENNSYLVANIA
ORDINANCE NO. 887

AN ORDINANCE OF THE BOROUGH OF EAST McKEESPORT
LEVYING AND ASSESSING SEWAGE RATES AND CHARGES FOR
THE BOROUGH OF EAST McKEESPORT FROM AND AFTER
JANUARY 1, 2011, AND AUTHORIZING AND DIRECTING OTHER
ACTION CONSISTENT THEREWITH.

WHEREAS, the Borough Council of the Borough of East McKeesport has reviewed the current sewage rates that are being charged in the Borough and has reviewed the same in conjunction with the study by the Borough Engineer; and

WHEREAS, the study reveals that the sewage rates need to be increased to secure the financial capability of the sewage system in the Borough of East McKeesport; and

WHEREAS, the Borough Council of the Borough of East McKeesport upon the recommendation of the Engineer and considering the aforementioned study has determined that an increase in the rates is necessary;

NOW, THEREFORE, be it **ORDAINED** and **ENACTED** by the Borough Council of the Borough of East McKeesport in lawful session assembled a full quorum being present and acting throughout as follows:

Section 1: The Borough of East McKeesport in accordance with the Alcosan and the McKeesport Municipal Authority Agreements hereby adopts, fixes and establishes the following sewage rates and charges effective with all bills issued on or after January 1, 2011:

- a. Based upon water consumption per quarter year - \$7.50 per thousand gallon sewage charge;
- b. A minimum charge (up to 7,200 gallons) of \$54.00 per quarter is hereby established.

Section 2: It is further ordained that the aforesaid minimum charge shall apply to every structure in which a water meter is installed, regardless of water usage.

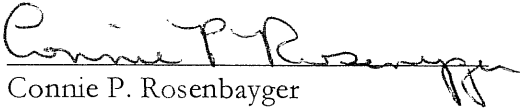
Section 3: All Ordinances previously adopted by the Borough of East McKeesport in levying and assessing sewage rates are hereby repealed and the within Ordinance is adopted in its place.

Section 4: The proper Officers of the Borough of East McKeesport are authorized and directed to take all other appropriate action necessary to implement the terms and provisions of this rate increase and in accordance with the aforesaid agreements for sewage service with the above named providers.

ORDAINED AND ENACTED into law this 9th day of December, 2010.

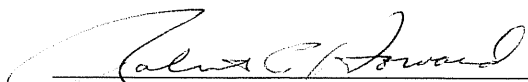
ATTEST:

BOROUGH OF EAST McKEESPORT


Connie P. Rosenbayger
Borough Secretary

By: 
Ross Cianflone
President of Council

EXAMINED AND APPROVED by me this 9th day of December, 2010.


Robert P. Howard, Mayor

BOROUGH OF EAST McKEESPORT
ALLEGHENY COUNTY, PENNSYLVANIA

ORDINANCE NO. 888

AN ORDINANCE LEVYING AND ASSESSING BOROUGH TAXES WITHIN
THE BOROUGH OF EAST McKEESPORT FOR GENERAL AND SPECIFIC
BOROUGH PURPOSES FOR THE FISCAL YEAR 2011.

BE IT ORDAINED AND ENACTED by the Borough of East McKeesport, in Council assembled and it is hereby ordained and enacted by the authority of the same:

Section 1. That a tax for general and specific Borough purposes for the fiscal year beginning January 1, 2011, and expiring December 31, 2011 of 8.1 mills on the dollar be and is hereby levied and assessed being \$8.10 on each \$1,000.00 assessed valuation on the valuation fixed and assessed for Borough purposes in the said Borough of East McKeesport as now provided by law and to be collected on all properties situated in said Borough and made taxable for Borough purposes by the laws of the Commonwealth of Pennsylvania to provide a fund for the payment of the interest and principal to the bonded indebtedness of the Borough of East McKeesport and other purposes.

Section 2. That a net profits and earned income tax of one percent has been levied on all residents of the Borough for the said fiscal year by non-cancellation of an ordinance levying such tax without substantial change and pursuant to the provisions of the law enacted December 31, 1965, P.L. 1257, Act 511 entitled "The Local Tax Enabling Act," as amended.

Section 3. That a tax on occupations and on the privilege of engaging in said occupations within the corporate limits of the Borough of East McKeesport, the Local Service Tax, in the amount of \$52.00, is hereby levied by non-cancellation of an ordinance levying such tax without substantial change and pursuant to the provisions of the law enacted December 31, 1965, P.L. 1257, Act 511 entitled "The Local Tax Enabling Act" as amended.

Section 4. That a tax upon each dollar of the whole volume of business transacted by wholesale dealers and retail dealers in goods, wares and merchandise, proprietors of restaurants, places of amusement or other places where food, drink and refreshments are served, in the amount of one and one-half mil (1-1/2) retail and one (1) mil wholesale has been levied for the said fiscal year from January 1, 2011 through December 31, 2011, by reenactment of an ordinance levying such tax without substantial change and pursuant to the provisions of the law enacted December 31, 1965, P.L. 1257, Act 511 entitled "The Local Tax Enabling Act" as amended.

Section 5. That a Real Estate Transfer Tax is levied upon the sale or conveyance of any lands, tenements, hereditaments or any interest therein situated in the Borough of East McKeesport. Such tax is for general Borough purposes and is in the amount of one percent of the value of the real estate, lands, tenements, hereditaments or interest therein conveyed, being \$1.00 on each \$100.00 or fraction of value. The tax is levied by non-cancellation of an ordinance levying such tax without substantial change and pursuant to the provisions of the law enacted December 31, 1965, P.L. 1257, Act 511 entitled "The Local Tax Enabling Act" as amended.

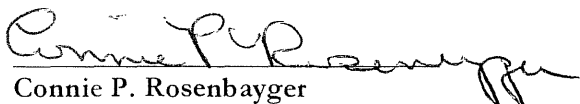
Section 6. That a Business Privilege Tax of 1 mill upon the privilege of operating and conducting a business in the Borough of East McKeesport as measured by the gross receipts therefrom has been levied for the said fiscal year from January 1, 2011 through December 31, 2011, by reenactment of an ordinance levying such tax without substantial change and pursuant to the provisions of the law enacted December 31, 1965, P.L. 1257, Act 511 entitled "The Local Tax Enabling Act" as amended.

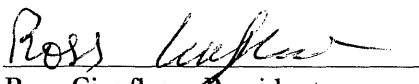
Section 7. That the revenues derived from the levy and collection of the aforesaid taxes as well as the revenues derived from all other lawful purposes, including debt service and lawful expenses of Borough operation and administration for said fiscal year, as provided and specified in the budget for said fiscal year, and said revenues are hereby appropriated to the proportions therein specified.

ORDAINED AND ENACTED into law this 9th day of December, 2010.

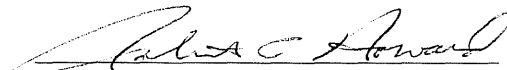
ATTEST:

BOROUGH OF EAST McKEESPORT


Connie P. Rosenbayer
Administrator/Secretary

By: 
Ross Cianflone, President
East McKeesport Borough Council

EXAMINED AND APPROVED by me this 9th day of December, 2010.


Robert P. Howard, Mayor

PaDOT / Allegheny County Airport Authority

Ordinance No. 889

**Airport Hazard District Overlay Zoning Ordinance for
Allegheny County Airport**

This zoning ordinance is to meet the obligation to enact airport hazard zoning as required by PA Act 164 of 1984. The airport hazard district overlay zone consists of zoning requirements superimposed upon the existing base zone(s). Development of land subject to overlay zoning requires compliance with the regulations of both the base and overlay zones.

AIRPORT HAZARD DISTRICT OVERLAY ORDINANCE

AN ORDINANCE OF EAST McKEESPORT BOROUGH SETTING FORTH ITS AUTHORITY TO ESTABLISH AN "AIRPORT DISTRICT OVERLAY" TO INCLUDE: PURPOSES OF THE DISTRICT, DEFINITIONS, AIRPORT ZONES, AIRPORT ZONE HEIGHT LIMITATIONS; PERMITS REQUIRED; USE RESTRICTIONS; NONCONFORMING USES; VARIANCES; CONFLICTING REGULATIONS; AND AMENDING THE OFFICIAL ZONING MAP BY THE ADOPTION OF AN OFFICIAL SUPPLEMENTARY AIRPORT OVERLAY ZONING MAP.

WHEREAS, certain airport hazards, as defined, in effect reduce the size of the area available for landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of *The Allegheny County Airport* and the public investment therein; and

WHEREAS, the creation or establishment of an airport hazard, as defined, is a public nuisance and may injure the region served by the *Allegheny County Airport*; and

WHEREAS, it is necessary in the interest of public health, public safety and general welfare that the creation or establishment of airport hazards, as defined, be prevented; and

WHEREAS, the prevention of these airport hazards, as defined, should be accomplished, to the extent legally possible, by the exercise of police power without compensation; and

WHEREAS, both the prevention of the creation or establishment of airport hazards, as defined, and the elimination, removal, alteration, mitigation or marking and lighting of existing airport hazards, as defined, are public purposes for which political subdivisions may raise and expend public funds and acquire land or interests in land; and

WHEREAS, The East McKeesport Borough Council did hold public hearing on the 9th day of

 June , 2011;

NOW, THEREFORE BE IT ORDAINED by East McKeesport Borough Council, pursuant to the authority conferred by 1984 Pa. Laws 164 codified at 74 Pa. Cons. Stat. §§5912 et. Seq., the following be and is hereby adopted as an ordinance of East McKeesport Borough:

Airport District Overlay Ordinance

- Section 1: Purpose
- Section 2: Relation to Other Zone Districts
- Section 3: Definitions
- Section 4: Establishment of Airport Zones and Height Limitations
- Section 5: Permit Applications
- Section 6: Variance
- Section 7: Use Restrictions
- Section 8: Pre-existing Non-conforming Uses
- Section 9: Obstruction Marking and Lighting
- Section 10: Violations and Penalties
- Section 11: Appeals
- Section 12: Conflicting Regulations
- Section 13: Severability

Section 1: Purpose. The purpose of this ordinance is to create an airport district overlay that considers safety issues around the *Allegheny County Airport*, regulates and restricts the heights of constructed structures and objects of natural growth, creates appropriate zones, establishing the boundaries thereof and providing for changes in the restrictions and boundaries of such zones, creates the permitting process for use within said zones and provides for enforcement, assessment of violation penalties, an appeals process, and judicial review.

Section 2: Relation to Other Zone Districts. The Airport District Overlay shall not modify the boundaries of any underlying zoning district. Where identified, the Airport District Overlay shall impose certain requirements on land use and construction in addition to those contained in the underlying zoning district.

Section 3: Definitions. The following words and phrases when used in this ordinance shall have the meaning given to them in this section unless the context clearly indicates otherwise.

Airport Elevation: The highest point of an airport's useable landing area measured in feet above sea level. The airport elevation of the *Allegheny County Airport* is 1,250 feet above mean sea level.

Airport Hazard: Any structure or object, natural or manmade, or use of land which obstructs the airspace required for flight or aircraft in landing or taking off at an airport or is otherwise hazardous as defined in 14 CFR Part 77 and 74 Pa. Cons. Stat. §5102.

Airport Hazard Area: Any area of land or water upon which an airport hazard might be established if not prevented as provided for in this Ordinance and the Act 164 of 1984 (Pennsylvania Laws Relating to Aviation).

Approach Surface (Zone): An imaginary surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. An approach surface is applied to each end of the runway based on the planned approach. The inner edge of the approach surface is the same width as the primary surface and expands uniformly depending on the planned approach. The approach surface zone, as shown on Figure 1, is derived from the approach surface.

Conical Surface (Zone): An imaginary surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty (20) feet horizontally to one (1) foot vertically for a horizontal distance of 4,000 feet. The conical surface zone, as shown on Figure 1, is based on the conical surface.

Department: Pennsylvania Department of Transportation.

FAA: Federal Aviation Administration of the United States Department of Transportation.

Height: For the purpose of determining the height limits in all zones set forth in this Ordinance and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

Horizontal Surface (Zone): An imaginary plane 150 feet above the established airport elevation that is constructed by swinging arcs of various radii from the center of the end of the primary surface and then connecting the adjacent arc by tangent lines. The radius of each arc is based on the planned approach. The horizontal surface zone, as shown on Figure 1, is derived from the horizontal surface.

Larger Than Utility Runway: A runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.

Nonconforming Use: Any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this Ordinance or an amendment thereto.

Non-Precision Instrument Runway: A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned.

Obstruction: Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth by this Ordinance.

Precision Instrument Runway: A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is

planned and is so indicated on an approved airport layout plan or any other planning document.

Primary Surface (Zone): An imaginary surface longitudinally centered on the runway, extending 200 feet beyond the end of paved runways or ending at each end of turf runways. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The primary surface zone, as shown on Figure 1, is derived from the primary surface.

Runway: A defined area of an airport prepared for landing and takeoff of aircraft along its length.

Structure: An object, including a mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, earth formation and overhead transmission lines.

Transitional Surface (Zone): An imaginary surface that extends outward and upward from the edge of the primary surface to the horizontal surface at a slope of seven (7) feet horizontally to one (1) foot vertically (7:1). The transitional surface zone, as shown on Figure 1, is derived from the transitional surface.

Tree: Any object of natural growth.

Utility Runway: A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight or less.

Visual Runway: A runway intended solely for the operation of aircraft using visual approach procedures.

Section 4: Establishment of Airport Zones: There are hereby created and established certain zones within the Airport District Overlay ordinance, defined in Section 3 and depicted on Figure 1 and illustrated on *The Allegheny County Airport* (AGC) Airspace Plan (Drawings 6, 7, & 8 of 14 of the AGC Airport Master Plan, as amended), hereby adopted as part of this ordinance, which include:

1. **Approach Surface Zone**
2. **Conical Surface Zone**
3. **Horizontal Surface Zone**
4. **Primary Surface Zone**
5. **Transitional Surface Zone**

Section 5: Permit Applications. As regulated by Act 164 and defined by 14 Code of Federal Regulations Part 77.13(a) (as amended or replaced), any person who plans to erect a new structure, to add to an existing structure, or to erect and maintain any object (natural or manmade), in the vicinity of the airport, *shall first notify the Department's Bureau of Aviation (BOA) by submitting PENNDOT Form AV-57 to obtain an*

obstruction review of the proposal at least 30 days prior to commencement thereof. The Department's BOA response must be included with this permit application for it to be considered complete. If the Department's BOA returns a determination of no penetration of airspace, the permit request should be considered in compliance with the intent of this Overlay Ordinance. If the Department's BOA returns a determination of a penetration of airspace, the permit shall be denied, and the project sponsor may seek a variance from such regulations as outlined in Section 6.

No permit is required to make maintenance repairs to or to replace parts of existing structures which do not enlarge or increase the height of an existing structure.

Section 6: Variance. Any request for a variance shall include documentation in compliance with 14 Code of Federal Regulations Part 77 Subpart B (FAA Form 7460-1 as amended or replaced). Determinations of whether to grant a variance will depend on the determinations made by the FAA and the Department's BOA as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable air space. In particular, the request for a variance shall consider which of the following categories the FAA has placed the proposed construction in:

1. No Objection - The subject construction is determined to not exceed obstruction standards and marking/lighting is not required to mitigate potential hazard. Under this determination a variance shall be granted.
2. Conditional Determination - The proposed construction/alteration is determined to create some level of encroachment into an airport hazard area which can be effectively mitigated. Under this determination, a variance shall be granted contingent upon implementation of mitigating measures as described in Section 9 - Obstruction Marking and Lighting.
3. Objectionable - The proposed construction/alteration is determined to be a hazard and is thus objectionable. A variance shall be denied and the reasons for this determination shall be outlined to the applicant.

Such requests for variances shall be granted where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and that relief granted will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the intent of this ordinance.

Section 7: Use Restrictions. Notwithstanding any other provisions of this Ordinance, no use shall be made of land or water within the Airport District Overlay in such a manner as to create electrical interference with navigational signals or radio communications between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, impair visibility in the vicinity of the airport, create bird strike hazards or otherwise endanger or interfere with the landing, takeoff or maneuvering of aircraft utilizing the *Allegheny County Airport*.

Section 8: Pre-Existing Non-Conforming Uses: The regulations prescribed by this Ordinance shall not be construed to require the removal, lowering, or other change or

alteration of any structure or tree not conforming to the regulations as of the effective date of this Ordinance, or otherwise interfere with the continuance of a non-conforming use. No non-conforming use shall be structurally altered or permitted to grow higher, so as to increase the non-conformity, and a non-conforming use, once substantially abated (subject to the underlying zoning ordinance,) may only be reestablished consistent with the provisions herein.

Section 9: Obstruction Marking and Lighting. Any permit or variance granted pursuant to the provisions of this ordinance may be conditioned according to the process described in Section 6 to require the owner of the structure or object of natural growth in question to permit the municipality, at its own expense, or require the person requesting the permit or variance, to install, operate, and maintain such marking or lighting as deemed necessary to assure both ground and air safety.

Section 10: Violations and Penalties. *Subject to that in the underlying Zoning Ordinance.*

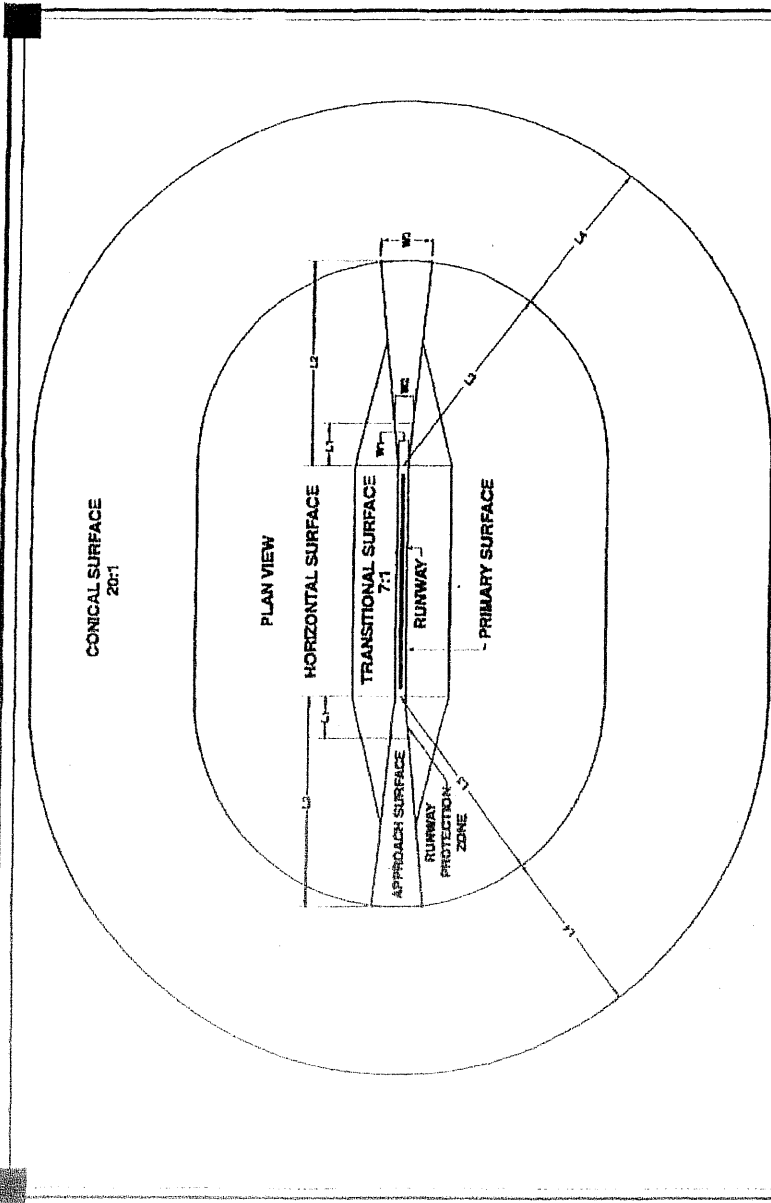
Section 11: Appeals. *Subject to the process in the underlying Zoning Ordinance.*

Section 12: Conflicting Regulations. Where there exists a conflict between any of the regulations or limitations prescribed in this ordinance and any other regulation applicable to the same area, the more stringent limitation or requirement shall govern and prevail.

Section 13: Severability. If any of the provisions of this Ordinance or the application thereof to any person or circumstance are held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are declared to be severable.

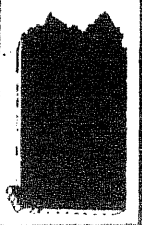
{remainder of this page is intentionally left blank}

Figure 1: Part 77 Surface Areas



FAR PART 77 "IMAGINARY SURFACES" DIMENSION REQUIREMENTS

Runway Type	Runway Ext. Approach V	Other	Conical Surface (L1)	Horizontal Surface (L2)	Approach Surface			Primary Surface Width	Transitional Surface
					Length (L3)	Inner Width (W1)	Other Width (W2)		
Small Airplanes ²	NP		4,000	5,000	5,000	250	1,250	250	7:1
	NP 3/4		4,000	5,000	5,000	500	1,250	500	7:1
	P		4,000	5,000	5,000	1,000	1,250	1,000	7:1
	NP	V	4,000	5,000	5,000	500	2,000	500	7:1
Large Airplanes ²	NP 3/4		4,000	5,000	5,000	500	2,000	500	7:1
	P		4,000	5,000	5,000	1,000	2,000	1,000	7:1
	V		4,000	5,000	5,000	500	2,000	500	7:1
	NP	V	4,000	5,000	5,000	500	1,500	20:1	7:1
Large and Small Airplanes	NP		4,000	10,000	10,000	500	1,500	20:1	7:1
	NP 3/4		4,000	10,000	10,000	1,000	1,500	20:1	7:1
	P		4,000	10,000	10,000	1,000	1,500	20:1	7:1
	NP 3/4	V	4,000	10,000	10,000	1,000	3,500	34:1	7:1
Large and Small Airplanes	P		4,000	10,000	10,000	1,000	4,000	34:1	7:1
	NP	V	4,000	10,000	10,000	1,000	4,000	34:1	7:1
	NP 3/4		4,000	10,000	10,000	1,000	4,000	34:1	7:1
	P		4,000	10,000	10,000	1,000	4,000	34:1	7:1
1 - in Feet 2 - Less than 12,500 lbs maximum certified takeoff weight 3 - Greater than 12,500 lbs maximum certified takeoff weight Note: L1 is the length of the RPZ and W2 is the outer width of the RPZ as defined by approach visibility minimums Source: Federal Aviation Administration									



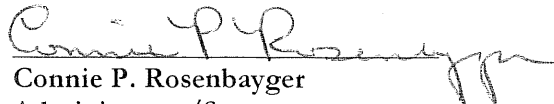
Pennsylvania Land Use
Compatibility
Guidelines

**FAR PART 77 SURFACES
AND DIMENSION REQUIREMENTS**

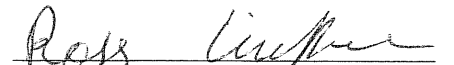
ORDAINED AND ENACTED into law this 9th day of June, 2011.

ATTEST:

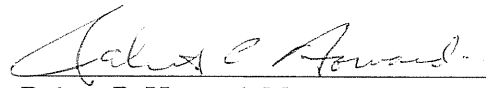
BOROUGH OF EAST McKEESPORT


Connie P. Rosenbayger
Administrator/Secretary

By:


Ross Cianflone, President
East McKeesport Borough Council

EXAMINED AND APPROVED by me this 9th day of June, 2011.


Robert P. Howard, Mayor

BOROUGH OF EAST McKEESPORT
ALLEGHENY COUNTY, PENNSYLVANIA
ORDINANCE NO. 890

AN ORDINANCE REVISING THE SALARIES AND WAGES OF OFFICERS
AND EMPLOYEES OF THE BOROUGH OF EAST McKEESPORT FOR
THE YEAR 2011.

BE IT ORDAINED AND ENACTED by the Borough of East McKeesport, in Council
assembled and it is hereby ordained and enacted by the authority of the same:

Section 1. That the salaries and wages of the following named officers and
employees and appointed officers of the Borough of East McKeesport, be and the same are
hereby fixed at the following amounts effective January 1, 2011.

- A. Councilmen, the sum of \$125.00 per month
- B. President of Council - \$160.00 per month
- C. Mayor, the sum of \$160.00 per month
- D. Solicitor, the sum of \$300.00 per month for attendance at meetings and the sum
of \$85.00 per hour for legal work.
- E. Engineer, the sum of \$100.00 per month, for attendance at meetings. In
addition, the following rates shall also apply:
 - Chief Engineer, the sum of \$70.00 per hour
 - Staff Engineer, the sum of \$60.00
- F. Secretary, the salary of \$42,436.00 per year.
Hospitalization: Full paid hospitalization/healthcare benefits.
Holidays/Vacation/Bereavement Schedule/Life Insurance/Personal Days/Sick
Leave: Same as Public Works
\$1,500.00 per year contribution to retirement fund through Equi-vest

G. Public Works, benefits are as follows: Foreman \$16.00 per hour wages, with time and a half over 40 hours worked; paid holidays: (7) New Years, Good Friday, Memorial Day, July 4th, Labor Day, Thanksgiving and Christmas; vacation:

1 year = 1 week

2 years = 2 weeks

After 2nd year, 1 day for each year worked up to 3 weeks

11 or more years = 4 weeks

Hospitalization: Full paid hospitalization/healthcare benefits

Life Insurance - \$25,000.00 Life Insurance Policy

Retirement - \$1,500.00 per year contribution to retirement fund with Equi-vest

Bereavement Leave - Five (5) consecutive scheduled work days, with pay, for the death of a spouse, child or parent. Three (3) consecutive scheduled work days, with pay, for mother-in-law, father-in-law, sibling, grandparent or grandchild.

Sick Leave - Ten (10) days per year. Sick leave shall be accumulated up to but not exceeding one hundred (100) days during the term of employment by the Borough. Upon retirement, employees shall be paid a lump sum calculated by multiplying the number of unused sick days up to a maximum of fifty by \$50.00 per day. No more than fifty unused sick days, or \$2,500.00, will be paid for upon retirement.

Personal Days: 2

H. Laborer, the sum of \$9.00 per hour for General Laborers and \$8.00 per hour for Summer Laborers

Truck Driver, the sum of \$8.00 per hour

I. Police Department salaries:

See Collective Bargaining Agreement

J. Tax Collector, the salary of \$5,800.00 per year

K. Refuse Collector, the salary of \$4,000.00 per year

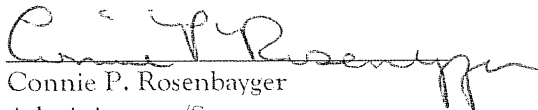
All other conditions and terms of employment with regard to the East McKeesport Borough Police Department shall also be governed by the labor agreement entered into by the parties, effective January 1, 2010, or such modifications as may be agreed upon.

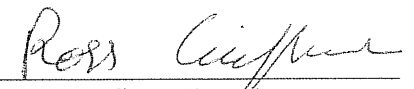
Section 2. That any ordinance or part of any ordinance conflicting with the provisions of this Ordinance be and the same are hereby revoked and repealed.

ORDAINED AND ENACTED into law this 9th day of May, 2011.

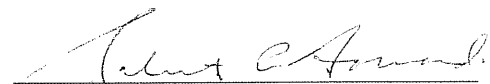
ATTEST:

BOROUGH OF EAST McKEESPORT


Connie P. Rosenbayer
Administrator/Secretary

By: 
Ross Cianflone, President
East McKeesport Borough Council

EXAMINED AND APPROVED by me this 9th day of May, 2011.


Robert P. Howard, Mayor

ORDINANCE NO. 891

AN ORDINANCE OF THE Borough of East McKeesport COUNTY OF ALLEGHENY, COMMONWEALTH OF PENNSYLVANIA, AUTHORIZING THE Borough of East McKeesport TO PARTICIPATE IN THE TCVCOG JOINT POLICE TESTING PROGRAM.

WHEREAS, the Intergovernmental Cooperation Law (53 Pa.C.S.A. Sec 2301-2315) authorizes two or more local governments in this Commonwealth to jointly cooperate in the exercise or in the performance of their respective governmental functions, powers or responsibilities; and

WHEREAS, the Borough (hereinafter "municipality") recognizes the benefit of joint police testing to lower overall costs and possibly increase the pool of police candidates.

WHEREAS, the municipality has determined that it is in its best interest to cooperate and participate in the TCVCOG Joint Police Testing program; and

WHEREAS, the Intergovernmental Cooperation Law requires that the municipality approve participation through an ordinance passed by the municipal governing body.

NOW, THEREFORE, THE MUNICIPALITY HEREBY ORDAINS, IN A MEETING DULY CONVENED THE FOLLOWING:

Section 1. The Municipality is hereby authorized to participate in the TCVCOG Joint Police Testing program. The Municipality agrees to pay its share of the annual program budget, which will be divided equally among participating towns. The Municipality agrees to pay its share of other costs that are incurred as a result of joint police testing in a given year, which will be divided equally among participating towns.

Section 2. The municipality can choose not to participate if it is deemed in the municipality's best interest to test outside of the TCVCOG Joint Police Testing program.

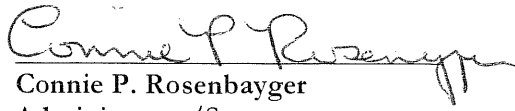
Section 3. This Ordinance is adopted pursuant to authority granted to the Municipality and by the Act of the General Assembly of the Commonwealth of Pennsylvania.

THIS ORDINANCE IS APPROVED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE Borough of East McKeesport ON THIS 14th DAY OF July, 2011.

ORDAINED AND ENACTED into law this 14th day of July, 2011.

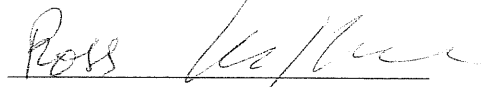
ATTEST:

BOROUGH OF EAST McKEESPORT



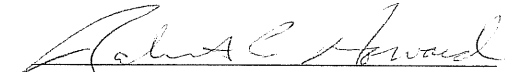
Connie P. Rosenbayger
Administrator/Secretary

By:



Ross Cianflone, President
East McKeesport Borough Council

EXAMINED AND APPROVED by me this 14th day of July, 2011.



Robert P. Howard, Mayor

BOROUGH OF EAST McKEESPORT
ALLEGHENY COUNTY, PENNSYLVANIA
ORDINANCE NO. 892

AN ORDINANCE UPDATING THE ANIMAL CONTROL LAW FOR
THE BOROUGH OF EAST McKEESPORT

WHEREAS, Borough Council of East McKeesport believes it to be in the best interest of the citizens of the Borough to implement an ordinance limiting the number of domestic pets per household and to update its animal ordinance to provide for certain requirements for the benefit of the citizens of the Borough and for the protection of both the animals and the citizens of the Borough.

THEREFORE, BE IT ORDAINED AND ENACTED by the Borough of East McKeesport, in Council assembled and it is hereby ordained and enacted by the authority of the same:

Section 1 – Maximum Number of Domestic Pets Per Household

The maximum number of household pets that may be kept at any household in the Borough of East McKeesport is five (5). Said household pets shall include cats and dogs and any combination thereof. Domestic pets less than six (6) months old shall not be subject to the terms and provisions of this part.

Section 2 – Time Limits for Compliance by Present Residents

Those residents of the Borough of East McKeesport at the time of enactment of this ordinance who keep more than five (5) household pets shall be accorded thirty (30) days to reduce the number of household pets kept by them in order to comply with the terms of this ordinance. Upon appropriate application to the Borough Council of the Borough of East McKeesport, an

additional thirty (30) days to come into compliance with the terms of this ordinance may be granted.

Section 3 – Unlawful to Allow Dogs to Run at Large

A. It shall be unlawful for the owner of any dog/or dogs to allow or permit such dog/or dogs to run at large in the Borough of East McKeesport.

B. Any police officer or constable may seize any dog found at large in the Borough of East McKeesport. Such dogs are to be impounded in a licensed kennel.

C. The Chief of Police and/or Constable shall notify the owner of a licensed dog by registered or certified mail with return receipt that the dog is impounded and will be disposed of in five (5) days if not claimed. Five (5) days after the return receipt has been received, and the dog has not been claimed, the dog may be sold or destroyed in accordance with Section 302 of the Dog Law, 3 P.S. Sect. 459-302.

D. Unlicensed dogs that are seized shall be held in such kennel for forty-eight (48) hours and if not claimed may be destroyed in accordance with Sect. 302 of the Dog Law, 3 P.S. Sect. 459-303.

E. A dog determined to be dangerous under Sect. 502-A of the Dog Law, 3 P.S. Sect. 459-502A, shall be restrained or otherwise kept in accordance with Article VI-A of the Dog Law, 3 P.S. Sect. 459-501A et seq.

(i.) Dogs may be killed only in accordance with the requirements of Sect. 501 of the Dog Law, 3 P.S. Sect. 459-501, and otherwise said dogs must be

detained and delivered to the police or said dog warden while detained, said dog must be treated in a humane manner.

F. The first two (2) times a dog is seized, the owner shall pay a fine of \$25.00 to the Borough of East McKeesport as well as reasonable fees for keeping the animal in a kennel in an amount as established from time to time as a resolution of the Borough of East McKeesport.

(i) Any person allowing a dog to run at large a third time in violation of this ordinance, upon conviction thereof, shall be subject to the penalties as outlined at Section 7.

Section 4 – Noise

It shall be unlawful to own, harbor or keep in custody any animal which disturbs the peace by barking, howling or making other loud noises to the annoyance and discomfort of any person in East McKeesport Borough. Continual barking, howling or the making of other loud noises by such animal for more than any ½ (one-half) hour time period between 8:00 a.m. to 8:00 p.m. or continual barking, howling or the making of other loud noises for more than fifteen (15) minutes after 8:00 p.m. or before 8:00 a.m. on weekdays or after 8:00 p.m. or before 9:00 a.m. on weekends and holidays, which periods occur on two (2) or more consecutive days or nights and/or which occurs three (3) or more nights in any seven (7) day period, shall be deemed to disturb the peace and to cause the annoyance and discomfort of persons in East McKeesport Borough.

A. Any Borough resident may request the Borough Police Department to warn any person who shall own, harbor or keep in custody any animal which disturbs the peace by barking, howling or making other loud noises to the annoyance and discomfort of persons in East McKeesport Borough.

B. Any such requests, whether in writing or by phone, shall identify and specify the residents of the owner, keeper or custodian of the animal and shall identify and specify the residence of the person making the request. Upon receipt of such request, the Borough Police Chief or his designated agent's shall investigate and issue a warning about compliance with this ordinance to the person identified as the owner, keeper, or custodian of the animal.

C. Sworn testimony of the complainants from two (2) separate households, not related by blood or marriage, may be considered adequate and sufficient evidence of violation of this ordinance and the prosecution of the person or persons identified as the owner, keeper or custodian of the animal by East McKeesport Borough.

D. The violation of this ordinance shall be deemed to have occurred after delivery of the first warning and upon a second or subsequent violation of this section and shall be subject to the penalties as indicated at Section 7.

Section 5 – Location of Animal Shelter Facilities

The outdoor facilities where animals are quartered must be located at least twenty-five (25) feet from any neighboring residential structure or have ½ (one-half) the distance from the outdoor facility and residential structure, whichever is greater, so as not to be offensive to the neighboring residence.

Section 6 –Nuisances; Responsibility for Clean-Up

No person owning, harboring keeping or in charge of any animal shall cause, suffer or allow any such animal to soil, defile, defecate on or commit any nuisance on any common thoroughfare, sidewalk, passage way, bypass, play area, park or any place where people congregate or walk or on any public property, whatsoever, where people walk, nor on any private property without permission of the owner of said property. The restriction in this section shall not apply to

that portion of the street line between the curb line and sidewalk which shall be used to curb such animal under the following conditions:

A. The person who so curbs such animal shall immediately remove all feces deposited by such animal by any sanitary method approved by the Board of Health of Allegheny County.

B. Any person who allows animal to defecate on his property shall immediately remove all feces deposited by such animal by any sanitary method approved by the Board of Health of Allegheny County.

C. The feces removed from the aforementioned designated area shall be disposed of by the person owning, harboring and keeping or in charge of any animal curbed in accordance with the provisions of this ordinance in a sanitary manner approved by the Board of Health of the County of Allegheny.

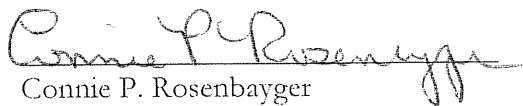
Section 7 – Penalty for Violation

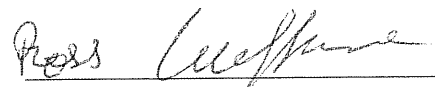
Any person, firm or corporation who shall violate any provision of this ordinance, upon conviction thereof, shall be sentenced to pay a fine of not more than \$500.00 plus costs and, the payment of said cost, to a term of imprisonment not to exceed thirty (30) days. Each day of the violation of this ordinance continues shall constitute a separate offense.

ORDAINED AND ENACTED into law this 8th day of September, 2011.

ATTEST:

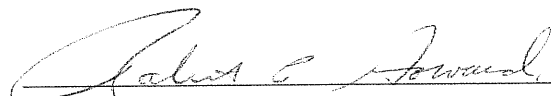
BOROUGH OF EAST McKEESPORT


Connie P. Rosenbayger
Administrator/Secretary

By: 

Ross Cianflone
President of Council

EXAMINED AND APPROVED by me this 8th day of September, 2011.



Robert R. Howard, Mayor