

# Code of Ordinances of the Borough of Port Matilda

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**Code of Ordinances**  
**of the**  
**Borough of Port Matilda**  
**Centre County, Pennsylvania**

**Published by Authority of the Borough**

Adopted by *Ord. 178*, 9/15/2009

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**Officials**  
**of the**  
**Borough of Port Matilda**  
County of  
Centre, Pennsylvania

**ELECTED OFFICIALS**

Mayor - Robert T. Wisler

Borough Council

President - Steven Kibe  
- John Fogleman  
- George Bower  
- Julie Duminiak  
- David Lykens  
- Sandra Neal  
- Brett Rossman

**APPOINTED OFFICIALS**

Secretary - Patricia Graham  
Treasurer - Patricia Graham  
Building Code Official - Harry J. Burd  
Zoning Officer - Jeff Rote  
Solicitor - Miller, Kistler, Campbell  
Engineer - Herbert Rowland & Grubic, Inc.



## FOREWORD

### *History*<sup>1</sup>

This comprises the codification of the ordinances of the Borough of Port Matilda.

Squire Clement Beckwith laid out the town in 1850 and named it to honor his daughter, Matilda. Why he chose to call it Port Matilda is not clear. Where the “Port” came from has been the subject of much argument. One guess is that since the town was a gateway of four corners of travel in every direction it represented a sort of “port.” Then, there's the legend that once, when Squire Beckwith was ill, he asked Matilda for a drink. 'What do you want?' the daughter is pictured as asking. Came the reply, 'Port, Matilda.'

Port Matilda was incorporated in 1926 from Worth Township, but the name may have reflected his hope that the town would eventually be connected to the Bald Eagle and Spring Creek Branch of the Pennsylvania Canal. While the canal did not reach Port Matilda, the Bald Eagle Railroad did, and the community became a market center in the Bald Eagle Valley for agricultural and lumber products. Port Matilda was home to McFeely Brick Co., located on Brick St. at the northeast end of the town adjacent to the railroad. The company was based at Latrobe, Pennsylvania, and founded by Fred McFeely, the grandfather of children's television personality Fred Rogers. The company was later owned by General Refractories, which closed the Port Matilda plant in 1959. Its primary product was silica fire brick made from ganister rock, using beehive kilns. Its bricks were typically stamped "Vulcan."

The Code of Ordinances of the Borough of Port Matilda was prepared by Keystone Publishers, Inc., and adopted by the Borough of Port Matilda Borough Council on September 15, 2009, by *Ord. 178*.

### *Organization*

The Code contains four parts which are (1) the valid current ordinances of the Borough of Port Matilda contained in Chapters 1 through 27, (2) the Appendix, which lists by abstracted title all ordinances of a temporary or "one time" nature, (3) the Table to the disposition of each ordinance ever enacted by the Borough of Port Matilda, and (4) the Index, which is an alphabetical arrangement of subjects.

In the Code each Chapter is separated by a divider tab, and specific ordinances can be located by subject on the contents page at the beginning of each Chapter. The Index may also be used to search for a subject when one is looking for general information on a particular subject, or if it is not known in which Chapter the subject might be found. The Appendix consists of several general categories containing a chronological listing of short subject descriptions along with a reference to the original ordinance and its date of enactment, if known.

The Table to Disposition indicates what action has been taken by the Borough of Port Matilda Borough Council with regard to every ordinance ever enacted. An ordinance has either been (1) specifically repealed, (2) superseded by another ordinance,

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<sup>1</sup>Adapted from [http://en.wikipedia.org/wiki/Port\\_Matilda\\_Pennsylvania](http://en.wikipedia.org/wiki/Port_Matilda_Pennsylvania) (April 28, 2009) and <http://www.rootsweb.ancestry.com/~pacentre/rlb/pmatbor1.htm> (April 28, 2009).

(3) is located in a Chapter of the Code book, or (4) is located in the Appendix. Annual tax rate and budget ordinances are located only in the Table. The Table is a cross reference to the original ordinance books of the Borough of Port Matilda, and to the location within the Code of each ordinance by number.

ORDINANCE NO. 178

AN ORDINANCE ADOPTING THE CODE OF ORDINANCES OF THE BOROUGH OF PORT MATILDA, CENTRE COUNTY, PENNSYLVANIA; CONSOLIDATING, REVISING, AMENDING AND REPEALING CERTAIN ORDINANCES; ENACTING CERTAIN NEW PROVISIONS; PROVIDING A PROCEDURE FOR AMENDING THE CODE AND FOR THE CITATION OF THE CODE AND THE EFFECTIVE DATE THEREOF; ESTABLISHING RESPONSIBILITY FOR MAINTENANCE OF THE CODE; SAVING CERTAIN PROVISIONS FROM REPEAL; AND PRESCRIBING PENALTIES FOR VIOLATION.

The Borough of Port Matilda hereby ordains:

**Section 1. Adoption.** The "Code of Ordinances, Borough of Port Matilda," as prepared and published for the said Borough of Port Matilda, is hereby adopted as a consolidation, codification and revision of the ordinances of the Borough of Port Matilda. Chapters 1 through 27 thereof contain the text of the body of all general administrative and regulatory ordinances of the Borough of Port Matilda organized as follows:

**TABLE OF CONTENTS**

Chapter 1 . . . . . Administration and Government  
Chapter 2 . . . . . Animals  
Chapter 3 . . . . . [Reserved]  
Chapter 4 . . . . . Buildings  
Chapter 5 . . . . . Code Enforcement  
Chapter 6 . . . . . Conduct  
Chapter 7 . . . . . Fire Prevention and Fire Protection  
Chapter 8 . . . . . Floodplains  
Chapter 9 . . . . . [Reserved]  
Chapter 10 . . . . . Health and Safety  
Chapter 11 . . . . . [Reserved]  
Chapter 12 . . . . . [Reserved]  
Chapter 13 . . . . . Licenses, Permits and General Business Regulations  
Chapter 14 . . . . . [Reserved]  
Chapter 15 . . . . . Motor Vehicles and Traffic  
Chapter 16 . . . . . Parks and Recreation  
Chapter 17 . . . . . [Reserved]  
Chapter 18 . . . . . Sewers and Sewage Disposal  
Chapter 19 . . . . . [Reserved]  
Chapter 20 . . . . . Solid Waste  
Chapter 21 . . . . . Streets and Sidewalks  
Chapter 22 . . . . . [Reserved]  
Chapter 23 . . . . . [Reserved]  
Chapter 24 . . . . . Taxation; Special  
Chapter 25 . . . . . [Reserved]  
Chapter 26 . . . . . Water  
Chapter 27 . . . . . Zoning

APPENDIX

A . . . . . Annexation of Territory

B . . . . .	Bond Issues and Loans
C . . . . .	Franchises and Services
D . . . . .	Governmental and Intergovernmental Affairs
E . . . . .	Plan Approval
F . . . . .	Public Property
G . . . . .	Sewers
H . . . . .	Streets and Sidewalks
I . . . . .	Water
J . . . . .	Zoning; Prior Ordinances

Table to Disposition of All Ordinances  
Table to Disposition of Significant Resolutions

The Appendix of the volume lists, by subject matter, in chronological order, the titles (or an abstract of title) of enactments of special nature or of historical interest, for the complete text of which the official records of the Borough of Port Matilda shall be authoritative.

**Section 2. Citation and Effective Date.** The codification referred to in Section 1 of this ordinance shall be known and cited officially as the "Borough of Port Matilda Code of Ordinances," and all future ordinances shall make reference thereto. This ordinance shall become effective immediately upon publication of notice of final enactment as required by law.

**Section 3. Saving Clause.** The provisions of the Borough of Port Matilda Code of Ordinances, so far as they are the same as those ordinances and regulations in force immediately prior to the adoption of said Code, are intended as a continuation of such ordinances and regulations and not as a new enactment. The provisions of the Borough of Port Matilda Code of Ordinances shall not affect any suit or prosecution pending or to be instituted to enforce any of the prior ordinances or regulations.

**Section 4. Consolidation and Revision.** As a necessary part of codification, the following provisions are hereby consolidated and revised as indicated:

A. *Consolidations.*

Section	Subject	Ordinance No., Section
15, Entire Chapter	Motor Vehicles and Traffic	109, 120, 131, 132, 133, 166, 172

B. *Revisions.*

Section	Subject	Ordinance No., Section
	[Reserved]	

**Section 5. New Enactments, Amendments and Repeals.** As a necessary part of codification, the following ordinances are hereby enacted, amended and repealed as summarized by short title:

A. *New Enactments.*

<b>Section</b>	<b>Subject</b>
§§1-101–1-111	Preliminary Provisions
§§1-401–1-410	Public Records Policy
§§7-101–7-105	Open Burning
§§10-201–10-208	Motor Vehicle Nuisances
15, Entire Chapter	Motor Vehicles and Traffic

B. *Amendments.*

<b>Section</b>	<b>Subject</b>	<b>Ordinance No., Section</b>
§2-103	Penalties	152, §3
§4-102	Identification Numbers	153, §2
§4-105	Violations	153, §5
§5-107	Violations and Penalties	167, §7
§6-101	Definitions	91, §1
§6-105	Enforcement and Penalties	91, §5; 120, §5
§6-207	Penalty for Violation	120, §VI-57
§6-304	Penalty for Violation	120, §104
§8-210	Fees	155, §2.09
§8-211	Enforcement	155, §2.10
§10-102	Abatement	103, §2; 120, §X-2
§10-103	Penalty for Violation	103, §3; 120, §X-3
§10-305	Penalty for Violation	150, §5
§13-102	Permit Required	120, §XIII-2
§13-105	Penalty for Violation	120, §XIII-5
§13-202	License Required; Fee; Conditions of License	120, §XIII-52
§13-208	Penalty for Violation	120, §XIII-58
§16-102	Camping Prohibited	120, §XVI-2
§16-104	Penalty for Violation	120, §XVI-4
§18-103	Permits	108, §3
§18-104	Inspections	108, §4; 120, §XVIII-4
§18-105	Adoption of State Regulations	108, §5

<b>Section</b>	<b>Subject</b>	<b>Ordinance No., Section</b>
§18-106	Fees	108, §6; 120, §XVIII-6
§18-108	Penalties	108, §8
§18-205	Enforcement	148, Art. V; 155 Art. V
§20-108	Locations for Disposal	65, §8; 120, §XX-8
§20-111	Penalty for Violation	64, §XX-11
§20-210	Penalty for Violation	97, §10
§20-211	Other Laws and Regulations Apply	97, §13
§21-103	Permit Application and Fee	120, §XXI-3
§21-107	Penalty for Violation	120, §XXI-7
§21-203	Borough May Do Work and Collect Cost and Additional Amount from Defaulting Property Owner	120, §XXI-54
§21-204	Penalty for Violation	120, §XXI-55
§21-305	Fines and Penalties for Violations	161, §V
§24-102	Definitions	107, §2; 120, §XXIV-2
§24-112	Penalty for Violation	107, §12; 120, §XXIV-12
§24-203	Notice	84, §3; 120, §XXIV-53
§24-206	Penalty for Violation	84, §6; 120, §XXIV-56
§26-104	Meter Acquisition Cost	163, §4
§26-108	Penalties	163, §8

*C. Repeals.*

<b>Ord./Res.</b>	<b>Subject</b>
<i>Ord. 120, §§I-101, I-102</i>	Police Department
<i>Res. 2/10/1986, §1</i>	Fishing Restricted

**Section 6. Adoption of Standard Codes by Reference.** As a necessary part of codification, the following ordinances are hereby enacted by reference as standard codes summarized by short title:

<b>Section</b>	<b>Short Title</b>
	[Reserved]

**Section 7. Land Use Amendments.** The Borough of Port Matilda Code of Ordinances is hereby amended as is more fully shown in the complete text of Chapters 22 and 27 thereof which is attached hereto and made part hereof by reference hereto as if fully set

out at length herein, with deletions shown by ~~strike-through~~ and additions shown by underline, all of which is briefly summarized hereinafter.

A. *New Provisions.* The following provisions are new provisions which are being added to the Code, are underlined throughout the text, and are summarized as follows:

<b>Section</b>	<b>Subject</b>
	[Reserved]

B. *Revised Provisions.* The following provisions of the Code are revised, the text of which indicates deletions by ~~strike-through~~ and additions shown by underline, and are summarized as follows:

<b>Section</b>	<b>Subject</b>	<b>Ordinance No., Section</b>
§27-701	Slope Controls	160, §1
§27-704	Waste and Sewage Disposal	160, §4
§27-1102	Definitions	160, §11
§27-1209	Enforcement	160, §9

C. *Repealed Provisions.* The following provisions of the Code are repealed, the text of which indicates deletions by ~~strike-through~~, and are as follows:

<b>Section</b>	<b>Subject</b>	<b>Ordinance No., Section</b>
	[Reserved]	

**Section 8. Procedural Changes.** The following minor procedural changes have been made to existing Borough of Port Matilda ordinances:

- A. Grammatical and spelling errors have been corrected where necessary;
- B. Minor changes have been made to correct obsolete terms and usages;
- C. The penalty provisions have been revised where necessary to comply with the Pennsylvania Borough Code, Vehicle Code, Municipalities Planning Code and the Local Tax Enabling Act.

**Section 9. Amending the Code of Ordinances.** The procedure for amending the Code of Ordinances shall include the citation of the Chapter, Part, Section and subsection to be amended, revised, repealed or added as follows:

- A. Amendment or Revision - "Chapter \_\_\_, Article \_\_\_, Section \_\_\_, Subsection \_\_\_ is hereby amended [revised] to read as follows..."
- B. Additions - "Chapter \_\_\_, Article \_\_\_, Section \_\_\_, Subsection \_\_\_ is hereby amended by the addition of the following..."
- C. Repeal - "Chapter \_\_\_, Article \_\_\_, Section \_\_\_, Subsection \_\_\_ is hereby repealed in its entirety."

**Section 10. Responsibility for Code of Ordinances.** It shall be the responsibility of the Borough of Port Matilda Secretary to maintain an up-to-date certified copy of the Code of Ordinances. This copy shall be the official copy of the Borough of Port Matilda Code of Ordinances and shall be available for public inspection.

**Section 11. Penalties.** It shall be unlawful for anyone to change, alter or tamper with the Code of Ordinances in any manner which will intentionally misrepresent the laws of the Borough of Port Matilda. Whosoever shall violate this Section shall be guilty of an offense under §4911, "Tampering with Public Records or Information," of the Crimes Code, 18 Pa.C.S.A. §4911, and shall be prosecuted under that Section of the law.

**Section 12. Severability of Parts of Codification.** It is hereby declared to be the intention of the Borough of Port Matilda that the Chapters, Parts, Sections, paragraphs, sentences, clauses and phrases of this codification are severable. If any Section, paragraph, sentence, clause or phrase of this Code is declared unconstitutional, illegal or otherwise invalid by the judgment or decree of a court of competent jurisdiction, that invalidity shall not affect any of the remaining Chapters, Parts, Sections, paragraphs, sentences, clauses or phrases of this codification.

ENACTED AND ORDAINED this 15<sup>th</sup> day of September, 2009.

ATTEST:

Borough of Port Matilda

/s/ Patricia Graham  
Secretary

/s/ Steven Kibe  
President, Borough Council

APPROVED this 15<sup>th</sup> day of September, 2009.

/s/ Robert T. Wiser  
Mayor

## Fee Schedule

Subject			Fees
<b>Administration and Government</b>			
<b>Fees charged for public records and information provided by the Borough of Port Matilda, Centre, County Pennsylvania.</b>			
Type of Information	Comments/Notes	Fee	
1. Agenda	a. At the meeting	\$0	
	b. Advanced copy draft by email or fax	\$0	
	c. Advanced copy draft mailed	\$.25 per page plus postage	
2. Ordinances	a. Entire book	\$50 [Res. 2010-1]	
	b. Per page pick-up 1-5 pages	\$0	
	c. per page pick-up 5-unlimited pages	Cost determined by an outside copy service	
	d. Per page mailed 1-5 pages	\$.25 per page plus postage	
	e. Per page mailed 5-unlimited pages	Cost determined by an outside copy service plus postage	
3. Copies	a. Per page copy pick-up 1-5 pages	\$0	
	b. Per page copy pick-up 5-unlimited pages	Cost determined by an outside copy service	
	c. Per page copy mailed 1-5 pages	\$.25 per page plus postage	
	d. Per page copy mailed 5-unlimited pages	Cost determined by an outside service plus postage	
4. Maps	a. 8.5 x 11 inch, black and white, 1-5 copies	\$0	
	b. 8.5 x 11 inch, black and white, 5-unlimited	Cost determined by an outside copy service	
	c. Larger than 8.5 x 11 inch, any amount	Cost determined by an outside copy service	

**Subject****Fees**

d. Colored copies, any amount, any size

Cost determined by an outside copy service

**Floodplains****Fees**

§8-210

**Estimated Cost**

\$0 to \$ 200

\$0

\$201 to \$1,000

\$5

Each additional \$1,000 or part thereof beyond the first \$1,000

\$1

**Licenses, Permits and General Business Regulations**

Permit Required

§13-102

\$50

License Required; Fee; Conditions of License

§13-202

\$1 per day

Transient Retail Business License [Res. 2009-6]

\$25

**Streets and Sidewalks**

Permit Application and Fee

§21-103

\$\_\_\_ permit fee

**Water****Meter Acquisition Cost**

§26-104

per meter

\$25

Levy a surcharge for the preparation of past-due letter sent to delinquent water customers

\$15

**Rate Schedule****Flat Rates:****Per Quarter**

"A" - Domestic

Dwelling with inside flush toilet and/or bath

\$65

"B" - Commercial

Garages, service stations with or without wash racks, and stores, (nonfood)

\$80

Clubs, restaurants and stores (deli)

\$80

Hotels (\$50 per room per year- \$200 minimum)

\$80

Stores, offices or other commercial buildings

\$80

Public schools

\$175

(Note: Where a commercial unit and a domestic dwelling are combined, the consumer shall be liable for both applicable commercial and domestic rates.)

<b>Subject</b>	<b>Fees</b>
“C” - Industry	
Industrial buildings	\$80
“D” - Fire Hydrants	
Private fire hydrants	\$5
“E” - Public Buildings	
Churches, fire halls and emergency service buildings	\$55
“F” - Public Car Washes	
Per bay	\$80
“G” - Laundromats	
Minimum	\$100
Additional per machine charge in excess of six	\$16.50

**Meter Rates**

For those properties having installed water meters, the rates shall be as follows:

(A) For the first 12,000 gallons of water used per quarter the flat charge listed in “Rate Schedule” applies.

(B) For water usage in excess of 12,000 gallons per quarter, then the charge of \$2 per thousand gallons or part thereof used per quarter.

**Minimum Meter Charge**

The minimum meter charge shall be the same as the per quarter flat rate listed in “Rate Schedule” without meters.

The exception will be the pro rating of a quarterly fee for the purposes of selling a property. The minimum fee for the quarter between the buyer and seller will still be the per quarter flat rate listed in “Rate Schedule” without meters.

**Rate Changes**

All meter rate changes shall hereinafter be established by resolution of the Port Matilda Borough Council. All meter rate changes shall not be effective until public notice thereof shall be given in a newspaper of general circulation within the Borough of Port Matilda.

**Termination of Service**

Turn on/turn off fee for emergency repairs during normal maintenance hours.	\$0
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Turn on/turn off fee for delinquent accounts or outside of normal maintenance hours.	\$40
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**Temporary Suspensions of Services**

**Subject****Fees**

To help keep the rate increases to a minimum, the new rates established herein are based on a flat rate per year divided among the number of water customers. As a result, no allowance for residents who choose to leave the Borough temporarily can be made. Each resident must pay at least \$260 per year for water service.

**New Meter Rates and Tap on Fees**

New meter rates	\$65
Meter replacement due to negligence by the property owner, by willful negligence, or if frozen by property owner negligence.	\$65
Tap on fee to connect to the main water line per connection.	\$1,280

**Zoning**

Zoning fee for temporary construction trailers/offices	\$55
Zoning Hearing Board variance hearing fee	\$950

*(Res. 9/15/2009; as amended by Res. 2009-6, 9/15/2009; and by Res. 2010-1, 1/19/2010)*