

Chapter 1

Administration and Government

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Part 1**Preliminary Provisions****§1-101. Short Title.**

The short title of this Code of Ordinances prepared and published for the Township of Clifton shall be the "Township of Clifton Code of Ordinances."

(Ord. 3-2008, 11/13/2008)

§1-102. Citation of Code of Ordinances.

The Township of Clifton Code of Ordinances may be cited by Section number. The approved short form is "Code." Thus, "Code, §27-101" refers to §101 of Chapter 27 of this Code of Ordinances.

(Ord. 3-2008, 11/13/2008)

§1-103. Arrangement of Code.

1. This Code is divided into Chapters which are subdivided as follows:
 - A. Subchapters, identified by capital letters, beginning with a Chapter title and number.
 - B. Parts, identified by Arabic numerals, beginning with a Part title and number.
 - C. Subparts, identified by Arabic numerals, beginning with a title.
2. The Sections of the Code are subdivided as follows:
 - A. Subsections, identified by Arabic numerals.
 - B. Paragraphs, identified by capital letters.
 - C. Subparagraphs, identified by Arabic numerals enclosed within parentheses.
 - D. Clauses, identified by lower case letters enclosed within parentheses.
 - E. Subclauses, identified by Arabic numerals followed by a parenthesis.
 - F. Items, identified by lower case letters followed by a parenthesis.
 - G. Subitems, identified small Roman numerals.

(Ord. 3-2008, 11/13/2008)

§1-104. Headings.

Chapter, Subchapter, Part, Subpart, Section, Subsection, Paragraph, Subparagraph, Clause, and Subclause headings contained in the Code may not be deemed to govern, limit, modify or affect the scope, meaning or intent of the Code. The headings of Sections, Subsections or other divisions of this Code are intended as mere captions to indicate the contents of the Section, Subsection or other division and shall not be deemed to be taken as titles of such Section, Subsection or other division, nor as any part of said Section, Subsection or other division unless expressly so provided.

(Ord. 3-2008, 11/13/2008)

§1-105. Tenses, Gender and Number.

Except as may be otherwise stated in any provision of this Code, the present tense includes the past and future tenses, and the future the present; the masculine gender includes the feminine and neuter, the feminine includes the masculine and neuter, and the neuter includes the masculine and feminine; and the singular includes the plural, and the plural the singular.

(Ord. 3-2008, 11/13/2008)

§1-106. Construction.

1. Except as may be otherwise specifically provided by any provision of this Code, the Statutory Construction Act of 1972, 1 Pa.C.S.A. §1501 *et seq.*, shall be applied in construing this Code.

2. *Effect of Repeal or Expiration of Code Section.*

A. The repeal of a Code Section or ordinance, or its expiration by virtue of any provision contained therein, shall not affect any right accrued or any offense committed, any penalty or punishment incurred, or any proceeding commenced before the repeal took effect or the ordinance expired.

B. When any ordinance repealing a former Code Section, ordinance, clause or provision shall itself be repealed, such repeal shall not be construed to revive such former Code Section, ordinance, clause or provision, unless it shall be expressly so provided.

3. *Saving Clause.* The provisions of this Code, so far as they are the same as those ordinances and regulations in force immediately prior to the adoption of this Code, are intended as a continuation of such ordinances, resolutions and regulations and not as a new enactment. The provisions of this Code shall not affect any suit or prosecution pending or to be instituted to enforce any of the prior ordinances or regulations. Except as specifically stated in this Code or in the ordinance adopting this consolidation, codification and revision of the ordinances and regulations of the Township of Clifton, it is the intention of the Board of Supervisors that no ordinance or regulation of the Township be amended, revised or repealed by implication.

4. *Resolutions.* The provisions of this Code of Ordinances may contain resolutions, that is, actions of the Board of Supervisors of the Township of Clifton (in written form and designated "resolution") which did not require prior public notice in accordance with the provisions of the Second Class Township Code, 53 P.S. §65101 *et seq.*, at the time of their passage by the Board of Supervisors. Such "resolutions" are included herein for ease of reference and the Board of Supervisors does not intend by their inclusion herein to require prior public notice before amending, revising or repealing such resolution or resolutions as may have been included herein in the future. It is the intention of the Board of Supervisors that such actions of the Board of Supervisors that may be included in this Code and specifically cited and designated as a resolution shall not become an ordinance (requiring prior public notice before amendment, revision or repeal) by the simple fact of inclusion in this Code.

(Ord. 3-2008, 11/13/2008)

§1-107. Normal Numbering.

1. *Chapters.* Chapters are numbered sequentially in Arabic throughout this Code.
2. *Parts.* Parts are numbered sequentially in Arabic throughout this Code.
3. Whenever other divisions are necessary, Chapters shall be divided into Subchapters, Parts into Subparts and designated with the Chapter or Part number followed by a capital letter. For instance, Chapter 1 may be divided into Subchapters 1A and 1B.
4. *Sections.* Sections are numbered sequentially throughout a Chapter and a Part such that the first number or numbers is the Chapter number, followed by a hyphen, followed by the Part number, followed by the Section number within the Part. For example, "§1-101" designates Chapter 1, Part 1, Section 1. Similarly, "§27-305" designates Chapter 27, Part 3, Section 5.
5. *Internal Divisions of Sections.* Whenever internal divisions are necessary, Sections shall be divided into Subsections, Subsections into Paragraphs, Paragraphs into Subparagraphs, Subparagraphs into Clauses, and Clauses into Subclauses, and Subclauses into Items, designated as follows:

1. Subsection.
 - A. Paragraph.
 - (1) Subparagraph.
 - (a) Clause.
 - 1) Subclause.
 - a) Item.
 - i. Subitem

(Ord. 3-2008, 11/13/2008)

§1-108. Special Numbering Problems.

1. *Addition of New Units Between Existing Units.* If it becomes necessary to introduce a new Chapter, Part or Section between existing Chapters, Parts or Sections, the new Chapter, Part or Section shall be designated by the addition of a capital letter suffix to the preceding Chapter, Part or Section number. Thus, a Chapter introduced between Chapters 5 and 6 would be Chapter 5A and Sections in that Chapter would be numbered, for instance, "§5A-101." If it becomes necessary to introduce a Part between existing Parts 5 and 6 the new Part would be Part 5A and Sections in that Part would be numbered, for instance, "§5-5A01." A new Section introduced between existing Sections 5 and 6 would be "§5-105A." When a number of new Parts or Sections have been introduced the Chapter or Part shall be renumbered.
2. If it becomes necessary to introduce a Subsection between Subsections, for instance, Subsections .5 and .6, the new Subsection would be numbered Subsection .5-A.
3. If it becomes necessary to introduce a unit smaller than a Subsection between existing unites, the entire Subsection shall be revised and renumbered.
4. *Vacated Numbers.* Whenever a number is vacated by a revocation or repeal, the remaining elements in the overall unit shall retain their old numbers until the overall unit is completely revised. Prior to revision, the vacated number may be marked: "[Reserved]."

(Ord. 3-2008, 11/13/2008)

§1-109. Amending Code.

1. All ordinances passed subsequent to the adoption of this Code which amend, repeal or in any way affect this Code shall be numbered in accordance with the numbering system of this Code and printed for inclusion herein. In the case of repealed Chapters, Parts, Sections, Paragraphs, Clauses or other part or provision hereof, by subsequent ordinance, such repealed portions may be excluded from this Code by omission from reprinted pages affected thereby. The subsequent ordinances as numbered and printed, or omitted in the case of repeal, shall be prima facie evidence of such subsequent ordinances until such time as this Code and subsequent ordinances omitted are readopted as a new Code by the Board of Supervisors.

2. Amendment to any provision of this Code shall be made by specific reference to the Chapter, Part, Section and/or Subsection number of this Code in the following language:

A. *Amendment or Revision.* "Chapter ___, Part ___, Section ___, Subsection ___, is hereby amended (revised) to read as follows" The amended or revised provisions may then be set out in full as desired.

B. *Addition.* "Chapter ___, Part ___, Section ___, Subsection ___, is hereby amended by the addition of the following" The new provision shall then be set out in full as desired.

C. *Repeal.* "Chapter ___, Part ___, Section ___, Subsection ___, is hereby repealed in its entirety."

3. It is the intention of the Board of Supervisors that the numbering scheme of this Code be adhered to in enacting future ordinances. In the event that any ordinance or other enactment be adopted which does not conform to the numbering system of this Code, it is the intention of the Board of Supervisors that such enactment be renumbered in the process of supplementing, revising or updating this Code to conform to the numbering scheme of this Code. The Board of Supervisors hereby acknowledges and confirms that the numbering scheme herein is for ease of reference and that the renumbering of any enactment when added to this Code shall not in any manner affect the validity of said enactment.

(Ord. 3-2008, 11/13/2008)

§1-110. Altering Code.

It shall be unlawful for any person to change or amend by addition or deletion any part or portion of this Code, or to insert or delete pages or portions thereof, or to alter or tamper with such Code in any manner whatsoever, except by ordinance or resolution or other official act of the Board of Supervisors.

(Ord. 3-2008, 11/13/2008)

§1-111. Penalties.

1. *Penalty Where No Penalty Provided.* Whenever in this Code or in any ordinance of the Township any act is prohibited or is declared to be unlawful, or whenever in this Code or other ordinance the doing of any act is declared to be unlawful, and no specific penalty is provided therefor:

A. *Violations of Health, Safety and Welfare Provisions.* For violations of

ordinances adopting building, housing, property maintenance, health, fire or public safety codes; and for ordinances regulating water services, water pollution, air pollution and noise, the following penalty shall be provided:

(1) Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

B. *Other Violations.* All other penalties, except for penalties in Chapter 15, "Motor Vehicles and Traffic" (based on the Vehicle Code, 75 Pa.C.S.A. §101 *et seq.*), penalties and ordinances adopted under the authority of the Municipalities Planning Code, 53 P.S. §10101 *et seq.*, earned income tax ordinances adopted under the Local Tax Enabling Act, 53 P.S. §6913, and ordinances adopted under the authority of the Sewage Facilities Act, 35 P.S. §750.1 *et seq.*, should provide, generally:

(1) Any person, partnership or corporation who or which has violated or permitted the violation of any provision of this Part, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, shall pay a judgment of not more that \$600 plus all court costs. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by a magisterial district judge. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure, at which time, in addition to any penalties, the violator shall be liable for any attorney's fees and costs incurred by the Township. Each day that a violation continues or each Section of this Part which shall be found to have been violated shall constitute a separate violation.

2. The imposition of a penalty under the provisions of this Code shall not prevent the revocation of any permit or license or the taking of other punitive or remedial action where called for or permitted under the laws of the Commonwealth of Pennsylvania and the United States of America. In addition, the Township may institute injunctive, mandamus or any other appropriate action or proceeding at law or in equity for the enforcement of this Code. Any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, mandamus, or other appropriate forms of remedy or relief.

(Ord. 3-2008, 11/13/2008)

Part 2**Planning Commission****A. Creation of Planning Commission****§1-201. Appointment.**

The Board of Supervisors shall appoint a Clifton Township Planning Commission consisting of five members. Upon expiration of current Planning Commission members' terms, the terms of each of the next appointed members of the Commission shall be for 4 years, or until his or her successor is appointed, except that the first terms of the members shall be so fixed that no more than two shall be reappointed or replaced during any future calendar year. The existing terms shall expire and new terms shall begin on January 1 of the respective calendar years of their appointment and expiration.

(*Ord. 6, 11/3/1971, §1; as amended by Ord. -/-/1991, §1; and by Ord. 1-2004, 1/10/2004, §1*)

§1-202. Member Requirements.

All members of the Commission shall reside within the Township.

(*Ord. 6, 11/3/1971, §2; as amended by Ord. 3-2008, 11/13/2008*)

§1-203. Vacancy.

An appointment to fill a vacancy shall be only for the unexpired portion of the term.

(*Ord. 6, 11/3/1971, §3*)

§1-204. Membership.

At least five members shall not be officers or employees of Clifton Township.

(*Ord. 6, 11/3/1971, §4; as amended by Ord. -/-/1991, §2*)

§1-205. Available Positions.

1. The Commission shall elect its own chairperson and vice-chairperson and create and fill such other offices as it may determine at its January meeting. Officers shall serve annual terms and may succeed themselves. The Commission may make and alter by-laws and rules and regulations to govern its procedures consistent with the ordinances of the Township and laws of the Commonwealth. The Commission shall keep a full record of its business.

2. The Board of Supervisors may employ administrative and technical services to aid the Commission either as consultants on particular matters or as employees of the Township. The Board of Supervisors may enter into joint agreements with County, regional, or other planning agencies, covering cooperative relationships as . . .

* * *

(*Ord. 6, 11/3/1971, §5; as amended by Ord. -/-/1991, §3*)

§1-206. Annual Reports.

The Commission shall, annually, at the regular meeting of the Township Supervisors in June of each year, make a report to the Supervisors of their transactions, findings, and determinations.

(*Ord. 6, 11/3/1971, §6*)

§1-207. Plan of Development.

The Planning Commission shall prepare and adopt a plan of development for the Township. The plan, with accompanying maps, charts, drawings, and descriptive matter, shall show the Commission's recommendations for the most desirable use of land for agricultural, residential, recreational, commercial, industrial, and other purposes; for the most desirable density of population in the several parts of the Township; for a system of principal thoroughfares, parkways, bridges, streets, and other public ways; for airports, parks, playgrounds, and public grounds; for the general locations and extent of facilities for water, sewage, light, power, transit, and other purposes, whether publicly or privately owned; for the general location, character, and extent of community centers and neighborhood units; and for the replanning of blighted and slum areas, for the extent and location of public projects and for such other things as, in the opinion of the Commission are of public concern.

A. The development plan shall be based on studies of the physical, social, economic, and governmental conditions and trends and shall be designed to promote with the greatest efficient and economy the coordinated development of the Township and the general welfare and prosperity of its people.

B. As the work of preparing the whole development plan progresses, the Commission may, from time to time, adopt parts thereof, any such part to cover one or more major section or divisions of the Township or one or more of the functions matters to be included in the plan. The Commission may, from time to time, amend, extend, or add to the development plan. The Planning Commission shall, whenever possible, cooperate with the County Planning Commission, if one is formed in Lackawanna County. In such case, it shall be the duty of the Commission to file a copy of all maps and plans and amendments thereto, adopted by the Commission, with the County Planning Commission, within 30 days of the completion of such maps or plans.

(*Ord. 6, 11/3/1971, §7*)

§1-208. Official Map.

The Board of Supervisors, may establish as the official map of the Township, any part of the development plan with respect to the location and width of streets, highways, and parkways and the location and extent of public parks and playgrounds. Establishment shall be by ordinance, after public hearing with notice of such public hearing to be published in a newspaper of general circulation in the Township at least 10 days prior to the hearing. Such map, subject to amendments, as hereinafter provided, is to be deemed official and conclusive as regards the above subject matter, and is hereby declared to be established to conserve and promote the public health,

safety, morals, and general welfare.

A. The Planning Commission shall have power to make or cause to be made, from time to time, surveys for the exact locations of the lines of new, extended, widened, or narrowed streets, the newly proposed or changed outer limits of parks, playgrounds, freeways, and parkways in the whole or any portion of the Township, and to certify to the Board of Supervisors at plat or plats of the areas, thus surveyed, on which are indicated the location of the lines recommended by the Planning Commission as the mapped boundaries of future public areas, for placing on the official map of the Township.

B. The Board of Supervisors may, by resolution, whenever and as often as it may deem it for the public interest, change or add to the official map; the matter shall be referred to the Planning Commission for its recommendations before changing or adding to the official map of the Township. If the Planning Commission shall not make its recommendation thereon within 30 days after reference, it shall be deemed to consent thereto.

C. Upon the receipt of the recommendation of the Planning Commission or upon the expiration of 30 days, after, reference to the Planning Commission, the Board of Supervisors may hold a public hearing on the proposed change in or addition to the official map, and if such hearing is to be held, shall cause notice of the hearing to be published in a newspaper of general circulation in the Township at least 10 days prior to the date of the hearing. At such public hearing all interested parties shall be given an opportunity to present their views prior to the final vote upon the resolution providing for the change in or addition to the official map. Upon final passage of the resolution, the changes or additions shall become a part of the official map of the Township.

D. The acceptance or approval by the Township, under the provisions of laws other than those contained in this section, of the locating, laying out, widening, or closing of any public way or areas designated above as part of the official map, shall be deemed to be a change or addition to the official map. The placing of a boundary line of any public way or area upon the official map shall be in no way constructed as an opening, establishment, taking, or acceptance of any land for a public use.

E. For the purpose of preserving the integrity of the official map of the Township, no permit shall be issued for any building in the bed of any street shown or laid out on the official map, except that when the property of the applicant, of which such reserved location forms a part, cannot yield a reasonable return to the owner unless such permit is granted, the Township Zoning Board of Adjustment may, in a specific case, by the vote of majority of its members, grant a permit for a building in such street which will, as little as practicable, increase the cost of opening such street or tend to cause a change of the official map; and the Board shall impose reasonable requirements as a condition of granting the permit so as to promote the health, morals, safety, and general welfare of the public.

F. No public sewer, water main, or other Township street utility or improvement shall be constructed in or so as to serve any street, highway, parkway, playground, or park until the street, highway, parkway, playground, or park is duly placed on the official map.

G. No permit for the erection of any building shall be issued unless a street

or highway giving access to such proposed structure has been duly placed on the official map. Where the enforcement of the provision of this section would entail practical difficulty or unnecessary hardship and where the circumstances of the case do not require the structure to be related to existing or proposed streets or highways, the applicant for the permit may appeal from the decision of the administrative officer having charge of the issuance of permits to the Zoning Board of Adjustment, and the same provisions shall apply to such appeals and to such Board as are provided in cases of appeals on zoning regulations. The Board may, in passing on such appeal, make any reasonable exception and issue the permit subject to conditions that will protect any street or highway layout.

(*Ord. 6, 11/3/1971, §8*)

§1-209. Land Subdivision Regulations.

Upon adoption by the Board of Supervisors of land subdivision regulations, all subdivision layout or plot maps shall be referred to the Planning Commission for its recommendations. If the Planning Commission shall not make its recommendations thereon within 30 days after such reference, it shall be deemed to consent thereto.

(*Ord. 6, 11/3/1971, §9*)

§1-210. Reports and Recommendations to the Board of Supervisors.

In general, the Planning Commission shall have such powers as provided within the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.*, with consent of the Board of Supervisors, as will reasonably enable it to carry out its purpose and promote Township planning.

(*Ord. 6, 11/3/1971, §10; as amended by Ord. --/1991, §8*)

§1-211. Powers and Duties.

This Part is passed under authority of Article II of the Municipalities Planning Code, 53 P.S. §10201 *et seq.*, and the Township Planning Commission shall have all the powers and duties therein enumerated.

(*Ord. 6, 11/3/1971, §11; as amended by Ord. 3-2008, 11/13/2008*)

B. Compensation of Planning Commission**§1-221. Compensation.**

The compensation of members of the Clifton Township Planning Commission is hereby fixed at \$50 for each meeting scheduled during the calendar year not to exceed compensation for 15 meetings. Further, members of the Clifton Township Planning Commission may be reimbursed for necessary and reasonable expenses as authorized by law.

(Ord. 1-2002, 8/10/2002)

Part 3
Right-to-Know Policy

§1-301. Open Records Officer.

1. The Township hereby designates Donna Stefanski as the Clifton Township Open Records Officer.

2. The Open Records Officer may be reached at the office of the Clifton Township Secretary Monday, Tuesday, Thursday and Friday 10 a.m. to 5 p.m.

(Res. 9-2008, 12/11/2008)

§1-302. General.

All documents deemed public records shall be available for inspection, retrieval, and duplication at the Municipal Building during established business hours (10 a.m. to 5 p.m.) with the exception of weekends and holidays.

(Res. 9-2008, 12/11/2008)

§1-303. Requests.

Requests shall be made in writing to the Township Open Records Officer on a form provided by the Township.

(Res. 9-2008, 12/11/2008)

§1-304. Fees.

Paper copies shall be \$0.25 per page per side. The certification of a record is \$1 per record. Specialized documents including, but not limited to, blue prints, color copies and non-standard sized documents shall be charged the actual cost of production. If mailing is requested, the cost of postage will be charged. The Township shall require prepayment if the total fees are estimated to exceed \$100.

(Res. 9-2008, 12/11/2008)

§1-305. Response.

1. The Township shall make a good-faith effort to provide the requested public record(s) as promptly as possible. The Open Records Officer shall cooperate with those requesting records to review and/or duplicate original Township documents while taking reasonable measures to protect Township documents from the possibility of theft, damage and/or modification.

2. The Open Records Officer shall review all written requests for access to public records. As soon as possible, but no later than five business days after receiving a written request to access public records, the Open Records Officer shall respond to such requests in writing consistent with Act 3 of 2008, the Right-to-Know Law, 65 P.S. §67.101 *et seq.*

3. If access to a record is denied, the response shall include a reason for denial as stipulated in Act 3 of 2008, the Right-to-Know Law, 65 P.S. §67.101 *et seq.*

(Res. 9-2008, 12/11/2008)

§1-306. Contact Information for Appeals.

If a written request is denied or deemed denied, the requester may file an appeal in writing to Terry Mutchler, Executive Director, Office of Open Records, Commonwealth Keystone Building, 400 North Street, Plaza Level, Harrisburg, PA 17120-0225.
(Res. 9-2008, 12/11/2008)

§1-307. Appeals Process.

The appeal shall be filed within 15 business days of the mailing date of the Township's response or within 15 business days of a deemed denial. The appeal shall state the grounds upon which the requester asserts the record is a public record and shall address any grounds stated by the Township for delaying or denying the request.
(Res. 9-2008, 12/11/2008)