

Code of Ordinances of the Borough of Mount Pleasant

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Code of Ordinances
of the
Borough of Mount Pleasant
Westmoreland County, Pennsylvania

Published by Authority of the Borough

Adopted by *Ord.624*, 1/19/2010

Revised and Supplemented through:
Supplement I; December 4, 2010

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The Borough of Mount Pleasant Code of Ordinances was adopted by the Borough of Mount Pleasant by *Ord. 624* and published by Keystone Publishers, Inc., on January 19, 2010. It has been subsequently revised and supplemented as follows:

Supplement I; December 4, 2010

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Officials
of the
Borough of Mount Pleasant
County of
Westmoreland, Pennsylvania

ELECTED OFFICIALS

Mayor - Gerald D. Lucia

Borough Council

President - Joseph Bauer
Vice President - Albert Beranek
- Michael Tabita
- Cynthia Stevenson
- Susan Ruszkowski
- David Pritts
- Fred McCloy
- Larry Tate
- Frank Crivella

Tax Collector - Carol Yancosky

Auditors - Sarp & Company

APPOINTED OFFICIALS

Manager - Jeffrey Landy
Secretary - Beverly Fedorchak
Code Officer - B.I.U.
Solicitor - Tucker/Arensberg Attorneys
Engineer - McCormick Taylor Engineers and
Gibson Thomas

FOREWORD

*History*¹

This comprises the codification of the ordinances of the Borough of Mount Pleasant. Mount Pleasant is one of the oldest towns in Southwestern Pennsylvania. It grew at the crossroads of two Native American paths, routes that were to become major arteries into the western wilderness of Colonial and Early America.

In 1775 during the French and Indian War, General Braddock cut a military road northwest from Virginia, following Nemicolon's path known later as Braddock's Road. After the Penn's purchase of western territories from the Six Nation Indian Tribes, Glades Path was opened to permit settlement from the East (now Route 31).

The English, Scots-Irish, and Germans, many of them Revolutionary War veterans, seeing the traffic at the crossroads as an opportunity, established taverns, inns, and blacksmiths shops to serve drovers and weary travelers. The settlement became the center of the rich surrounding farming area. Grain produced on the frontier was usually converted to whiskey for easy transport to the eastern markets. In 1794, during the Whiskey Rebellion, Federal troops encamped in the town arresting the local "Whiskey Boys" who protested the new whiskey tax. In this period the settlement earned its name "Helltown."

Henry Clay Frick clerked at his Uncle Overholt's store on Main Street. Frick was to consolidate the area's coke and coal industry, becoming a millionaire by age 30.

After 1870 immigrants began to arrive from Eastern Europe to work in the mines and coke ovens. Cheap labor fueled and attracted two glass factories: Bryce Brothers in 1896, makers of hand blown crystal, and Smith Glass in 1907. Bryce Brothers continues as Lenox Crystal. The old Bryce factory became a warehouse for Levin Furniture, one of a number of local family owned businesses three generations old. Much of the character and flavor of the old town remains to make Mount Pleasant an interesting place to visit and shop. Mount Pleasant was incorporated as a Borough on February 27, 1828, from portions of East Huntingdon Township.

The Code of Ordinances of the Borough of Mount Pleasant was prepared by Keystone Publishers, Inc., and adopted by the Borough of Mount Pleasant Borough Council on January 19, 2010, by *Ord. 624*.

Organization

The Code contains four parts which are (1) the valid current ordinances of the Borough of Mount Pleasant 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 Mount Pleasant, 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

¹Editor's Note: Adapted from <http://www.mtpleasantboro.com/history.html>.

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 Mount Pleasant Borough Council with regard to every ordinance ever enacted. An ordinance has either been (1) specifically repealed, (2) superseded by another ordinance, (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 Mount Pleasant, and to the location within the Code of each ordinance by number.

ORDINANCE NO. 624

AN ORDINANCE ADOPTING THE CODE OF ORDINANCES OF THE BOROUGH OF MOUNT PLEASANT, WESTMORELAND 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 Mount Pleasant hereby ordains:

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

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Chapter 1 Administration and Government
Chapter 2 Animals
Chapter 3 [Reserved]
Chapter 4 [Reserved]
Chapter 5 Code Enforcement
Chapter 6 Conduct
Chapter 7 [Reserved]
Chapter 8 Floodplains
Chapter 9 [Reserved]
Chapter 10 Health and Safety
Chapter 11 Housing
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 Signs
Chapter 20 Solid Waste
Chapter 21 Streets and Sidewalks
Chapter 22 Subdivision and Land Development
Chapter 23 Stormwater Management
Chapter 24 Taxation; Special
Chapter 25 Trees
Chapter 26 [Reserved]
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 the Disposition of All Ordinances
 Table to the 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 Mount Pleasant 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 Mount Pleasant 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 Mount Pleasant 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 Mount Pleasant 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
		[Reserved]

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.*

Section	Subject
§§1-101-1-111	Preliminary Provisions
§§1-801-1-805	Budgetary Reserve Account
§§2-101-2-108	Dogs at Large
§§6-501-6-509	Graffiti
§§10-801-10-803	Noise Nuisance
§§10-901-10-909	Sex Offender Residency
§§10-1001-10-1002	Burial of Deceased Persons or Animals
§§11-301-11-315	Residential Rental Property
§§13-601-13-606	Yard Sale Permits
§§19-101-19-105	Sign Regulations
§§20-201-20-206	Recycling
§§24-401-24-417	Realty Transfer Tax
§§25-101-25-103	Trees Overhanging Street and Sidewalks

B. *Amendments.*

Section	Subject	Ordinance No., Section
§1-301	Establishment of Offices	456, §2-2001; 598
§1-502	Supervision and Control	456, §10-1012
§1-503	Rules and Regulations Authorized	456, §10-1013
§1-510	Penalty for Violation of Certain Provisions	456, §10-1020
§1-522	Bylaws; Amendments	470, §2
§1-602	Chief of Police	456, §10-2002
§1-705	Municipal Certification Required Prior to Payment of Fire Loss Claims	594, §7
§1-706	Penalty and Remedies	594, §8
§2-203	Keeping Wild Animals	514
§2-206	Violations and Penalties	514, §6
§2-211	Failure to Remove; Violations and Penalties	494
§2-221	Harboring a Nuisance	556, §1
§2-224	Violations and Penalties	566, §4
§5-103	Permits, Certificates, and Fees	422, §3; 518, §1; 528, §1; 539, §1

Section	Subject	Ordinance No., Section
§5-104	Violations and Penalties	422, §4
§5-206	Violations and Penalties	600, §9
§5-302	Amendments	609, §2
§6-107	Penalty for Tampering with, Injuring, or Removing Certain Property	456, §8-1017; 474
§6-205	Enforcement and Penalties	456, §8-1025
§6-305	Violations and Penalties	516, §2
§6-407	Penalty	577, §1
§8-202	Issuance of Building Permit	564, §2.01
§8-203	Application Procedure and Requirements	564, §2.02
§8-209	Inspection and Revocation	564, §2.08
§8-210	Fees	564, §2.09
§8-211	Enforcement	564, §2.10
§8-401	General	564, §4.00
§8-402	Design and Construction Standards	564, §4.01
§8-404	Special Requirements for Manufactured Homes	564, §4.03
§8-502	Application Requirements for Special Permits	564, §5.01
§8-602	Improvements	564, §6.01
§8-802	Special Definitions	564, §8.01
§10-101	Noxious Weeds; Nuisances	325, §1
§10-201	Definitions	523, §1
§10-207	Violations and Penalties	523, §7
§10-310	Violations and Penalties	517, §2
§10-401	Nuisances	404, §1
§10-403	Violations and Penalties	404, §3
§10-505	Violations and Penalties	462, §5
§10-603	Failure to Repair, Penalty	399, §4
§10-707	Penalty	595, §7
§11-103	Fees	461, §4; 519, §1; 560; 576, §1
§11-105	Violations and Penalties	461, §6; 548, §1
§11-113	Violations and Penalties	471, §4

Section	Subject	Ordinance No., Section
§11-202	Specifications for Placement of Numbers	559, §2
§11-205	Violation and Penalties	559, §5
§13-101	Permit Required to Conduct Circus or Carnival	456, §6-2001; 598, §9
§13-102	Penalty for Violation	456, §6-2002
§13-203	Exceptions	613, §103
§13-213	Penalties	613, §113
§13-312	Penalties	612, §12
§13-402	License Required to Engage in Business	371, §2
§13-405	License Not Transferable	371, §5
§13-408	Penalty for Violation	371, §8
§13-502	License to Engage in Business	350, §2
§13-505	License Not Transferable	350, §5
§13-509	Penalty for Violations	350, §9
§15-103	Temporary and Emergency Regulations	456, §7-1003
§15-202	Speed Limits Established	456, §7-2002
§15-203	Traffic Signals at Certain Intersections	456, §7-2003
§15-207	Stop Intersections Established	456, §7-2007
§15-209	Vehicle Weight Limits Established	456, §7-2009
§15-308	Mechanical Padlocking Devices	456; 544
§15-410	Employment of Parking Meter Attendant; Compensation; Duties; Violations and Penalties	456, §7-4010; 488; 491
§15-414	Violations and Penalties	456, §7-4014; 469, §1
§15-415	Permit Parking	456, §7-4015; 420
§15-804	Release of Vehicles	456, §7-8004; 485
§15-901	Authorization for Use of Speed-Timing Devices	456, §7-9001; 493
§15-1102	Regulations for Issuance of Permits	456, §7-1102; 545, §2; 588, §II
Appendix 15-IIC	Parking Time Limited in Certain Locations Certain Days and Hours	456, Appendix IIC
§16-112	Payment of Security Fee	611, §112
§16-116	Penalties	611, §116

Section	Subject	Ordinance No., Section
§16-135	Payment of Permit Fee	611, §215
§16-136	Posting of Security	611, §216
§16-137	Pavilion Designation, Rental Provisions and Rental Deposit Fees	611, §217
§16-145	Penalties	611, §225
§18-109	Violations and Penalties	374, §9
§18-111	Discharge Prohibited; Existing Connections	492, §1
§18-112	Penalties	492
§18-207	Fee	592, §107
§18-212	Forms	592, §112
§18-214	Penalties and Enforcement	592, §114
§20-102	Definitions	558, §II
§20-103	Prohibited Activities	558, §III
§20-104	Standards for Storage of Solid Waste	558, §IV
§20-105	Standards and Regulations for Collection	558, §V
§20-106	Injunction Powers	558, §V
§20-108	Penalties	558, §VIII
§21-105	Permit Fees; Bond	310, §4; 551, §1
§21-110	Penalty for Violation	310, §10; 551, §2
§21-202	Widths of Pavements on Sidewalks	95, §2
§21-303	Penalty for Violation	401, §3
§23-804	Penalties	599, §804
§24-212	Violations and Penalties	618, §3-2032
§24-504	Certificates	456, §3-2074; 589, §IV
§24-511	Fines and Penalties for Violation of Chapter	456, §3-2081; 589, §V

C. Repeals.

Ord./Res.	Subject
<i>Ord. 436</i>	Disorderly Conduct

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:

Section**Short Title**

[Reserved]

Section 7. Land Use Amendments. The Borough of Mount Pleasant 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:

Section**Subject**

[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:

Section	Subject	Ordinance No., Section
§22-106	Procedure; Application for Approval	342, §VI
§22-110	Principles and Standards	342, §X
§22-111	Required Improvements	342, §XI
§27-102	Definitions	389, §103 and Art. 7; 513, §1; 526, §1; 552, §1
§27-307	Signs	389, §307; 465, §1; 472, §2
§27-309	Regulation of Partition Fences	389
§27-402	Procedures	389, §501; 456
§27-406	Performance Standards	389, §505
§27-501	Zoning Officer	389, §401
§27-503	Zoning Certificates	389, §402
§27-504	Enforcement Notice	389
§27-505	Enforcement Remedies	389, §403
§27-602	Petitions	389, §602
§27-604	Enactment of Zoning Ordinance Amendments	389, §604
§27-605	Hearings	389
§27-705	Fees	389; 578, §2

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

Section	Subject	Ordinance No., Section
[Reserved]		

Section 8. Procedural Changes. The following minor procedural changes have been made to existing Borough of Mount Pleasant 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 Mount Pleasant 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 Mount Pleasant 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 Mount Pleasant. 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 Mount Pleasant 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.

ORDAINED AND ENACTED by the Council of the Borough of Mount Pleasant, on this 19th day of January, 2010.

Borough of Mount Pleasant

By: /s/ Michael Tabita
Michael Tabita
President of Council

ATTEST:

/s/ Jeffrey Landy
Jeffrey Landy, Borough Manager

EXAMINED AND APPROVED THIS 19th day of January, 2010.

/s/ Gerald Lucia
Mayor Gerald Lucia

ATTEST:

/s/ Jeffrey Landy
Jeffrey Landy, Borough Manager

Fee Schedule

Subject	Fees	
FIRE INSURANCE PROCEEDS ESCROW		
Municipal Certification Required Prior to Payment of Fire Loss Claims	§1-705	
Administrative fee accompany written request		\$25
HOUSING		
Residential Property Certificate of Occupancy	§11-103	
Residential		\$35
Commercial		\$100
Industrial		\$100 plus the cost to the Borough of any engineering report needed to comply with all State, Federal and local building codes
LICENSES, PERMITS AND GENERAL BUSINESS REGULATIONS		
Circuses or Carnivals		
Permit required to conduct	§13-101	\$100
Coal Dealers		
License required to engage in business	§13-402	\$100
License transfer	§13-405	\$10
Junk Dealers		
License to engage in business	§13-502	\$75
License transfer	§13-505	\$10
Transient Retail Merchants		
License Required; Conditions of Issuance; Fee	§13-202	
License fee per day		\$10
License fee per week		\$30
License fee per month		\$60
Yard Sale Permits		
First permit fee	§13-604	\$5
Second permit fee	§13-604	\$5

Subject	Fees	
MOTOR VEHICLES		
Permit Parking	§15-415	\$5
Regulations for Issuance of Permits	§15-1102	
Annual fee		\$5
PARKS AND RECREATION		
Payment of Security Fee	§16-112	
Security fee for all weddings		\$50
Payment of Permit Fee	§16-135	
Gatherings and activities		
between 0 and 100 people		\$100
between 101 and 300 people		\$300
Rental Deposit Fees	§16-137	
Large pavilion		\$45
Smaller pavilions		\$35
STREET EXCAVATIONS		
Permit Fees; Bond	§21-104	
1-50 square feet		\$20
51-100 square feet		\$50
101-200 square feet		\$75
Over 200 square feet		\$200
SUBDIVISION AND LAND DEVELOPMENT		
Procedure; Application for Approval	§22-106	
For each lot in the proposed subdivision, with a minimum total charge of \$15		\$10 plus \$0.25
TAXATION		
Amusement Device Tax		
Certificates, new or replacement	§24-504	\$0.50
ZONING		
Regulation of Partition Fences	§27-309	
Permit fee		\$20 plus \$1 per each \$1,000 cost of the work or fraction thereof

Subject	Fees
Zoning Hearing Board; Procedures	§27-402
Any appeal or proceeding filed	\$10
Zoning Certificates	§27-503
Application filing fee	\$5
Petitions	§27-602
Deposit	Not less than \$75
Fees	§27-705
Sexually oriented business permit	\$500
Zoning Permit Application Fee Schedule	
Zoning permit application fees for all activities	
\$2,500–\$5,000	\$20*

*For every \$1,000 beyond \$5,000 add an additional \$1 to the fee. (For example: \$12,000 cost of construction = \$27 fee)

(Res. 2010-01, 1/19/2010)

