

BOROUGH OF CATAWISSA  
COUNTY OF COLUMBIA, PENNSYLVANIA

ORD. NO. 01-2019

AN ORDINANCE TO APPROVE, ADOPT AND ENACT AN ORDINANCE CODIFICATION FOR THE BOROUGH OF CATAWISSA, COUNTY OF COLUMBIA, COMMONWEALTH OF PENNSYLVANIA; TO PROVIDE FOR THE REPEAL OF CERTAIN LEGISLATION NOT INCLUDED THEREIN; TO SAVE FROM REPEAL CERTAIN OTHER LEGISLATION NOT INCLUDED THEREIN; AND TO PROVIDE PENALTIES FOR TAMPERING WITH THE CODE

Be it enacted and ordained by the Borough Council of the Borough of Catawissa, County of Columbia, Commonwealth of Pennsylvania, and it is enacted and ordained as follows:

ARTICLE I  
Adoption of Code

**§ 1-1. Approval, adoption and enactment of Code.**

Pursuant to Section 3301.5 of the Borough Code (8 Pa.C.S.A. § 3301.5), the codification of a complete body of legislation for the Borough of Catawissa, County of Columbia, Commonwealth of Pennsylvania, as revised, codified and consolidated into chapters, articles and sections by General Code, and consisting of Chapters 1 through 345, together with an Appendix, is hereby approved, adopted, ordained and enacted as a single ordinance of the Borough of Catawissa, which shall be known and is hereby designated as the "Code of the Borough of Catawissa," hereinafter referred to as the "Code."

**§ 1-2. Effect of Code on previous provisions.**

The provisions of this Code, insofar as they are substantively the same as those of the 1983 Code of Ordinances and the ordinances in force immediately prior to the enactment of this ordinance, are intended as a continuation of such ordinances and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior ordinance. All such provisions are hereby continued in full force and effect and are hereby reaffirmed as to their adoption by the Borough Council of the Borough of Catawissa, and it is the intention of said Borough Council that each such provision contained within the Code is hereby reenacted and reaffirmed as it appears in said Code. Only such provisions of former ordinances as are omitted from this Code shall be deemed repealed or abrogated by the provisions of § 1-3 below, and only new or changed provisions, as described in § 1-6 below, shall be deemed to be enacted from the effective date of this Code, as provided in § 1-15 below.

**§ 1-3. Inconsistent legislation repealed.**

- A. Repeal of inconsistent ordinances. Except as provided in § 1-4, Legislation saved from repeal; matters not affected by repeal, below, all ordinances or parts of ordinances inconsistent with the provisions contained in the Code adopted by this ordinance are hereby repealed as of the effective date given in § 1-15; provided, however, that such repeal shall only be to the extent of such inconsistency, and any valid legislation of the Borough of Catawissa which is not in conflict with the provisions of the Code shall be deemed to remain in full force and effect.
- B. Repeal of specific ordinances. The Borough Council of the Borough of Catawissa has determined that the following ordinances are no longer in effect and hereby specifically repeals the following legislation:
- (1) Former Chapter 1, Administration and Government, Part 2, Boards, Commissions and Departments, Subpart C, Joint Code Enforcement, of the 1983 Code of Ordinances.
  - (2) Former Chapter 1, Administration and Government, Part 6, Zone Emergency Management Agency, of the 1983 Code of Ordinances.
  - (3) Former Chapter 5, Code Enforcement, Part 1, Building Code; Part 3, Fire Prevention Code; Part 4, Plumbing Code; and Part 5, Electrical Code, of the 1983 Code of Ordinances.

**§ 1-4. Legislation saved from repeal; matters not affected by repeal.**

The adoption of this Code and the repeal of ordinances provided for in § 1-3 of this ordinance shall not affect the following ordinances, rights and obligations, which are hereby expressly saved from repeal; provided, however, that the repeal of ordinances pursuant to § 1-3 or the saving from repeal of ordinances pursuant to this section shall not be construed so as to revive any ordinance previously repealed, superseded or no longer of any effect:

- A. Any ordinance adopted subsequent to April 9, 2018.
- B. Any right or liability established, accrued or incurred under any legislative provision of the Borough prior to the effective date of this ordinance or any action or proceeding brought for the enforcement of such right or liability or any cause of action acquired or existing.
- C. Any offense or act committed or done before the effective date of this ordinance in violation of any legislative provision of the Borough or any penalty, punishment or forfeiture which may result therefrom.
- D. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this ordinance, brought pursuant to any legislative provision of the Borough.
- E. Any franchise, license, right, easement or privilege heretofore granted or conferred by the Borough or any lawful contract, obligation or agreement.

- F. Any ordinance appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond of the Borough or other instruments or evidence of the Borough's indebtedness.
- G. Any ordinance adopting an annual budget or establishing an annual tax rate.
- H. Any ordinance providing for the levy, imposition or collection of special taxes, assessments or charges.
- I. Any ordinance authorizing the purchase, sale, lease or transfer of property or acquiring property by acceptance of deed, condemnation or exercise of eminent domain.
- J. Any ordinance annexing land to the Borough.
- K. Any ordinance providing for or requiring the construction or reconstruction or opening of sidewalks, curbs and gutters.
- L. Any ordinance or part of an ordinance providing for laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, sidewalk, park or other public place or property or designating various streets as public highways.
- M. Any ordinance establishing water, sewer or other special purpose districts and designating the boundaries thereof; providing for a system of sewers or water supply lines; or providing for the construction, extension, dedication, acceptance or abandonment of any part of a system of sewers or water supply lines.
- N. Any ordinance providing for the making of public improvements.
- O. Any ordinance providing for the salaries and compensation of officers and employees of the Borough or setting the bond of any officer or employee.
- P. Any ordinance concerning changes and amendments to the Zoning Map.
- Q. Any ordinance relating to or establishing a pension plan or pension fund for municipal employees.
- R. Any ordinance or portion of an ordinance establishing a specific fee amount for any license, permit or service obtained from the Borough.
- S. Any currently effective ordinance providing for intergovernmental cooperation or establishing an intermunicipal agreement.
- T. Ordinance No. 2005-03, Stormwater Management, adopted September 12, 2005, and any subsequent amendments.

**§ 1-5. Inclusion of new legislation prior to adoption of Code.**

All ordinances of a general and permanent nature adopted subsequent to the date given in § 1-4A and/or prior to the date of adoption of this ordinance are hereby deemed to be a part of the Code

and shall, upon being printed, be included therein. Attested copies of all such ordinances shall be temporarily placed in the Code until printed supplements are included.

**§ 1-6. Changes and revisions in previously adopted legislation; new provisions.**

- A. Nonsubstantive changes. In compiling and preparing the ordinances of the Borough for adoption and revision as part of the Code, certain nonsubstantive grammatical and style changes were made in one or more of said ordinances. It is the intention of the Borough Council that all such changes be adopted as part of the Code as if the ordinances so changed had been previously formally amended to read as such.
- B. Substantive changes and revisions. In addition to the changes and revisions described above, changes and revisions of a substantive nature, as set forth in Schedule A attached hereto and made a part hereof, are hereby made to various ordinances included in the Code. These changes are enacted to bring provisions into conformity with the desired policies of the Borough Council, and it is the intent of the Borough Council that all such changes be adopted as part of the Code as if the legislation so changed had been previously formally amended to read as such. All such changes and revisions shall be deemed to be in effect as of the effective date of the Code specified in § 1-15.
- C. Nomenclature. The following terms are revised as indicated:
  - (1) Throughout the Code:
    - (a) “Justice of the Peace” or “District Justice” is changed to read “Magisterial District Judge,” and any reference to “alderman” is deleted.
    - (b) “Department of Environmental Resources” or “DER” is changed to read “Department of Environmental Protection” or “DEP.”
    - (c) “Department of Community Affairs” is changed to read “Department of Community and Economic Development.”
    - (d) “Soil Conservation Service” is changed to read “Natural Resources Conservation Service.”
  - (2) In Chapter 136, Building Permits, references to the “Code Enforcement Officer” and the “Building Permit Officer” are revised to read “appointed Code Enforcement Officer.”
  - (3) In Chapter 195, Furnaces, Outdoor, the term “Code Enforcement Officer” is revised to read “Zoning and Code Enforcement Officer.”
  - (4) In Chapter 345, Zoning, the term “Zoning Officer” is revised to read “Zoning and Code Enforcement Officer.”

- D. Statutory references. Pursuant to recodification of the Borough Code in 2012 and 2014 (see now 8 Pa.C.S.A. § 101 et seq.), statutory citations referring to specific sections of the Borough Code have been updated accordingly throughout the Code.

**§ 1-7. Interpretation of provisions.**

In interpreting and applying the provisions of the Code, they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare. Where the provisions of the Code impose greater restrictions or requirements than those of any statute, other ordinance, resolution or regulation, the provisions of the Code shall control. Where the provisions of any statute, other ordinance, resolution or regulation impose greater restrictions or requirements, the provisions of such statute, other ordinance, resolution or regulation shall control.

**§ 1-8. Titles and headings; editor's notes.**

- A. Chapter and article titles, headings and titles of sections and other divisions in the Code or in supplements made to the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the legislation.
- B. Editor's notes indicating sources of sections, giving other information or referring to the statutes or to other parts of the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the legislation.

**§ 1-9. Filing of copy of Code.**

At least one copy of the Code in a post-bound volume shall be filed with the Ordinance Book in the office of the Borough Secretary and shall remain there for use and examination by the public. Upon adoption, such copy or copies shall be certified to by the Borough Secretary, as provided by law, and such certified copy or copies shall remain on file in the office of the Borough Secretary, available to persons desiring to examine the same during all times while said Code is in effect.

**§ 1-10. Amendments to Code.**

Any and all additions, deletions, amendments or supplements to the Code, when passed and adopted in such form as to indicate the intention of the Borough Council to be a part thereof, shall be deemed to be incorporated into such Code so that reference to the Code shall be understood and intended to include such changes. Whenever such additions, deletions, amendments or supplements to the Code shall be adopted, they shall thereafter be printed and, as provided hereunder, inserted in the post-bound book containing said Code as amendments and supplements thereto.

**§ 1-11. Code books to be kept up-to-date.**

It shall be the duty of the Borough Secretary or someone authorized and directed by him or her to keep up-to-date the certified copy or copies of the book containing the Code required to be filed in the office of the Borough Secretary for the use of the public. All changes in said Code and all legislation adopted by the Borough Council subsequent to the effective date of this codification which the Borough Council shall adopt specifically as part of the Code shall, when finally adopted, be included therein by reference until such changes or new legislation are printed as supplements to said Code books, at which time such supplements shall be inserted therein.

**§ 1-12. Publication of notices.**

The Borough Secretary, pursuant to law, shall cause to be published in the manner required a notice of the introduction and of the adoption of the Code in a newspaper of general circulation in the Borough. The enactment and application of this ordinance, coupled with the publication of the notice of introduction, the availability of a copy or copies of the Code for inspection by the public and the filing of an attested copy of this ordinance with the county, as required by law, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

**§ 1-13. Altering or tampering with Code; violations and penalties.**

It shall be unlawful for anyone to improperly change or amend, by additions or deletions, or to alter or tamper with the Code or any part or portion thereof in any manner whatsoever which will cause the law of the Borough to be misrepresented thereby. Any person who violates or permits a violation of this section of this ordinance shall, upon being found liable therefor in a civil enforcement proceeding, pay a fine of not more than \$600, plus all court costs, including reasonable attorney's fees, incurred by the Borough in the enforcement of this chapter. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable Rules of Civil Procedure. Each day a violation exists shall constitute a separate offense. Further, the appropriate officers or agents of the Borough are hereby authorized to seek equitable relief, including injunction, to enforce compliance herewith.

**§ 1-14. Severability.**

The provisions of this ordinance and of the Code adopted hereby are severable, and if any clause, sentence, subsection, section, article, chapter or part thereof shall be adjudged by any court of competent jurisdiction to be illegal, invalid or unconstitutional, such judgment or decision shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation and application to the clause, sentence, subsection, section, article, chapter or part thereof rendered illegal, invalid or unconstitutional. It is hereby declared to be the intent of the Borough Council that this ordinance and the Code would have been adopted if such illegal, invalid or unconstitutional clause, sentence, subsection, section, article, chapter or part thereof had not been included therein.

§ 1-15. Effective date.

All provisions of this ordinance and of the Code shall be in force and effect on and after February 11, 2019.

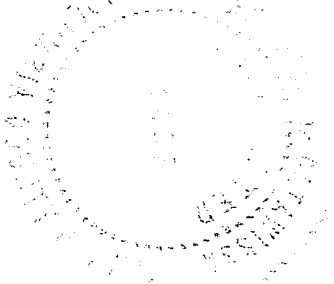
ENACTED AND ORDAINED by the Borough Council of the Borough of Catawissa this 11th day of February 2019.

Attest:

BOROUGH OF CATAWISSA

Connie Cole  
Connie Cole, Borough Secretary

BY: Doug Krum  
Doug Krum, Council President



**Borough of Catawissa  
Code Adoption Ordinance**

**Schedule A  
Specific Revisions at Time of Adoption of Code**

**Chapter 17, Civil Service Commission.**

- A. Section 17-2 is amended to delete the names of the first members appointed to the Commission, to read as follows:  
“The Commission shall consist of three Commissioners who shall be qualified electors of the Borough and appointed by the Borough Council initially to serve for the terms of two, four and six years. As terms expire, the Commissioners shall be appointed for terms of six years.”
- B. Sections 17-3, 17-4 and 17-5 are added to read as follows:  
“§ 17-3. Alternate members.  
Council may appoint no more than three qualified electors of the Borough to serve as alternate members of the Commission. The term of office of the alternate members shall be two years.
- § 17-4. Solicitor.  
The Borough shall provide the services of a solicitor of the Commission to be appointed by the Commission and paid by the Borough.
- § 17-5. Quorum.  
Three members of the Commission shall constitute a quorum. If, by reason of absence or disqualification of a member, a quorum is not reached, the Chair shall designate as many alternate members of the Commission to sit on the Commission as may be needed to provide a quorum.”

**Chapter 80, Planning Commission.**

- A. Original Section 205, regarding duties around the Comprehensive Plan, zoning, and subdivision, of Ch. 1, Part 2A, of the 1983 Code of Ordinances is repealed.
- B. Original Section 207, regarding initial membership, of Ch. 1, Part 2A, of the 1983 Code of Ordinances is repealed.

**Chapter 73, Pensions.**

**Article I, Police Pension Fund.**

Section 73-4 is amended to insert dropped wording in the second sentence as indicated:  
“... The President of the Borough Council shall be President of the Police Pension



Committee, and the remaining two members shall be appointed annually by him from the members of the Borough Council....”

## **Chapter 101, Salaries and Compensation.**

### **Article II, Tax Collector.**

Section 101-3 is amended as indicated: “The compensation of the Tax Collector for the Borough of Catawissa shall be 5% of the amount of taxes collected.”

## **Chapter 115, Alcoholic Beverages.**

In § 115-1, the original definition of “container” is deleted, as such term is not used in the chapter.

## **Chapter 122, Animals.**

### **Article II, Running at Large.**

- A. Section 122-10 is revised as indicated: “The owner of a licensed dog shall be notified by registered or certified mail that the dog has been impounded ~~at the Pennsylvania S.P.C.A. Office at R.D. # 4, Danville, Pennsylvania, and will be disposed of in five days, if not claimed.~~ If the dog is not claimed within ~~five days~~ 12 hours after receipt for the registered or certified mail is received, the dog may be ~~sold or destroyed~~ given to a humane society or association for the prevention of cruelty to animals in accordance with the 1982 Dog Law (3 P.S. § 459-101 et seq.).”
- B. Section 122-11 is revised as indicated: “Unlicensed dogs that are seized are to be held for ~~48~~ 12 hours, and if not claimed, may be ~~destroyed~~ given to a humane society or association for the prevention of cruelty to animals in accordance with the 1982 Dog Law (3 P.S. § 459-101 et seq.).”

## **Chapter 169, Electrical Service.**

In § 169-13, the reconnection charge of \$75 is updated to \$100 (as established by Resolution No. 2014-09).

## **Chapter 183, Firearms.**

- A. Section 183-3 is amended to delete original Subsections 1 and 4 regarding the prior exceptions for a person hunting when licensed by the state, and persons discharging a firearm on a person’s own land when licensed by the Chief of Police.

- B. Original Sections 304 and 305, regarding a license to discharge a firearm on a person's own property, of Ch. 6, Part 3, of the 1983 Code of Ordinances, are repealed.

### **Chapter 189, Floodplain Management.**

- A. Section 189-22J(4) is amended to add the following wording at the end: "shall be utilized."
- B. In § 189-34, the definition of "new construction" is amended to add missing wording as indicated: "Structures for which the start of construction commenced on or after installation of piers or foundation and includes any subsequent improvements thereto."

### **Chapter 195, Furnaces, Outdoor.**

Section 195-5G is amended to add missing wording, as indicated: "A registration of a permit may be suspended at any time for a violation by the owner/operator of the appliance and the failure of the owner of the premises to comply with all of the terms and provisions of this chapter or to protect the public health, safety and welfare of the residents of the Borough of Catawissa."

### **Chapter 211, Mobile Homes and Trailers.**

#### **Article I, Trailers and Trailer Parks.**

In § 211-19, the reference to "Chapter 5, Code Enforcement" of the 1983 Code is amended to read "Chapter 153, Construction Codes, Uniform."

### **Chapter 218, Municipal Claims and Liens.**

In § 218-2, the specific attorney fee of \$75 per hour is amended to read "Attorney's current fee."

### **Chapter 225, Noise.**

Subsection D is added to § 225-2, to read as follows:

"Permitting any animal, bird or fowl in one's possession or under one's control to make any frequent or long-continued noise of such character or intensity as to disturb the comfort or repose of any person. It shall be unlawful for the owner of any animal to allow the making of such noise continuously in excess of 15 minutes or intermittently in excess of 30 minutes so that such noise can be heard by persons outside of the property of the owner of the animal; provided, however, that noise from an animal due to someone threatening to or trespassing

upon the property upon which the animal is located or caused by teasing or mistreatment of the animal by someone other than the owner, handler or custodian or keeper of the animal shall not be considered a violation of this section.”

### **Chapter 234, Peddling and Soliciting.**

- A. Section 234-3A(5) is amended to delete the reference to a repealed statute, to read as follows: “To any honorably discharged member of any of the armed services.”
- B. In the following sections, the term “[designated official]” is replaced with “Borough Manager/Administrative Assistant or Council President”: §§ 234-3B, 234-4, 234-5, 234-7 and 234-8.

### **Chapter 267, Sewers.**

#### **Article I, Sewer Connections.**

In § 267-3, the connection fee is changed from \$150 to \$1,700.

#### **Article II, Sewer Rental Charges.**

In Subsections A, B(1), C(1) and F of § 267-10, the sewer service charge is changed from \$25 per month to \$40 per month.

### **Chapter 274, Solid Waste.**

#### **Article I, Collection and Disposal.**

Original Section 109, regarding a municipal waste collection license, of Ch. 20, Part 1, of the 1983 Code of Ordinances, is repealed.

### **Chapter 287, Streets and Sidewalks.**

#### **Article II, Snow and Ice Removal.**

Section 287-8B is amended to replace the fines with a reference to the penalty provisions of § 287-7.

#### **Article III, Openings and Excavations.**

- A. Section 287-12 is amended to replace the permit fee of \$5 with \$50, the restoration deposit amount of \$300 with \$500 and bond of \$300 with \$500.
- B. Section 287-16 is amended to reflect summary offense penalty wording, to read as follows:

“Any person who violates or permits a violation of this article shall, upon conviction in a summary proceeding under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not more than \$1,000, plus court costs and reasonable attorneys' fees incurred by the Borough in the enforcement proceedings. Upon judgment against any person by summary conviction, or by proceedings by summons on default of the payment of the fine or penalty imposed and the costs, the defendant may be sentenced and committed to the Borough correctional facility for a period not exceeding 10 days or to the county correctional facility for a period not exceeding 30 days. Each day that such violation exists shall constitute a separate offense, and each section of this article that is violated shall also constitute a separate offense. In addition to or in lieu of enforcement under this section, the Borough may enforce this article in equity in the Court of Common Pleas of Columbia County.”

### **Article VI, Repair of Roadways Tampered With During Construction.**

Section 287-36 is amended to replace the phrase “reimbursing the Borough for the cost of the inspector at the rate of \$25 per hour” with “reimbursing the Borough for the cost of the inspector per the current fee of the inspector.”

## **Chapter 301, Taxation.**

### **Article I, Earned Income Tax.**

Section 301-7 is amended to clarify the statutory reference, as indicated: “... may be added to the bill, as provided by Section 10 of the ~~Local Tax Enabling Act No. 511 (72 P.S. § 5511)~~ the Local Tax Collection Law, 72 P.S. § 5511.10.”

### **Article III, Realty Transfer Tax.**

This article is amended in its entirety to read as follows:

“§ 301-15. Imposition of tax.

The Borough of Catawissa adopts the provisions of Article XI-D of the Tax Reform Code of 1971 and imposes a realty transfer tax as authorized under that article subject to the rate limitations therein. The tax imposed under this section shall be at the rate of 1%.

§ 301-16. Administration.

The tax imposed under § 301-15 and all applicable interest and penalties shall be administered, collected and enforced under the Act of December 31, 1965 (P.L. 1257, No. 511, as amended), known as “The Local Tax Enabling Act” (53 P.S. § 6924.101 et seq.), provided that, if the correct amount of the tax is not paid by the last date prescribed for timely payment, the Borough of Catawissa, pursuant to Section 1102-D of the Tax Reform Code of 1971 (72 P.S. § 8102-D), authorizes and directs the Department of Revenue of the Commonwealth of Pennsylvania to determine, collect and enforce the tax, interest and penalties.

§ 301-17. Interest.

Any tax imposed under § 301-15 that is not paid by the date the tax is due shall bear interest as prescribed for interest on delinquent municipal claims under the Act of May 16, 1923 (P.L. 207, No. 153) (53 P.S. § 7101 et seq.), as amended, known as "The Municipal Claims and Tax Liens Act." The interest rate shall be the lesser of the interest rate imposed upon delinquent commonwealth taxes as provided in Section 806 of the Act of April 9, 1929 (P.L. 343, No. 176) (72 P.S. § 806), as amended, known as "The Fiscal Code," or the maximum interest rate permitted under the Municipal Claims and Tax Liens Act for tax claims."

### **Chapter 308, Trees.**

Section 308-1 is amended to change the term "Mayor" to read "Code Enforcement Officer," and to change the permit fee from \$1 to \$10.

### **Chapter 316, Vehicles and Traffic.**

- A. Original Section 107, Authorization for use of speed timing devices, of Ch. 15 of the 1983 Code of Ordinances is repealed.
- B. Original Section 201, Motor vehicles not to be driven on sidewalks, of Ch. 15 of the 1983 Code of Ordinances is repealed.
- C. The stop intersection entries under § 316-9A which previously read "4-way" in the **Direction of Travel** column are revised to read "All-way."
- D. Section 316-25B(1) is amended as indicated: "Any person or firm, persons or firms, corporation, partnership, association, organization or other entity violating any provisions of this section shall be subject to pay a fine of \$5, ~~except if the vehicle is blocking an intersection or fire hydrant in which case the fine shall be \$25~~ \$50."
- D. Section 316-29 is amended to align reclamation costs with 75 Pa.C.S.A. § 7306, to change a fee of \$25 of which \$10 shall be transferred to the PADOT to read "a fee of \$50 of which \$25 shall be transferred to the Pennsylvania Department of Transportation by the garage to which the vehicle was taken."
- D. Section 316-34 is amended to delete the specific fee of \$25 for reclaiming a vehicle and replacing it with a reference to "a fee as set forth in § 316-29 of this chapter."

### **Chapter 333, Water.**

#### **Article I, Water Use.**

Section 333-6 is amended to reflect summary offense penalty wording, to read as follows:

“Any person who violates or permits a violation of this article shall, upon conviction in a summary proceeding under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not more than \$1,000, plus court costs and reasonable attorneys' fees incurred by the Borough in the enforcement proceedings. Upon judgment against any person by summary conviction, or by proceedings by summons on default of the payment of the fine or penalty imposed and the costs, the defendant may be sentenced and committed to the Borough correctional facility for a period not exceeding 10 days or to the county correctional facility for a period not exceeding 30 days. Each day that such violation exists shall constitute a separate offense, and each section of this article that is violated shall also constitute a separate offense. In addition to or in lieu of enforcement under this section, the Borough may enforce this article in equity in the Court of Common Pleas of Columbia County.”

### **Chapter 345, Zoning.**

A. In § 345-4:

- (1) The definition of “electronic notice” is added to read as follows:  
“ELECTRONIC NOTICE—Notice given by a municipality through the Internet of the time and place of a public hearing and the particular nature of the matter to be considered at the hearing, pursuant to 53 P.S. § 10109.”
- (2) The definition of “family” is amended to read as follows:  
“FAMILY—
  - A. One or more persons living together in a single dwelling unit as a traditional family or the functional equivalent of a traditional family. It shall be a rebuttable presumption that more than five persons living together in a single dwelling unit, who are not related by blood, adoption, or marriage, do not constitute the functional equivalent of a traditional family. This definition does not intend to prohibit group homes and/or community living arrangements that are determined to be protected by the Federal Fair Housing Law, provided that such facilities are licensed and permitted under the authority of the Department of Welfare of the Commonwealth of Pennsylvania or other state department or agency.
  - B. In determining the functional equivalent of a traditional family, the following criteria shall be present:
    - (1) The group shares the entire dwelling unit.
    - (2) The group lives and cooks together as a single housekeeping unit.
    - (3) The group shares expenses for food, rent, utilities or other household expenses.
    - (4) The group is permanent and stable, and not transient or temporary in nature.

- (5) Any other factor reasonably related to whether the group is the functional equivalent of a family.”
- (3) The definition of “mailed notice” is added to read as follows:  
“MAILED NOTICE—Notice given by a municipality by first-class mail of the time and place of a public hearing and the particular nature of the matter to be considered at the hearing, pursuant to 53 P.S. § 10109.”
- (4) The definition of “nonconforming lot” is amended as indicated: “Any lot existing lawfully in existence at the date of the passage of ~~this Ordinance~~ a zoning ordinance or amendment heretofore or hereafter enacted which does not have the minimum width or contain the minimum area for the zone in which it is located.”
- (5) The definition of “specified sexual conduct” is added to read as follows:  
“SPECIFIED SEXUAL CONDUCT—Patently offensive representations or descriptions of ultimate sexual acts, normal or perverted, actual or simulated, including sexual intercourse, anal or oral sodomy and sexual bestiality or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks or, if such person be a female, breast; and patently offensive representations or descriptions of masturbation, excretory functions, sadomasochistic abuse and lewd exhibitions of the genitals.”
- B. Section 345-16 is amended to delete the first word “Six” therefrom.
- C. Section 345-36B is amended as indicated: “Penalties for violation. Any person violating any provision of this chapter ~~shall be guilty upon conviction and shall be fined not more than \$500 for each offense shall, upon being found liable therefor in a civil enforcement proceeding, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Borough as a result thereof.~~ Each day of the existence of any violation shall be deemed a separate offense. ~~Default of payment shall result in prison sentence.”~~
- D. Section 345-37A(1) is amended as indicated: “The Board shall consist of three members to be appointed by the Council. The members shall be residents of the Borough of Catawissa, ~~none of whom shall hold an office in the Borough, except that no more than one member of the Board may also be a member of the planning commission~~ Members of the Board shall hold no other elected or appointed office in the Borough, nor shall any member be an employee of the Borough.”
- E. Section 345-40A is amended to change the petition fee from \$15 to \$25.
- F. Schedule I, District Regulations, included as an attachment to Chapter 345, is amended to change the reference to “Senior citizen dwelling” in the R-2 District to read “Senior citizen housing.”