

**Chapter 50**  
**ADVERTISING MATERIALS**

**§ 50-1. Posting of signs and bills restricted.**

**§ 50-2. Exception.**

**§ 50-3. Violations and penalties.**

**[HISTORY: Adopted by the Borough Council of the Borough of Montoursville 7-2-1962 as Ord. No. 186. Amendments noted where applicable.]**

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**§ 50-1. Posting of signs and bills restricted.**

It shall be unlawful for any person to paste, paint, brand, stamp or in any manner to place upon or attach to any tree, stake, utility or other pole on any street in the Borough of Montoursville any written, printed, painted or other advertisement, bill, notice, sign, card or poster or to permit to suffer the same to be done by another in his behalf, except under permit from the borough authorities.

**§ 50-2. Exception.**

This prohibition does not intend to include the posting of legal notices of traffic or other signs by persons legally authorized to do so.

**§ 50-3. Violations and penalties.<sup>1</sup>**

Any person who violates a provision of this chapter or suffers or permits the same to be done on his behalf shall for every such offense be punishable as set forth in Chapter 1, General Provisions, Article II, General Penalty.

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<sup>1</sup> Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

**Chapter 54**  
**ANIMALS**

ARTICLE I  
Dogs

- § 54-1. Definitions.
- § 54-2. Running at large.
- § 54-3. Unauthorized dogs on private property prohibited.

- § 54-4. Unauthorized defecation prohibited.
- § 54-5. Removal of feces required.
- § 54-6. Disturbances unlawful.
- § 54-7. Violations and penalties.

[HISTORY: Adopted by the Borough Council of the Borough of Montoursville 5-20-1963 as Ord. No. 188. Amendments noted where applicable.]

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ARTICLE I  
Dogs

[Adopted 5-20-1963 as Ord. No. 188; amended in its entirety 9-6-1982 by Ord. No. 280]

**§ 54-1. Definitions.**

As used in this Article, the following terms shall have the meanings indicated:

PERSON — An individual, partnership, corporation, agency or institution owning, harboring, keeping or in charge of any dog.

**§ 54-2. Running at large.**

It shall be unlawful for the owner or keeper of any dog, whether such dog be licensed or unlicensed, to suffer or permit such dog to run at large, either upon public streets of the borough or upon property of other than the owner or keeper, unaccompanied by the owner or keeper.

**§ 54-3. Unauthorized dogs on private property prohibited.**

No person shall cause, suffer or allow any dog to be upon the private property of another within the Borough of Montoursville without the express authority or permission of the owner of that property.

**§ 54-4. Unauthorized defecation prohibited.**

No person shall cause, suffer or allow a dog to defecate upon any property within the Borough of Montoursville without the express authority or permission of the owner of that property, except as hereinafter set forth in § 54-4.

**§ 54-5. Removal of feces required.**

A person may cause, suffer or allow dogs to defecate in that area of any street or alley between the curblines or, where there are no curbs, in the paved area in the berm of any street or alley and in that area between the curblines and the berm and the sidewalk, provided that said person shall immediately after the dog has deposited his feces remove or cause to remove in a sanitary manner any such feces so deposited and provided that said feces shall be wrapped or enclosed and deposited in said person's garbage or some other place approved by the Health Officer of the Borough of Montoursville in such a manner so as not to cause an odor or hazard to the borough.

**§ 54-6. Disturbances unlawful.**

It shall be unlawful to own, harbor or keep in custody any dog which disturbs the peace by barking, howling or making other loud noises to the annoyance and discomfort of any person in the Borough of Montoursville. The barking, howling or making of other loud noises by any dog for one-half ( $\frac{1}{2}$ ) hour or more shall be deemed to be a disturbance of the peace and a cause of annoyance and discomfort to persons in the Borough of Montoursville.

**§ 54-7. Violations and penalties. [Amended 11-17-1986 by Ord. No. 310<sup>1</sup>]**

Any person who violates any of the provisions of this Article shall, upon conviction thereof in a summary proceeding, be subject to the penalty as set forth in Chapter 1, General Provisions, Article II, General Penalty.

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<sup>1</sup> Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

## Chapter 56 ANTENNAS

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| <p>§ 56-1. Purpose.</p> <p>§ 56-2. Findings; specific objections.</p> <p>§ 56-3. Specifications for exterior antennas.</p> | <p>§ 56-4. Installation permit.</p> <p>§ 56-5. Variances.</p> |
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[HISTORY: Adopted by the Borough Council of the Borough of Montoursville 5-2-1988 as Ord. No. 320. Amendments noted where applicable.]

### GENERAL REFERENCES

Zoning — See Ch. 158.

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#### § 56-1. Purpose.

The express purpose of this chapter is to promulgate reasonable standards to regulate the placement of external antennas in the Borough of Montoursville for the purpose of promoting the health, safety, welfare and aesthetic values of the citizenry.

#### § 56-2. Findings; specific objections.

- A. Health and safety. Montoursville is a community with many children. The lots containing residences vary in size and shape. Additionally, there is a great variance in the location of homes on the building lots. In many neighborhoods, children are permitted to freely roam the yards of the neighbors. This raises concern with respect to the manner of installation of antennas or structures as guy wires, falling objects and objects upon which children might climb, or run into, can pose a health and safety risk to the borough citizenry.
- B. Aesthetic consideration. It is the goal of Borough Council to maintain the community standards of beauty and attractiveness, and it is believed that the unregulated placement of antennas would detract from that goal. Council, therefore, deems this chapter to be necessary.

#### § 56-3. Specifications for exterior antennas.

- A. Compatibility with Montoursville Zoning Ordinance.<sup>1</sup> It is hereby recognized and declared that all external antennas are structures, as that term is defined in the Pennsylvania

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<sup>1</sup> Editor's Note: See Ch. 158, Zoning.

Municipalities Planning Code<sup>2</sup> and the Montoursville Borough Zoning Ordinance, and are therefore subject to the provisions of the Montoursville Borough Zoning Ordinance.

- B. Exterior antennas defined.
- (1) Exterior antennas shall include all forms of antennas utilized within the Borough of Montoursville, whether the same be for telephone, telecommunication, radio or television or other forms of communication, except antennas utilized by governmental bodies or regulated public utilities.
  - (2) Exterior antennas shall include the towers, receiving dishes or receiving fixtures, bases, supports, guy lines and all attachments.
- C. Regulation of placement. Exterior antennas shall not be placed in front yards or in the street side yard of corner lot properties.
- D. Regulation of size of microwave antennas (dishes). The maximum diameter of microwave antennas shall be ten (10) feet in diameter if roof mounted and twelve (12) feet in diameter if ground mounted.
- E. Regulation of height of exterior antennas.
- (1) No exterior antenna, whether ground or roof mounted, shall exceed forty (40) feet in overall height from ground level.
  - (2) All exterior antennas shall comply with Federal Aviation Administration (FAA) regulations.
  - (3) Side-yard mounted antennas shall extend no more than four (4) feet from the building in required side yard.
  - (4) Spherical microwave antennas mounted on the ground shall not exceed fourteen (14) feet in overall height.
  - (5) Spherical roof mounted microwave antenna shall not exceed eight (8) feet above the highest point of roofline. Where a residence or building has multiple rooflines, effort shall be made to place the antenna on the lowest roofline.
  - (6) Roof mounted antennas shall be located (whenever possible) on the portion of the roof offering the least visibility when viewing the building or premises from a frontal or street view.
- F. Set back of exterior antennas. All exterior antennas shall be located as nearly as possible toward the center of the rear of the property or premises. Keeping this goal in mind, owners shall ensure that exterior antennas are set back a minimum of twenty (20) feet from the rear and eight (8) feet from required side yard.
- G. Screening of exterior antennas. Where because of lot shape, lot location or other factors an external antenna has a high visibility to other adjoining property owners or the public view generally, the property owner shall provide screening of such antenna by shrubbery or other building materials so as to minimize the visibility of such structure to adjoining

<sup>2</sup> Editor's Note: See 53 P.S. § 10101 et seq.

property owners and the public generally, provided that screening may not be required if such requirement would preclude the proper functioning of the antenna.

- H. Mountings for exterior antennas. All exterior antennas shall be supported, anchored and installed in accordance with accepted safety engineering standards, taking into consideration all relevant safety factors, including but not limited to wind forces.

**§ 56-4. Installation permit.**

- A. All persons who intend to install an exterior antenna within the Borough of Montoursville shall first secure an installation permit for such installation from the Codes Enforcement Officer of the borough, at a fee commensurate with fees charged for other buildings or structures.
- B. At the time of securing such permit, and before installation, such person shall be provided with a copy of this chapter and shall thereafter provide the Codes Enforcement Officer with a sketch of that person's property, illustrating the intended installation site and a statement indicating the applicant's method of complying with the terms of this chapter.

**§ 56-5. Variances.**

Any variance from the requirements of this chapter may be granted by appeal to the Borough Council of the Borough of Montoursville, and any person aggrieved by any decision made pursuant to this chapter shall have a right of appeal as provided by the Local Agency Law of Pennsylvania.<sup>3</sup>

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<sup>3</sup> Editor's Note: Former Section VI, Compliance, which immediately followed this section, was deleted at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Sec 2 Pa.C.S.A. § 105 et seq. and § 751 et seq.

**Chapter 61**  
**BICYCLES**

**ARTICLE I**  
**Bikeway**

**§ 61-1. Use by motorized vehicles prohibited.**

**§ 61-2. Vehicles prohibited; exception.**

**§ 61-3. Horses prohibited.**

**§ 61-4. Violations and penalties.**

**[HISTORY: Adopted by the Borough Council of the Borough of Montoursville: Art. I, 12-20-1976 as Ord. No. 252. Amendments noted where applicable.]**

**GENERAL REFERENCES**

All-terrain vehicles — See Ch. 146

Vehicles and traffic — See Ch. 150.

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**ARTICLE I**  
**Bikeway**

**[Adopted 12-20-1976 as Ord. No. 252]**

**§ 61-1. Use by motorized vehicles prohibited.**

No person or persons shall ride, utilize, operate, occupy or possess any motorized vehicle in, on or upon that portion of the bikeway within the Borough of Montoursville.

**§ 61-2. Vehicles prohibited; exception.<sup>1</sup>**

For purposes of this Article, a motorized vehicle shall include but not be limited to snowmobiles, trail bikes, minibikes, motorcycles, automobiles, trucks, tractors and any other type of vehicle other than bicycles. The use of motorized vehicles by personnel of the Borough of Montoursville, Pennsylvania Department of Transportation, police or other authorized personnel, and motorized wheelchairs used by disabled persons, are hereby excepted from this Article.

**§ 61-3. Horses prohibited.**

No person or persons shall ride or possess horses or ponies in, on or upon that portion of the bikeway within the Borough of Montoursville.

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<sup>1</sup> Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

**§ 61-4. Violations and penalties.<sup>2</sup>**

A person or persons who violate the provisions of this Article shall be subject to the penalty as set forth in Chapter 1, General Penalties, Art. II, General Penalty.

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<sup>2</sup> Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

**Chapter 66**  
**BUILDING CONSTRUCTION**

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| <b>§ 66-1. Adoption of standards.</b>             | <b>§ 66-4. Effect on existing ordinances.</b> |
| <b>§ 66-2. Administration and enforcement.</b>    | <b>§ 66-5. Setting of fees.</b>               |
| <b>§ 66-3. Establishment of Board of Appeals.</b> |   |

**[HISTORY: Adopted by the Borough Council of the Borough of Montoursville 8-21-2003 by Ord. No. 396<sup>1</sup>; amended in its entirety 4-19-2004 by Ord. No. 400. Subsequent amendments noted where applicable.]**

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**§ 66-1. Adoption of standards.**

- A. The Borough of Montoursville hereby elects to administer and enforce the provisions of the Pennsylvania Construction Code Act, Act 45 of 1999, 35 P.S. § 7210.101 through 7210.103, as amended from time to time, and its regulations.
- B. The Uniform Construction Code, contained in 34 Pa. Code, Chapters 401-405, as amended from time to time, is hereby adopted and incorporated herein by reference as the municipal building code of the Borough of Montoursville.

**§ 66-2. Administration and enforcement.**

Administration and enforcement of the code within the Borough of Montoursville shall be undertaken in any of the following ways as determined by Borough Council from time to time by resolution:

- A. By the designation of an employee of the Borough to serve as the municipal code official to act on behalf of the Borough;
- B. By the retention of one or more construction code officials or third-party agencies to act on behalf of the Borough;
- C. By agreement with one or more other municipalities for the joint administration and enforcement of this Act through an intermunicipal agreement;
- D. By entering into a contract with another municipality for the administration and enforcement of this Act on behalf of this Borough; or
- E. By entering into an agreement with the Pennsylvania Department of Labor and Industry for plan review, inspections and enforcement of structures other than one-family or two-family dwelling units and utility and miscellaneous use structures.

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<sup>1</sup> Editor's Note: This ordinance also repealed former Ch. 66, Building Construction, comprised of Art. I, Building Code, adopted 3-3-1997 by Ord. No. 370.

**§ 66-3. Establishment of Board of Appeals.**

A Board of Appeals shall be established by resolution of Borough Council in conformity with the requirements of the relevant provisions of the code, as amended from time to time, and for the purposes set forth therein. If at any time enforcement and administration is undertaken jointly with one or more other municipalities, said Board of Appeals may be established by joint action of the participating municipalities.

**§ 66-4. Effect on existing ordinances.**

- A. All building code ordinances or portions of ordinances which were adopted by the Borough of Montoursville on or before July 1, 1999, and which equal or exceed the requirements of the code shall continue in full force and effect until such time as such provisions fail to equal or exceed the minimum requirements of the code, as amended from time to time.
- B. All building code ordinances or portions of ordinances which are in effect as of the effective date of this chapter and whose requirements are less than the minimum requirements of the code are hereby amended to conform with the comparable provisions of the code.
- C. All relevant ordinances, regulations and policies of the Borough of Montoursville not governed by the code shall remain in full force and effect.

**§ 66-5. Setting of fees.**

Fees assessable by the Borough for the administration and enforcement undertaken pursuant to this chapter and the code shall be established by the Borough Council by resolution from time to time.

## Chapter 69

### BURNING, OUTDOOR

§ 69-1. Definitions.

§ 69-4. Bonfires.

§ 69-2. General prohibition on all outdoor burning.

§ 69-5. Outdoor furnaces.

§ 69-3. Recreational fires.

§ 69-6. Violations and penalties.

[HISTORY: Adopted by the Borough Council of the Borough of Montoursville 4-3-2006 by Ord. No. 413. Amendments noted where applicable.]

#### GENERAL REFERENCES

Fire control measures — See Ch. 76.

#### § 69-1. Definitions.

Unless otherwise expressly stated, the following terms shall, for the purpose of this chapter, have the meanings set forth in this section:

##### APPROVED CONTAINER —

- A. An appliance or device used for a recreational fire, approved by and listed by a recognized testing agency, which is used in accordance with the listing and manufacturer's instructions. The use of such appliances is limited to residential, small commercial, or nonprofit use not requiring a building permit for installation and approvals or permits of other state and federal agencies, the installation of which will be subject to applicable codes and regulations.
- B. Outdoor fireplaces constructed and intended for a recreational fire for residences, small commercial or nonprofit application. Such fireplaces shall have an essentially contained fire chamber in which all burning takes place and a flue or chimney through which exhaust, gas, smoke or emissions escape.

**BONFIRE** — An outdoor fire used for ceremonial or training purposes.

**OUTDOOR BURNING** — A fire, the air contaminants from which are emitted directly into the outdoor atmosphere and not directed thereto through a flue/vent stack or chimney which is part of an inhabited building used for residential, business, industrial, or other public or private purposes.

**OUTDOOR FURNACE** — A device located outside an inhabited building and used to burn combustible materials for the purpose of generating heat inside the inhabited building. An outdoor furnace shall be considered an accessory structure for purposes of any other ordinance

1. Editor's Note: This ordinance repealed former Ch. 69, Burning, Outdoor, adopted 11-18-1974 by Ord. No. 238, as amended. Ordinance No. 413 also stated that it would take effect 6-1-2006.

or regulation applying to or effective in the Borough of Montoursville, including, but not limited to, Zoning Ordinances and Building Codes.

**RECREATIONAL FIRE** — An outdoor fire which is used to cook food for human consumption.

**§ 69-2. General prohibition on all outdoor burning.**

Except as set forth in §§ 69-3 through 69-5, under no circumstances shall any person perform or cause to be performed or permit to be performed any outdoor burning of any material, including but not limited to garbage, rubbish, refuse, trash, paper, paper products, rubber, wire, roofing shingles, trash, plastic/synthetic materials, brush, trimmings, rakings, leaves, grass, wood, coal, wood products and other similar materials.

**§ 69-3. Recreational fires.**

Recreational fires in approved containers are hereby permitted.

**§ 69-4. Bonfires.**

A bonfire may be made for purposes such as fire company drills, pep rallies, and public celebrations upon application submitted to the Borough and approved by the Mayor.

**§ 69-5. Outdoor furnaces.**

Outdoor furnaces that are constructed, installed or in use as of June 1, 2005, are grandfathered.

**§ 69-6. Violations and penalties.**

Any person who violates any of the provisions of this chapter or offers or permits the same to be done on his behalf shall, upon conviction thereof, be subject to the penalty in Chapter 1, General Provisions, Article II, General Penalty.

## Chapter 72

### CURFEW

§ 72-1. Title.

§ 72-2. Definitions.

§ 72-3. Offenses.

§ 72-4. Defenses.

§ 72-5. Enforcement.

§ 72-6. Transportation of offender.

§ 72-7. Violations and penalties.

[HISTORY: Adopted by the Borough Council of the Borough of Montoursville 2-18-2008 by Ord. No. 429. Amendments noted where applicable.]

#### GENERAL REFERENCES

Peace and good order — See Ch. 99.

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#### § 72-1. Title.

A chapter entitled "Curfew for Juveniles," declaring certain conduct to be unlawful, providing penalties therefor and providing for the enforcement of the curfew.

#### § 72-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

**CURFEW HOURS** — From 11:00 p.m. each night to 5:00 a.m. each morning.

**EMERGENCY** — An unforeseen combination of circumstances of the resulting state that calls for immediate action. The term includes, but is not limited to, fire, flood, natural disaster, automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

**ESTABLISHMENT** — Any privately owned place of business, operated for a profit, to which the public is invited, including but not limited to any place of amusement or entertainment.

**GUARDIAN** — A person who, under court order, is the guardian of the person of a minor, or a public or private agency with whom a court has placed a minor.

**INTERSTATE TRAVEL** — Travel between states to which travel through the Borough of Montoursville is merely incidental.

**INTRASTATE TRANSPORTATION** — Transportation between locations of Pennsylvania to which any travel through the Borough of Montoursville is merely incidental.

**MINOR** — Any person less than 18 years of age.

**OPERATOR** — Any individual, firm, association, partnership or corporation operating, managing or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.

**PARENT** — A person who is a natural parent, adoptive parent or stepparent at least 18 years of age and authorized by a parent or guardian to have the care and custody of a minor.

**PUBLIC PLACE** — Any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities and shops.

**REMAIN** — To linger or stay or fail to leave premises when requested to do so by a police officer or the owner, operator or other person in control of the premises.

**RESPONSIBLE ADULT** — An adult who is at least 18 years of age and designated, in writing, by a parent or a court-appointed guardian as having custody of a juvenile.

**SERIOUS BODILY INJURY** — Bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or loss or impairment of the function of any bodily member or organ.

#### § 72-3. Offenses.

- A. A minor commits an offense if he/she remains in any public place or on the premises of any establishment within the Borough during curfew hours.
- B. A parent or guardian of a minor commits an offense if he/she knowingly permits or, by insufficient control, allows the minor to remain in any public place or on the premises of any establishment within Montoursville Borough during curfew hours.
- C. The owner, operator or any employee of an establishment commits an offense if he/she knowingly allows a minor to remain upon the premises of the establishment during curfew hours. It shall not be a violation when any owner, operator or employee of an establishment promptly notified the Police Department that a juvenile was on the premises of the establishment during curfew hours and said juvenile refused to leave upon being asked to leave.
- D. A minor commits an offense if he/she walks, runs, stands, drives or rides about, in or upon any streets, sidewalks or alleys of Montoursville Borough during curfew hours.

#### § 72-4. Defenses.

It is a defense to prosecution that the minor was:

- A. Accompanied by the minor's parent or guardian;
- B. On an errand at the direction of the minor's parent or guardian without any detour, delay or stop;
- C. In a motor vehicle involved in intrastate or interstate travel;

- D. Engaged in an employment activity, or going to or returning home from an employment activity without detour, delay or stop;
- E. Involved in an emergency;
- F. On the sidewalk abutting the minor's residence;
- G. Either attending an official school, religious or other activity, when such activity is supervised by adults and consented to by the Montoursville Borough Council or Montoursville Borough Police Chief, or traveling to or from such activity without detour, delay or stop;
- H. Married or emancipated in accordance with state law.

**§ 72-5. Enforcement.**

Before taking any enforcement action under this section, a police officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense in § 72-3 is present.

**§ 72-6. Transportation of offender.**

The officer shall have the authority to transport the juvenile to his or her home, or to have the parent or guardian pick up the offender at the Montoursville Borough Police Department. The parent or guardian may request that the officer take the juvenile to the home of an adult family member, responsible adult, crisis residential center or shelter care.

**§ 72-7. Violations and penalties.**

A person who violates a provision of this chapter is guilty of a summary offense for each day or part of a day during which the violation is committed, continued or permitted. Each offense, upon conviction, is punishable by a fine of not less than \$25 and not more than \$300, plus costs of prosecution.

**Chapter 76**  
**FIRE CONTROL MEASURES**

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| <p>§ 76-1. Adoption of the fire control measures and regulations.</p> <p>§ 76-2. Authority at fires and other emergencies.</p> <p>§ 76-3. Interference with operations.</p> <p>§ 76-4. Compliance with orders.</p> <p>§ 76-5. Unlawful boarding or tampering with emergency equipment.</p> <p>§ 76-6. Damage or injury to equipment or personnel.</p> | <p>§ 76-7. Blocking fire hydrants and Fire Department connections.</p> <p>§ 76-8. Hydrant use approval.</p> <p>§ 76-9. Public water supply.</p> <p>§ 76-10. Yard systems.</p> <p>§ 76-11. Maintenance of fire suppression equipment.</p> <p>§ 76-12. Sale of defective fire extinguishers.</p> <p>§ 76-13. Street obstructions.</p> <p>§ 76-14. Violations and penalties.</p> |
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[**HISTORY: Adopted by the Borough Council of the Borough of Montoursville 5-21-1984 as Ord. No. 290; amended in its entirety at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Amendments noted where applicable.**]

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**§ 76-1. Adoption of the fire control measures and regulations.**

There is hereby adopted by the Borough of Montoursville the fire control measures and regulations as herein set forth for the purposes of controlling conditions which could impede or interfere with fire suppression forces.

**§ 76-2. Authority at fires and other emergencies.**

The Fire Official or duly authorized representatives, as may be in charge at the scene of a fire or other emergency involving the protection of life and/or property, is empowered to direct such operations as may be necessary to extinguish or control any suspected or reported fires, gas leaks or other hazardous conditions or situations or of taking any other action necessary in the reasonable performance of their duty. The Fire Official may prohibit any person, vehicle or object from approaching the scene and may remove or cause to be removed from the scene any person, vehicle or object which may impede or interfere with the operations of the Fire Department. The Fire Official may remove or cause to be removed any person, vehicle or object from hazardous areas. All persons ordered to leave a hazardous area shall do so immediately and shall not reenter the area until authorized to do so by the Fire Official.

**§ 76-3. Interference with operations.**

It shall be unlawful to interfere with, attempt to interfere with, conspire to interfere with, obstruct or restrict the mobility of, or block the path of travel of any Fire Department

emergency vehicle in any way, or to interfere with, attempt to interfere, conspire to interfere with, obstruct or hamper any Fire Department operation.

**§ 76-4. Compliance with orders.**

A person shall not willfully fail or refuse to comply with any lawful order or direction of the Fire Official or to interfere with the compliance attempts of another individual.

**§ 76-5. Unlawful boarding or tampering with emergency equipment.**

A person shall not, without proper authorization from the Fire Official in charge of said Fire Department emergency equipment, cling to, attach himself to, climb upon or into, board or swing upon any Fire Department emergency vehicle, whether the same is in motion or at rest or sound the siren, horn, bell or the sound-producing device thereon or to manipulate or tamper with or attempt to manipulate or tamper with any levers, valves, switches, starting devices, brakes, pumps or any equipment or protective clothing on, or a part of, any Fire Department emergency vehicle.

**§ 76-6. Damage or injury to equipment or personnel.**

It shall be unlawful for any person to damage or deface any Fire Department emergency vehicle at any time or to injure or attempt to injure or conspire to injure Fire Department personnel while performing Departmental duties.

**§ 76-7. Blocking fire hydrants and Fire Department connections.**

- A. It shall be unlawful to obscure from view, damage, deface, obstruct or restrict the access to any fire hydrant or any Fire Department connection for the pressurization of fire suppression systems, including fire hydrants and Fire Department connections that are located on public or private streets or access lanes or on private property.
- B. If upon the expiration of the time mentioned in a notice of violation, obstructions or encroachments are not removed, the Fire Official shall proceed to remove the same. Cost incurred in the performance of necessary work shall be paid from the municipal treasury on certificate of the Fire Official and with the approval of the chief administrative official; and the legal authority of the municipality shall institute appropriate action for the recovery of such costs.

**§ 76-8. Hydrant use approval.**

A person shall not use or operate any fire hydrant intended for use of the Fire Department for fire suppression purposes unless such person first secures a permit for such use from the Fire Official and the water company having jurisdiction. This section shall not apply to the use of such hydrants by a person employed by, and authorized to make such use by, the water company having jurisdiction.

**§ 76-9. Public water supply.**

The Fire Official shall recommend to the chief administrative official of the municipality the location or relocation of new or existing fire hydrants and the placement or replacement of inadequate water mains located upon public property and deemed necessary to provide an adequate fire flow and distribution pattern. A fire hydrant shall not be placed into or removed from service until approved by the Fire Official.

**§ 76-10. Yard systems.**

All new and existing shipyards, oil storage plants, lumber yards, amusement or exhibition parks, and educational or institutional complexes and similar occupancies and uses involving high fire or life hazards and which are located more than one hundred fifty (150) feet from a public street or which require quantities of water beyond the capabilities of the public water distribution system shall be provided with properly placed fire hydrants. Such fire hydrants shall be capable of supplying fire flows as required by the Fire Official and shall be connected to a water system in accordance with accepted engineering practices. The Fire Official shall designate and approve the number and location of fire hydrants. The Fire Official may require the installation of sufficient fire hose and equipment housed in accordance with the approved rules and may require the establishment of a trained fire brigade when the hazard involved requires such measures. Private hydrants shall not be placed into or removed from service until approved by the Fire Official.

**§ 76-11. Maintenance of fire suppression equipment.**

A person shall not obstruct, remove, tamper with or otherwise disturb any fire hydrant or fire appliance required to be installed or maintained under the provisions of the Fire Prevention Code except for the purpose of extinguishing fire, training or testing purposes, recharging, or making necessary repairs, or when permitted by the Fire Official. Whenever a fire appliance is removed as herein permitted, it shall be replaced or reinstalled as soon as the purpose for which it was removed has been accomplished. Defective and nonapproved fire appliances or equipment shall be replaced or repaired as directed by the Fire Official.

**§ 76-12. Sale of defective fire extinguishers.**

A person shall not sell, trade, loan or give away any form, type or kind of fire extinguisher which is not approved by the Fire Official or which is not in proper working order or the contents of which do not meet the requirements of the Fire Official. The requirements of this section shall not apply to the sale, trade or exchange of obsolete or damaged equipment for junk when said units are permanently disfigured or marked with a permanent sign identifying the unit as junk.

**§ 76-13. Street obstructions.**

A person or persons shall not erect, construct, place or maintain any bumps, fences, gates, chains, bars, pipes, wood or metal horses or any other type of obstruction in or on any street,

within the boundaries of the municipality. The word "street," as used in this chapter, shall mean any roadway accessible to the public for vehicular traffic, including but not limited to private streets or access lanes, as well as all public streets and highways within the boundaries of the municipality.

**§ 76-14. Violations and penalties.**

Any person who violates any provision of this chapter shall, upon conviction thereof, be subject to the penalty set forth in Chapter 1, General Provisions, Article II, General Penalty.

**Chapter 77**  
**(RESERVED)**

[Former Ch. 77, Fire Prevention, adopted 2-15-1999 by Res. No. 99-02, was repealed 8-21-2003 by Ord. No. 396. See now Ch. 66, Building Construction and Maintenance Standards.]

**Chapter 80**  
**(RESERVED)**

**[Former Ch. 80, Floodplain Management, adopted 3-3-1997 by Ord. No. 370, was repealed 12-15-2003 by Ord. No. 397. For current floodplain management regulations, see Ch. 158, Zoning.]**

**Chapter 83**  
**INSURANCE**

ARTICLE I  
Fire Insurance Claims

- § 83-1. Designated officer.
- § 83-2. Municipal certificate required.

- § 83-3. Claims payment procedures.
- § 83-4. Establishment of procedures and fees.
- § 83-5. Violations and penalties.

[HISTORY: Adopted by the Borough Council of the Borough of Montoursville: Art. I, 12-7-1992 as Ord. No. 349. Amendments noted where applicable.]

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ARTICLE I  
Fire Insurance Claims  
[Adopted 12-7-1992 as Ord. No. 349]

**§ 83-1. Designated officer.**

The Borough Secretary or such official designated by Borough Council is hereby appointed as the designated officer who is authorized to carry out all responsibilities and duties stated herein.

**§ 83-2. Municipal certificate required.<sup>1</sup>**

No insurance company, association or exchange (hereinafter the "insuring agent") doing business in the Commonwealth of Pennsylvania shall pay a claim of a named insured for fire damage to a structure located within the Montoursville Borough (hereinafter the "municipality") where the amount recoverable for the fire loss to the structure under all policies exceeds seven thousand five hundred dollars (\$7,500.), unless the insuring agent is furnished by the Municipal Treasurer with a municipal certificate pursuant to Section 508(B) of Act 98 of 1992<sup>2</sup> and unless there is compliance with Section 508(C) and (D) of Act 98 of 1992<sup>3</sup> and the provisions of this Article.

**§ 83-3. Claims payment procedures.**

- A. Where pursuant to Section 508(B)(1)(I) of Act 98 of 1992,<sup>4</sup> the Municipal Treasurer issues a certificate indicating that there are no delinquent taxes, assessments, penalties or user charges against real property, the insuring agent shall pay the claim of the named insured;

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<sup>1</sup> Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

<sup>2</sup> Editor's Note: See 40 P.S. § 638.

<sup>3</sup> Editor's Note: See 40 P.S. § 638.

<sup>4</sup> Editor's Note: See 40 P.S. § 638.

provided, however, that if the loss agreed upon by the named insured and the insuring agent equals or exceeds sixty percent (60%) of the aggregate limits of liability on all fire policies covering the building or structure, the following procedures must be followed:

- (1) The insuring agent shall transfer from the insurance proceeds to the designated officer of the municipality in the aggregate of two thousand dollars (\$2,000.) for each fifteen thousand dollars (\$15,000.) of a claim and for each fraction of that amount of a claim, this section to be applied such that if the claim is fifteen thousand dollars (\$15,000.) or less, the amount transferred to the municipality shall be two thousand dollars (\$2,000.).<sup>5</sup>
- (2) If at the time of proof of loss agreed to between the named insured and the insuring agent, the named insured has submitted a contractor's signed estimate of the cost of removing, repairing or securing the building or other structure, the insuring agent shall transfer to the municipality from the insurance proceeds the amount specified in the estimate.
- (3) The transfer of proceeds shall be on pro rata basis by all companies, associations or exchanges insuring the building or other structure.
- (4) After the transfer, the named insured may submit a contractor's signed estimate of the costs of removing, repairing or securing the building or other structure, and the designated officer shall return the amount of the funds transferred to the municipality in excess of the estimate to the named insured, if the municipality has not commenced to remove, repair or secure the building or other structure.
- (5) Upon receipt of proceeds under this section, the municipality shall do the following:
  - (a) The designated officer shall place the proceeds in a separate fund to be used solely as security against the total costs of removing, repairing or securing the building or structure which are incurred by the municipality. Such costs shall include, without limitation, any engineering, legal or administrative costs incurred by the municipality in connection with such removal, repair or securing of the building or any proceedings related thereto.
  - (b) It is the obligation of the insuring agent when transferring the proceeds to provide the municipality with the name and address of the named insured. Upon receipt of the transferred funds and the name and address of the named insured, the designated officer shall contact the named insured, certify that the proceeds have been received by the municipality and notify the named insured that the procedures under this subsection shall be followed.
  - (c) When repairs, removal or securing of the building or other structure have been completed in accordance with all applicable regulations and orders of the municipality and the required proof of such completion received by the designated officer, and if the municipality has not incurred any costs for repairs, removal or securing, the fund shall be returned to the named insured. If the municipality has incurred costs for repairs, removal or securing of the building or

<sup>5</sup> Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

other structure, the costs shall be paid from the fund and if excess funds remain, the municipality shall transfer the remaining funds to the named insured.

- (d) To the extent that interest is earned on proceeds held by the municipality pursuant to this section, and not returned to the named insured, such interest shall belong to the municipality. To the extent that proceeds are returned to the named insured, interest earned on such proceeds shall be distributed to the named insured at the time that the proceeds are returned.
- B. Nothing in this section shall be construed to limit the ability of the municipality to recover any deficiency. Furthermore, nothing in this section shall be construed to prohibit the municipality and the named insured from entering into an agreement that permits the transfer of funds to the named insured of some other reasonable disposition of the damaged property has been negotiated.

**§ 83-4. Establishment of procedures and fees.**

The Montoursville Borough may by resolution adopt procedures and regulations to implement Act 98 of 1992, and amendments thereto,<sup>6</sup> and this Article and may by resolution fix reasonable fees to be charged for municipal activities or services provided pursuant to Act 98 of 1992, and amendments thereto,<sup>7</sup> and this Article; including but not limited to issuance of certificates and bills, performance of inspections and opening separate fund accounts.

**§ 83-5. Violations and penalties.<sup>8</sup>**

Any owner of property, any named insured or any insuring agent who violates this Article shall be subject to a penalty of not more than one thousand dollars (\$1,000.) together with cost of prosecution, and in default of payment of such fine and costs, to imprisonment for not more than thirty (30) days. Every day's violation shall be deemed to be a separate offense.

<sup>6</sup> Editor's Note: See 40 P.S. § 636 et seq.

<sup>7</sup> Editor's Note: See 40 P.S. § 636 et seq.

<sup>8</sup> Editor's Note: Amended at time of adoption of Code; see Ch. I, General Provisions, Art. I.

## Chapter 90 LOITERING

§ 90-1. Loitering prohibited.

§ 90-3. Violations and penalties.

§ 90-2. Definitions.

[HISTORY: Adopted by the Borough Council of the Borough of Montoursville 1-3-1993 as Ord. No. 358. Amendments noted where applicable.]

### GENERAL REFERENCES

Peace and good order — See Ch. 99.

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#### § 90-1. Loitering prohibited.

No person or groups of persons shall loiter or obstruct traffic, by standing, sitting or lying on any public street, way, alley, steps, curb or sidewalk, in such a manner as to obstruct vehicular or pedestrian traffic along such public street, way, alley, steps, curb or sidewalk or ingress or egress to and from any private or public place of residence, commerce, amusements, worship, show or borough park or loiter in any other manner.

#### § 90-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

**LOITER** — Includes any of the following types of conduct: loafing, lingering, hanging around, idly spending time, prowling, wandering, standing or remaining idle, sauntering or moving slowly about where the conduct is not due to physical condition or defects, but irrespective of whether the conduct is on foot or in, on or by way of parked or moving vehicle.

#### § 90-3. Violations and penalties.<sup>1</sup>

Any person who shall violate this chapter, upon conviction of that offense, shall be subject to the penalty as set forth in Chapter 1, General Provisions, Article II, General Penalty.

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<sup>1</sup> Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

**Chapter 93**  
**NUISANCES**

§ 93-1. Definitions.

§ 93-2. Nuisances prohibited.

§ 93-3. Inspection of premises; notice to comply.

§ 93-4. Authority to remedy noncompliance.

§ 93-5. Remedies not mutually exclusive.

[HISTORY: Adopted by the Borough Council of the Borough of Montoursville 9-18-2006 by Ord. No. 415. Amendments noted where applicable.]

GENERAL References

Property maintenance — See Ch. 114.

Holding tanks — See Ch. 118, Art. I.

**§ 93-1. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

**ABANDONED VEHICLES** — A vehicle (other than a pedal cycle): [Added 8-2-2010 by Ord. No. 444]

- A. That is inoperable and is left unattended on public property for more than 30 days.
- B. That has remained illegally on public property for a period of more than 30 days.
- C. This is without a valid registration plate or certificate of inspection or title and is left unattended on or along a highway.
- D. That has remained on private property, with or without the consent of the owner or person in control of the property, for more than 30 days and does not have a valid registration plate or current certificate of inspection.

**BOROUGH** — The Borough of Montoursville, Lycoming County, Pennsylvania.

**COUNCIL** — The Borough Council of the Borough of Montoursville, Lycoming County, Pennsylvania.

**DISCONTINUED USE** — The abandonment or discontinuance of the use or active operation of an underground storage tank.

**JUNK VEHICLE** — Any motor vehicle, valueless except as junk. [Added 8-2-2010 by Ord. No. 444]

**NUISANCE** — Any condition, structure, or improvement which shall constitute a danger or potential danger to the health, safety or welfare of the citizens of the Borough of Montoursville.

**OWNER** — A person owning, leasing or occupying or having charge of any premises within the Borough.

**PERSON** — Any natural person, firm, partnership, association, corporation, company or organization of any kind.

**REGULATED SUBSTANCE** — An element, compound, mixture, solution or substance that, when released into the environment, may present substantial danger to the public health, welfare or the environment and which is a regulated substance, by the Pennsylvania Department of Environmental Protection, as defined in the Storage Tank and Spill Prevention Act, 35 P.S. § 6021.101 et. seq.

**STORAGE TANK** — Any underground storage tank which is used for the storage of any regulated substance.

**UNDERGROUND STORAGE TANK** — Any one or combination of tanks (including underground pipes connected thereto) which are used to contain an accumulation of regulated substances, the volume of which (including the volume of the underground pipes connected thereto) is 10% or more beneath the surface of the ground.

**WEEDS** — Includes all rank vegetable growth which exhales unpleasant and noxious odors or pollen and also rank vegetable growth which may conceal filthy deposits or serve as breeding places for mosquitoes or other insects. [Added 8-2-2010 by Ord. No. 444]

**§ 93-2. Nuisances prohibited. [Amended 8-2-2010 by Ord. No. 444]**

It shall be unlawful for any person to create or maintain any condition upon his or her property which could directly or indirectly cause a nuisance. A nuisance shall include, but not be limited to, the following:

- A. Maintaining or causing to be maintained any underground storage tank, the use of which has been discontinued.
- B. Growing noxious weeds or other undesirable vegetation, grasses, etc., thereon to a height in excess of eight inches or maturing their seeds thereon or failing to cut and destroy such weeds and other undesirable vegetation when notified by the Borough to do so.
- C. Storing or accumulating the following:
  - (1) Garbage or rubbish.
  - (2) Junk material, including, but not limited to, unused or abandoned machinery, equipment or appliances.
  - (3) Other junk, including, but not limited to, any and all forms of waste and refuse of any type of materials, including scrap metal, glass, industrial waste and other salvable materials.
- D. It shall be unlawful to store or deposit any abandoned or junked vehicle, or part thereof, in or on any highway or public or private property, vacant or occupied, within the Borough of Montoursville.

- E. Storing or accumulating more than three antique or collector motor vehicles for restoration which are neither sheltered by a building nor enclosed behind an evergreen or solid fence as permitted by applicable zoning ordinance; or storing or accumulating in an unorderly fashion, three or less antique collector motor vehicles for restoration.
- F. Maintaining or causing to be maintained any dangerous structure, including, but not limited to, abandoned or unoccupied buildings or parts of buildings in a state of dilapidation or disrepair.
- G. Pushing, shoveling or otherwise depositing snow upon the cartway or traveled portion of any public highway, road or street which is maintained by the Borough or by the Commonwealth of Pennsylvania and allowing same to remain thereon.
- H. Allowing or permitting any excavation or obstruction, on or adjoining any highway, street or road, to remain opened or exposed without the same being secured by a barricade, temporary fence or other protective materials.
- I. Dumpsters, rolls-offs and construction debris containers placed within a street right-of-way shall have lights or protective material placed so as to be seen at night.
- J. The maintenance or storage by an owner or lessee of a motor vehicle which is unable to move under its own power and has any of the following physical defects:
  - (1) Broken windshields, mirrors or other glass with sharp edges.
  - (2) One or more flat or open tires or tubes which could permit vermin harborage.
  - (3) Missing doors, windows, hood, trunk or other body parts which could permit vermin harborage.
  - (4) Any exposed body parts with sharp edges including holes resulting from rust.
  - (5) Missing tires resulting in unsafe suspension of the motor vehicle.
  - (6) Upholstery which is torn or open which could permit vermin harborage.
  - (7) Broken head lamps or tail lamps with sharp edges.
  - (8) Disassembled chassis parts apart from the motor vehicle, stored in a disorderly fashion or loose in or on the vehicle.
  - (9) Protruding sharp edges from the chassis.
  - (10) Any vehicle or part thereof suspended from the ground in an unstable manner.
  - (11) Leaking or damaged oil pan or gas tank.
  - (12) Exposed battery containing acid.
  - (13) Inoperable locking mechanism for doors or trunk.
  - (14) Open or damaged floor boards, including trunk and firewall.
  - (15) Damaged bumpers pulled away from the perimeter of the vehicle.

- (16) Broken grill with protruding edges.
  - (17) Loose or damaged metal trim and clips.
  - (18) Broken communications equipment antenna.
- K. The unsheltered storage or maintenance of junk or the storage or maintenance of garbage, rubbish or any other material, if any, if the following conditions exist with respect thereto:
- (1) Broken glass or metal parts with sharp or protruding edges.
  - (2) Openings or areas which are conducive to the harboring of vermin.
  - (3) Storage in any manner which would allow the junk, garbage, rubbish or materials, or any part thereof, to easily shift, tilt, or fall from their original storage position.
  - (4) The presence of any liquid or material of a hazardous or potentially hazardous nature, including, but not limited to, gasoline, oil, battery acids, refrigeration agents or poisons.
- L. The maintenance of abandoned or neglected buildings, structures, sidewalks or premises which shall pose or constitute any of the following conditions or hazards:
- (1) A fire hazard to adjoining structures and other property within the Borough.
  - (2) A danger of infestation by vermin.
  - (3) An area which is or which might potentially serve as an area of play or attraction for children of the Borough or the public in general.
  - (4) Buildings or structures whose interior walls or other vertical structural members list, lean or buckle to such an extent that a block line passing through the center of gravity falls outside of the middle third of its base.
  - (5) Buildings or structures which, exclusive of the foundation, show 30% or more of damage or deterioration of the supporting members or 50% or more of damage or deterioration of the nonsupporting interior or outside walls or covering.
  - (6) Buildings or structures which have improperly distributed loads upon the floors or roofs, or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used.
  - (7) Buildings or structures which have been damaged by fire, wind, or other causes so as to have become dangerous to life or safety of the occupants or to others in the vicinity.
  - (8) Buildings or structures which have become or are so dilapidated, decayed or unsafe that they are unfit for human habitation or are likely to cause injury to occupants or to others in the vicinity.

- (9) Buildings or structures having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, fire escapes or other means of access and egress.
  - (10) Buildings or structures, parts of which are so attached that they may fall or injure members of the public or cause damage to the property.
- M. The setting, maintenance, operation, conduct or permitting of the establishment and maintenance of fire, combustion or manufacturing, or commercial or other process which is or shall be accompanied by constant periodic or occasional emission of smoke, sparks, ash particles, burned sawdust and debris or the creation and spreading of ash, debris, poisons and like materials on surrounding and adjacent property to the annoyance, disturbance and detriment of surrounding property owners, residents, passersby and the traveling public.

**§ 93-3. Inspection of premises; notice to comply. [Amended 8-2-2010 by Ord. No. 444]**

- A. Whenever the Borough is made aware of a condition constituting a nuisance within the Borough, the Borough Zoning Officer, Code Enforcement Officer, Borough Police, or Borough Solicitor is hereby empowered to inspect private property to determine if there is compliance with the provisions of this chapter. If noncompliance with the provisions of this chapter is determined by the Borough Council to constitute a nuisance, the Borough Zoning Officer, Code Enforcement Officer, Borough Police, or Borough Solicitor shall issue a written notice to be served upon the owner and lessee, if applicable, in one of the following manners:
- (1) By making personal delivery of the notice to the owner or lessee.
  - (2) By handing a copy of the notice at the residence of the owner or lessee, to an adult member of the family with whom he or she resides or, if no adult member of the family is found, then to an adult person in charge of such residence.
  - (3) By fixing a copy of the notice to the door at the entrance of the premises in violation.
  - (4) By mailing a copy of the notice to the last known address of the owner or lessee by certified mail.
  - (5) By publishing a copy of the notice in the local newspaper once a week for three successive weeks.
- B. Such notice shall set forth in what respect such condition constitutes a nuisance, whether removal is necessary, or whether the situation can be corrected by repairs, alterations or by fencing or boarding or in some way confining and limiting the nuisance. Such notice shall require the owner or lessee to commence action in accordance with the terms thereof and to have the condition corrected within 72 hours.

**§ 93-4. Authority to remedy noncompliance.**

If the owner or lessee of the property upon which the nuisance is located does not comply with the notice to abate the nuisance within the time limit prescribed, the Borough shall have the authority to take measures to correct the conditions and collect the cost of such corrections plus 10% of all costs and, in addition thereto, reasonable attorney's fees. The Borough in such event and pursuant to its statutory or otherwise authorized police powers, shall have the right and power to enter upon the offending premises to accomplish the foregoing.

**§ 93-5. Remedies not mutually exclusive.**

The remedies provided herein for the enforcement of this chapter, or any remedy provided by law, shall not be deemed mutually exclusive; rather they may be employed simultaneously or consecutively, at the option of the Borough.

**Chapter 94**  
**(RESERVED)**

**[Former Ch. 94, Mechanical Standards, adopted 3-3-1997 by Ord. No. 370, was repealed 8-21-2003 by Ord. No. 396. See now Ch. 66, Building Construction and Maintenance Standards.]**

## Chapter 97

### PARK REGULATIONS AND EVENT PERMITS

- |   |   |
|---|---|
| § 97-1. Purpose.                              | § 97-7. Erection of temporary and permanent facilities. |
| § 97-2. Definitions.                          | § 97-8. Specialty areas.                                |
| § 97-3. Hours.                                | § 97-9. Responsibility for damages.                     |
| § 97-4. Permits.                              | § 97-10. Repealer.                                      |
| § 97-5. Vehicle restrictions.                 | § 97-11. When effective.                                |
| § 97-6. Park and recreation area regulations. |   |

[HISTORY: Adopted by the Borough Council of the Borough of Montoursville 1-4-1999 by Ord. No. 380. Amendments noted where applicable.]

#### GENERAL REFERENCES

Advertising materials — See Ch. 50.  
Animals — See Ch. 54.  
Bicycles — See Ch. 61.  
Outdoor burning — See Ch. 69.

Loitering — See Ch. 90.  
Peace and good order — See Ch. 99.  
All terrain vehicles — See Ch. 146.

#### § 97-1. Purpose.

It is the intent, purpose and scope of this chapter to ensure the preservation of outdoor public park lands, outdoor recreation facilities and other playground areas within the Borough of Montoursville for the perpetual enjoyment of the residents of the Borough of Montoursville, to regulate activities within these areas consistent with enjoyment of natural settings and park facilities and to prevent any nuisances to the residents of the Borough of Montoursville in the use of such public park lands, recreation facilities and playground areas or in the enjoyment of private property adjacent to such areas. It is further the intent, purpose and scope of this chapter to provide for the issuance of event permits for individuals engaging in activities on all lands of the borough, including streets, sidewalks and alleyways.

#### § 97-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

**BOROUGH** — The Borough of Montoursville.

**COUNCIL** — Borough Council of Montoursville.

**EVENT** — Any parade, race, march, demonstration, speech, debate, block party, fair, bazaar, circus, concert, tournament, exhibit or exhibition show which is estimated will involve 50 or more participants, spectators or guests and which takes place on the property of Montoursville Borough, including any and all lands owned by the Borough of

Montoursville or under the control of the borough, and all rights-of-way or easements of the Borough of Montoursville, including, but not limited to, streets, sidewalks and alleyways.

**EVENT PERMIT** — A permit required to conduct an event or a major event.

**FIREWORKS:**

- A. Includes any combustible or explosive composition or any substance or combination of substances or, except as hereinafter provided, any article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation, and shall include blank edges and toy cannons in which explosives are used, the type of balloons which require fire underneath to propel the same, firecrackers, torpedoes, skyrockets, Roman candles, aerial fireworks or other fireworks of like construction and any fireworks containing any explosive or flammable compound or any tablets or other device containing an explosive substance.
- B. The term "fireworks" shall not include sparklers, toy pistols, toy canes, toy guns or other devices in which paper caps containing 0.25 grains or less of explosive compound are used, provided that they are so constructed that the hand cannot come in contact with the cap when in place for the explosion and toy pistol paper caps which contain less than 0.25 grains of explosive mixture.

**MAJOR EVENT** — An event estimated to involve more than 500 participants, guests or spectators or which requires the use of a street, sidewalk or alleyway or, in the opinion of the Council, requires a large land area.

**PARKS AND RECREATION AREA(S)** — Includes all public buildings, structures, facilities, lands and waters for any related public recreation purpose, such as, but not limited to, playgrounds, swimming facilities, athletic fields, courts, maintenance buildings, trails, picnic pavilions and areas, recreation and environmental centers used for such active and passive purposes, including, but not limited to, public parks, fishing, boating and other recreation activities.

**PERSON** — Refers to individual persons, groups or organizations who shall request use of the facilities as indicated in this chapter or who shall use such facilities.

**RECREATION COMMITTEE** — Borough Council Recreation Committee.

**RECREATION BOARD** — A Board established by the Borough Council to make recommendations to the Council.

**SECRETARY** — Borough Secretary.

**§ 97-3. Hours.**

- A. From October 1 through March 31 of each year, park and recreation areas shall be opened between the hours of 8:00 a.m. and 9:00 p.m., prevailing time, unless the time is extended for a scheduled, supervised activity, in which event, the closing time shall be ½ hour after

the completion of such activity. No unauthorized person shall be on the premises after the closing time.

- B. From April 1 through September 30 of each year, park and recreation areas shall be opened between the hours of 6:00 a.m. and 11:00 p.m., prevailing time, unless the time is extended for a scheduled, supervised activity, in which event, the closing time shall be 1/2 hour after the completion of such activity. No unauthorized person shall be on the premises after the closing time.
- C. All park and recreation areas that become hazardous for public use due to weather, fire, water, construction or other conditions may be closed at any time at the discretion of the Borough Council or its designee.

**§ 97-4. Permits.**

- A. The Secretary may issue a permit for the exclusive use of the picnic areas except as set forth in Subsection B herein. If such facilities are not scheduled, they are available for use by the general public.
- B. A permit from the Council is required for the following:
  - (1) Events and major events.
  - (2) Erection of temporary and permanent structures.
  - (3) Modification of present facilities.
  - (4) Use of special equipment, such as generators, sound systems and the like.
  - (5) Posting of signs.
  - (6) Sale or marketing of any items.
  - (7) Planting of trees and shrubs.
- C. The fee for a permit shall be determined by the Council from time to time by resolution.
- D. The borough may require of the permit applicant any or all of the following:
  - (1) Liability insurance naming the borough as an additional insured.
  - (2) A bond, security deposit or other security in a form acceptable to the borough for damage to any park and recreation area and for payment of any expenses to be incurred by the borough, including, but not limited to, removal of trash, use of electricity and water and general maintenance.

**§ 97-5. Vehicle restrictions.**

- A. Operating or parking any motor vehicle while in a park and recreation area in an unauthorized or reckless or negligent manner or in excess of the posted speed or in such a manner as to become a nuisance to other users is prohibited. Operating a motor vehicle in an unauthorized manner shall include, but is not limited to, the following:

- (1) Operating a motor vehicle on areas other than cartways especially designed, constructed and open for motor vehicular traffic, excepting authorized emergency motor vehicles and motor vehicles owned or operated by the borough.
  - (2) Parking a motor vehicle in an area other than a designated parking area.
  - (3) Parking or leaving a motor vehicle in a park and recreation area when the park is closed.
- B. All nonlicensed motorized vehicles are prohibited in all park and recreation areas except motorized wheelchairs used by disabled persons.

**§ 97-6. Park and recreation area regulations.**

- A. The following are prohibited in all park and recreation areas.
- (1) Use or possession of alcoholic beverages or controlled substances.
  - (2) The presence of any individual under the influence of alcohol or controlled substances.
  - (3) Abusive, indecent or threatening language or any indecent act.
  - (4) The possession or use of fireworks unless written authorization is obtained from the Council.
  - (5) Hunting, shooting, trapping or carrying of firearms, air rifles, bows and arrows, slings and slingshots, unless written authorization is obtained from Council.
  - (6) Scattering, dropping, dumping or leaving of any trash, litter or substance of any kind in any park and recreation area or polluting or dumping any matter into any waterway or pond.
  - (7) Cutting, removing, injuring or defacing any ornament, tree, plant, fern, flower or turf.
  - (8) Damaging, destroying, defacing, adding to or removing any property, including equipment, facilities and the natural environment.
  - (9) Defacing or destroying any posted notices, rules or regulations.
  - (10) Disturbing water flow in streams, pools, ponds or basins.
  - (11) Disturbing bird nests, eggs or any other wildlife or wildlife habitat.
  - (12) Erection of any temporary or permanent structure, such as treehouses or platforms, clubhouses, goalposts, backstops, fences, tents or any other structure unless written authorization is obtained from the Council.
  - (13) Horses or ponies unless written authorization is obtained from the Council.
  - (14) Modifying any present structure or facility without the written authorization of Council.
  - (15) Foot or bicycle traffic in unlighted areas after sundown.

- (16) Playing of any games involving thrown or otherwise propelled objects, such as balls, stones, arrows, javelins, horseshoes, quoits, model airplanes, football, baseball or lacrosse, except in areas designated specifically for said use.
  - (17) Roller-skating, roller-blading or skateboarding, except in areas specifically designated for such use.
  - (18) The playing of golf.
  - (19) The sale of any items unless written authorization is obtained from the Council.
  - (20) All fires, except charcoal fires and portable gas-fired grills, unless written authorization is obtained from the Council.
  - (21) The unauthorized use of special facilities for other than their intended purpose.
  - (22) Distributing, selling, servicing or renting of any commodity or soliciting of any person whatsoever unless written authorization is obtained from the Council.
  - (23) Swimming in any pond or stream.
  - (24) Water craft utilizing combustion engines.
  - (25) Overnight camping unless written authorization is obtained from Council.
  - (26) Failing to leave any park and recreation area when directed to do so by a member of the Montoursville Borough Police Department.
  - (27) The depositing of any trash, garbage or litter in any refuse can, dumpster or receptacle other than trash, garbage or litter which was generated as a result of lawfully using a park and recreation area.
  - (28) Washing, repairing, servicing or abandoning of any motor vehicle or nonmotorized vehicle.
  - (29) The advertising of any gathering, meeting or assembly without written authorization from the Borough Council.
  - (30) Depositing of any trash, garbage or litter other than in a designated can, dumpster or receptacle.
  - (31) All pets unless at all times the pet is restrained on a leash not more than six feet in length. All animal feces must be removed immediately.
- B. Any individual who violates any of the rules and regulations of the park and recreation areas is prohibited from reentering the park and recreation area unless authorized in writing by the Council. The reentering of any park and recreation area without written authorization from the Council shall constitute a trespass.

**§ 97-7. Erection of temporary and permanent facilities.**

All improvements, whether temporary or permanent, made to any park or recreation area by any individual, group or organization with the written authorization of the Council shall become the property of the borough. In the event that any not-for-profit group or organization

makes substantial improvements to a park or recreation area and thereafter desires to use the improved portion of the park or recreation area, the Borough Council may give priority in scheduling the use of that area to the not-for-profit group or organization for a period of time not to exceed 12 calendar months upon such terms and conditions required by the Borough Council. The Borough Council may, in its discretion, annually renew this priority.

**§ 97-8. Specialty areas.**

The Borough Council may, from time to time, adopt rules and regulations governing the use of specialty areas, including, but not limited to, hike/bike trails, tennis courts, pool, picnic pavilions, baseball fields and boat landings.

**§ 97-9. Responsibility for damages.**

Any person or persons who cause any damage to any park and recreation area shall be responsible to compensate the borough for said damage.

**§ 97-10. Repealer.**

Ordinance No. 330, enacted on September 18, 1989, is hereby repealed.

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**§ 97-11. When effective.**

This chapter shall be effective immediately.

- (u) The advertising on park premises of any gathering, meeting or assembly.
  - (v) Depositing of any trash, garbage or litter other than in a designated can, dumpster or receptacle.
  - (w) All pets unless at all times the pet is restrained on a leash not more than six feet in length. All animal feces must be removed immediately.
- (2) Nothing in these rules and regulations shall be construed to prohibit performance of normal maintenance by Borough or school district personnel, or by others who have obtained approval to perform maintenance or enhancements to the site by the perpetual care committee appointed by the Borough and the school district.
- (3) The following are prohibited with respect to the Memorial Trees in Indian Park: [Added 7-19-2004 by Ord. No. 402]
- (a) Decorating, trimming or adding artifacts on a tree or on the ground around a tree;
  - (b) Placement of any plaque or memorial other than the standard plaque installed by the Borough.

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All improvements, whether temporary or permanent, made to any park or recreation area by any individual, group or organization with the written authorization of the Council shall become the property of the Borough. In the event that any not-for-profit group or organization makes substantial improvements to a park or recreation area and thereafter desires to use the improved portion of the park or recreation area, the Borough Council may give priority in scheduling the use of that area to the not-for-profit group or organization for a period of time not to exceed 12 calendar months upon such terms and conditions required by the Borough Council. The Borough Council may, in its discretion, annually renew this priority.

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**Chapter 99**  
**PEACE AND GOOD ORDER**

§ 99-1. Title.

§ 99-4. Grading of offense.

§ 99-2. Purpose.

§ 99-5. Violations and penalties.

§ 99-3. Offenses enumerated.

**[HISTORY: Adopted by the Borough Council of the Borough of Montoursville 12-20-1976 as Ord. No. 251. Amendments noted where applicable.]**

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§ 99-1. Title.

This chapter shall be known as the "Montoursville Conduct Ordinance."

§ 99-2. Purpose.

The purpose of this chapter is to promote and maintain the peace, good order, safety and welfare of the Borough of Montoursville and its inhabitants.<sup>1</sup>

§ 99-3. Offenses enumerated.<sup>2</sup>

The following specifically enumerated offenses shall be included within the definition of "disorderly conduct" above set forth. The following specifically enumerated offenses shall not be deemed to be an all inclusive or exhaustive listing of offenses.

- A. Discharge of firearms prohibited. From and after the date of the passage of this chapter, whoever discharges at any place within the confines or boundaries of the Borough of Montoursville, Pennsylvania, any rifle, air gun, spring gun, revolver, pistol or any gun or implement of any nature whatsoever which propels with force a metal pellet, bullet or any other projectile of any kind or nature whatsoever shall be guilty of disorderly conduct, except that this section shall not be construed to prohibit said borough from granting special permission to the Chief of Police or persons designated by him to discharge guns, firearms, bows and arrows or any implement which impels metal pellets, bullets or any other projectile with force for a particular purpose.
- B. Any person who willfully operates any motor vehicle within the Borough of Montoursville in such a manner as to cause the tires of his vehicle to squeal or causes or permits loud noises to issue from the muffler of the vehicle and thereby causes public inconvenience,

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<sup>1</sup> Editor's Note: Former § 14-3, Prohibited conduct, which immediately followed this section, was deleted at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

<sup>2</sup> Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

annoyance, alarm or a risk thereof shall be guilty of disorderly conduct. The squealing of tires in emergency situations is excepted.

**§ 99-4. Grading of offense.**

An offense under any of the above shall be deemed to be a summary offense.

**§ 99-5. Violations and penalties.<sup>3</sup>**

Any person who violates any provision of this chapter shall, upon conviction thereof, be subject to the penalty as set forth in Chapter 1, General Provisions, Article II, General Penalty.

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<sup>3</sup> Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

**Chapter 102**  
**PEDDLING AND SOLICITING**

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| § 102-1. Definitions and word usage.              | § 102-8. Limitations on parking of vehicles; littering prohibited. |
| § 102-2. License required.                        | § 102-9. Fixed location prohibited.                                |
| § 102-3. License application.                     | § 102-10. Hawking and noisemaking prohibited.                      |
| § 102-4. License fee.                             | § 102-11. License suspension; appeal.                              |
| § 102-5. License term; reapplication for license. | § 102-12. Violations and penalties.                                |
| § 102-6. License exhibition.                      |  |
| § 102-7. Hours.                                   |  |

[HISTORY: Adopted by the Borough Council of the Borough of Montoursville 5-3-1976 as Ord. No. 249. Amendments noted where applicable.]

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**§ 102-1. Definitions and word usage.**

A. Definitions. As used in this chapter, the following terms shall have the meanings indicated:

BOROUGH — The Borough of Montoursville.

BOROUGH COUNCIL — The Council of the Borough of Montoursville.

BOROUGH SECRETARY — The Secretary of the Borough of Montoursville.

PEDDLER — Any person who shall engage in peddling, as hereinbelow defined.

PERSON — Any natural person, association, partnership, firm, organization or corporation.

**SOLICITING and PEDDLING:**

- (1) SOLICITING — The seeking or taking of contracts or orders for any goods, wares, services or merchandise for future delivery, or for subscriptions or contributions, upon any of the streets or sidewalks, from house to house, by visitation to private residences or by entering in or upon private property within the borough.
- (2) PEDDLING — The selling or offering for sale of any goods, wares, services or merchandise for immediate delivery, which the person selling or offering for sale carries with him in traveling or has in his possession or control, upon any of the streets or sidewalks, from house to house, by visitation to private residences or by entering in or upon private property within the borough.
- (3) The words soliciting and peddling shall not apply to:
  - (a) Farmers seeking or taking orders for the sale of their own products.

- (b) The seeking or taking of orders by any manufacturer or producer for the sale of bread and bakery products, meat and meat products or milk and milk products.
- (c) The sale of goods, wares and merchandise donated by the owners thereof, the proceeds whereof are to be applied to any charitable or philanthropic purpose.
- (d) Any youth-related organization or activity.<sup>1</sup>
- (e) The seeking or taking of orders by insurance agents or brokers licensed under the insurance laws of the Commonwealth of Pennsylvania for insurance.
- (f) Persons, corporations, partnerships and associations and their agents or employees who have complied with the provisions of the Solicitation of Funds for Charitable Purposes Act, 10 P.S. § 162.1 et. seq.<sup>2</sup>
- (g) Any person taking orders for merchandise from dealers or merchants for resale to an ultimate consumer.

**SOLICITOR** — Any person who shall engage in soliciting, as hereinabove defined.

- B. Word usage. In this chapter, the singular shall include the plural, and the masculine shall include the feminine and the neuter.

#### § 102-2. License required.

No person shall engage in soliciting or peddling in the borough without first having taken out a license as herein provided.

#### § 102-3. License application.

- A. Every person desiring to engage in soliciting or peddling in the borough shall first make application to the Borough Secretary for a license. If such person shall also be required to obtain a license from a county officer, he shall, on making such application, exhibit a valid county license. The application shall be upon a blank provided by the Borough Secretary and shall contain at least the following information, verified by oath or affirmation:
  - (1) Full name of the applicant and local address, if any.
  - (2) Permanent address.
  - (3) Name of employer or a statement that such applicant is self-employed.
  - (4) The nature of the goods, wares, services or merchandise offered for sale.
  - (5) A statement as to whether or not the applicant has ever been convicted of any crime, and if the answer is in the affirmative, the nature of the offense or offenses and the punishment or punishments imposed therefor.
  - (6) The type and license number of vehicles to be used, if any.

<sup>1</sup> Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

<sup>2</sup> Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

(7) Upon request, the applicant shall furnish a photograph.

- B. Where a person makes application for himself and one (1) or more helpers, all applicable personal information specified above shall be given for each helper and verified or affirmed by oath or affirmation by him, and an individual license shall be required for each helper. No license under this chapter shall be transferable from one person to another.

**§ 102-4. License fee.<sup>3</sup>**

No license shall be issued under this chapter until the fee as set forth by resolution of the Borough Council shall be paid to the Borough Secretary, and it shall be for the use of the borough. A separate application shall be filed and a separate permit fee shall be paid by each person who shall actually conduct the soliciting or peddling and shall apply where an employer desires to secure licenses for his employees, agents or servants.

**§ 102-5. License term; reapplication for license.**

The license granted pursuant to this chapter shall be valid until December 31 of the year in which issued and, upon the expiration of any license, if the person holding the same shall desire to continue or renew soliciting or peddling, he shall be required to file a new application for a permit and pay a new license fee.

**§ 102-6. License exhibition.**

Such license, when issued, shall state, inter alia, the products to be sold or services to be rendered by the licensee. Every solicitor or peddler shall at all times, when engaged in soliciting or peddling in the borough, carry such license upon his person and shall exhibit it upon request to all police officers, borough officials and citizens. No solicitor or peddler shall engage in selling any product or service not mentioned on such license.

**§ 102-7. Hours.**

No person licensed as a solicitor or peddler under this chapter shall engage in soliciting or peddling on any day of the week before 9:00 a.m. or after 8:00 p.m. During the time of the year when Eastern standard time is effective, the aforesaid hours shall be Eastern standard time, and during the time of the year when daylight saving time is effective, the aforesaid hours shall be daylight saving time.

**§ 102-8. Limitations on parking of vehicles; littering prohibited.**

No person licensed as a solicitor or peddler under this chapter shall park any vehicle upon any of the streets, highways or alleys of the borough in order to sort, rearrange or clean any of his goods, wares, services or merchandise. No such person shall place or deposit any refuse on any

<sup>3</sup> Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

such streets, highways or alleys. No such person shall maintain or keep a street or curbstone market by parking any vehicle upon any street or alley in the borough for any longer than necessary in order to sell therefrom to persons residing in the immediate vicinity.

**§ 102-9. Fixed location prohibited.**

No person licensed as a solicitor or peddler under this chapter shall occupy any fixed location upon any of the streets, highways, alleys or sidewalks of the borough for the purpose of soliciting or peddling with or without any stand or counter.

**§ 102-10. Hawking and noisemaking prohibited.**

No person licensed under this chapter as a solicitor or peddler shall hawk or cry his wares or services upon any of the streets or sidewalks of the borough, nor shall he use any loudspeaker, bell, whistle or other device for announcing his presence by which the public is annoyed.<sup>4</sup>

**§ 102-11. License suspension; appeal.**

Any license issued under this chapter may be suspended at any time by the Borough Secretary for violation of any of the provisions of this chapter, for giving false information on any application for a license hereunder, for the applicant or licensee having been convicted of a crime involving moral turpitude after issuance of such license or for the licensee having been convicted of disorderly conduct under any law of the Commonwealth of Pennsylvania or any ordinance of the borough. Appeals from any suspension may be made to the Borough Council at any time within ten (10) days after such suspension. No part of a license fee shall be refunded to any person whose license shall have been suspended.

**§ 102-12. Violations and penalties.<sup>5</sup>**

Any person who shall violate any of the provisions of this chapter shall be guilty of a summary offense and, upon conviction thereof, shall be subject to the penalty set forth in Chapter 1, General Provisions, Article II, General Penalty and costs of prosecution for each offense or, in default of the payment of such fine and costs, undergo imprisonment for not more than thirty (30) days, provided that each day's violation of any provision of this chapter shall constitute a separate violation.

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<sup>4</sup> Editor's Note: Former § 47A-11, Record of licenses; supervision of licenses, was deleted at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

<sup>5</sup> Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

**Chapter 110**  
**(RESERVED)**

**[Former Ch. 110, Plumbing, adopted 3-3-1997 by Ord. No. 370, was repealed 8-21-2003 by Ord. No. 396. See now Ch. 66, Building Construction and Maintenance Standards.]**



## Chapter 114

### PROPERTY MAINTENANCE

#### ARTICLE I Property Maintenance Code

- § 114-1. Adoption by reference; purpose.
- § 114-2. Revisions.
- § 114-3. through § 114-9. (Reserved)

#### ARTICLE II Inspection of Rental Properties

- § 114-10. Title; purpose.
- § 114-11. Definitions.
- § 114-12. Certificate of inspection required for occupancy.

- § 114-13. Inspection requirements; timing; reinspections; exceptions.
- § 114-14. Issuance of certificate of inspection; report of inspection.
- § 114-15. Advertisement of regulations; notice of inspection.
- § 114-16. Transfer of certificate of inspection.
- § 114-17. Responsibility for compliance.
- § 114-18. Notice of violation; suspension or revocation of certificate of inspection.
- § 114-19. Means of appeal.
- § 114-20. Violations and penalties.
- § 114-21. Fees.

[HISTORY: Adopted by the Borough Council of the Borough of Montoursville as indicated in article histories. Amendments noted where applicable.]

#### GENERAL REFERENCES

Uniform construction codes — See Ch. 66.

#### ARTICLE I Property Maintenance Code [Adopted 2-2-2009 by Ord. No. 436<sup>1</sup> ]

##### § 114-1. Adoption by reference; purpose.

The 2006 edition of the International Property Maintenance Code as published by the International Code Council, or subsequent versions as it may be amended, is hereby adopted as the Property Maintenance Code of the Borough of Montoursville, County of Lycoming and Commonwealth of Pennsylvania, for the purpose of regulating and governing the conditions and maintenance of all property, buildings and structures by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use; and the demolition of such existing

1. Editor's Note: This ordinance superseded former Art. I, Revisions to International Property Maintenance Code, adopted 11-15-2004 by Ord. No. 405.

structures as herein provided; and providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the Borough of Montoursville are hereby referred to, adopted, and made a part hereof, as if fully set out in this article, with the additions, insertions, deletions and changes, if any, prescribed in § 114-2 of this article.

**§ 114-2. Revisions.**

The following sections of the International Property Maintenance Code of 2006, as amended, are revised as follows:

- A. Section 101.1: Insert "Borough of Montoursville."
- B. Section 103.5: Insert "The Borough of Montoursville shall adopt and maintain a fee schedule which shall be available at the Borough office."
- C. Section 302.4: Insert "maximum height eight inches."
- D. Section 304.14: Insert "April 1 to October 1."
- E. Section 602.3: Insert "September 15 to April 30."
- F. Section 602.4: Insert "September 15 to April 30."

**§ 114-3. through § 114-9. (Reserved)**

ARTICLE II  
**Inspection of Rental Properties**  
[Adopted 5-3-2010 by Ord. No. 443]

**§ 114-10. Title; purpose.**

- A. This article shall be known as the "Montoursville Rental Inspection Ordinance."
- B. The Borough of Montoursville has experienced problems with the maintenance and safety of non-owner-occupied properties and has concerns about the health, safety and welfare of occupants of these non-owner-occupied properties within the Borough. The purpose of this article is to enhance the safety of non-owner-occupied properties through a system of inspection which focuses on compliance with the property maintenance codes governing existing structures.

**§ 114-11. Definitions.**

As used in this article, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

**BOARD OF APPEAL** — The Property Maintenance Board of Appeals of the Borough of Montoursville, as appointed.

**BOROUGH** — The Borough Council of the Borough of Montoursville, Lycoming County, Pennsylvania.

**CERTIFICATE OF INSPECTION** — A certificate issued by the Code Official indicating that the rental unit is in compliance with this article for a specified time.

**CODE** — The Code of the Borough of Montoursville, adopted March 3, 1997, as Ordinance No. 370, as amended, and the Montoursville Borough Zoning Ordinance, adopted on July 6, 2009, as Ordinance No. 438, as amended.

**CODE OFFICIAL** — The individual, individuals or third-party contactor designated by the Borough to administer and enforce this article.

**NONREGULATED RESIDENTIAL UNIT** — A single residential unit occupied by the owner and/or the owner's family.

**OWNER** — Any person, copartnership, association, corporation, or fiduciary having legal or equitable title or any interest in any real property. Whenever used in any clause prescribing or imposing a penalty, the term "owner," as applied to copartnership and associations, shall mean the partners or members thereof and, as applied to corporations, the officers thereof.

**REGULATED RESIDENTIAL UNIT** — A residential unit occupied by other than the owner and/or the owner's family.

**RESIDENTIAL UNIT** — Any structure or structurally enclosed area used or intended to be used as living quarters for one or more individuals.

**STRUCTURE** — That which is built or constructed or a portion thereof.

**§ 114-12. Certificate of inspection required for occupancy.**

No regulated residential unit shall be occupied unless the owner or designated agent obtains and keeps a current certificate of inspection on file as required by the provisions of this article.

**§ 114-13. Inspection requirements; timing; reinspections; exceptions.**

Regulated residential units shall be subject to inspection in accordance with the provisions of this article.

- A. Purpose. Inspections required by this article shall be for the purpose of determining compliance with the provisions of the Code in effect on the date of inspection.
- B. Inspectors. Inspections required by this article shall be conducted by the Borough's designated Code Official(s).
- C. Inspection standards. In order for an owner to obtain and/or retain a certificate of inspection, regulated residential units shall comply with all applicable portions of the Code.
- D. Timing of inspections; renewals.

- (1) On or after the effective date of this article, prior to any nonregulated residential unit being converted to use as a regulated residential unit, the owner of the unit shall contact the Borough and submit an application for inspection, and a certificate of inspection shall be obtained from the Borough in accordance with this article prior to occupancy of such nonregulated residential unit by anyone other than the owner or the owner's family; subsequent inspections shall occur as set forth in Subsection D(2).
- (2) The Code Official shall notify the owner of a regulated residential unit of a pending inspection. The owner shall contact the Code Official and schedule an inspection within 30 days from the receipt of the notice. A certificate of inspection issued for a regulated residential unit shall expire three years after the date of issuance, and regulated residential units shall be reinspected prior to the expiration date on the certificate of inspection.
- (3) Any property that has been inspected as set forth in Subsection D(2) and subsequently becomes vacant for a period of one year must be reinspected prior to occupancy as a regulated residential unit.

E. Exceptions:

- (1) Any regulated residential unit that is subject to an inspection by any other governmental agency which has inspection standards equal to or greater than those in the Borough's Code. Nothing contained in this exception shall be deemed to exclude the property from being subject to any of the Borough's Codes.

**§ 114-14. Issuance of certificate of inspection; report of inspection.**

- A. General provision. Upon the date of the completion of an inspection of a regulated residential unit in which no violations of the Code are found or on the date that any such violations have been corrected, the Borough shall issue a certificate of inspection for the regulated residential unit. The certificate of inspection shall be kept on file by the owner or designated agent and made available to the Code Official upon request.
- B. Report of inspection and appeals. Any violations of the Code found by the Code Official during an inspection or reinspection shall be documented by the Code Official in a report of inspection in sufficient detail to allow the owner to correct the violation. The report of inspection shall be provided to the owner within 15 days of the date of inspection. Any appeal from the report of inspection shall be filed and heard in the manner provided for in § 114-19 of this article.
- C. Multiunit structures. Each unit in a multiunit structure which meets the definition of a regulated residential unit shall be considered to be a separate regulated residential unit. Units within a structure which are in compliance with the Code may continue to be occupied if, in the opinion of the Code Official, other portions of the structure or units therein which either do not apply or have not passed inspection do not create a hazard to the health and safety of the persons occupying the units in compliance with this article.

- D. Compliance with Code. The issuance of a certificate of inspection does not relieve the property owner of the responsibility of maintaining a structure or regulated residential unit in accordance with the Code.
- E. Forms. The application for inspection, certificate of inspection, notice of transfer, report of inspection and any other forms and documents necessary to administer the requirements of this article shall be in such form as shall be approved, from time to time, by the Borough.

**§ 114-15. Advertisement of regulations; notice of inspection.**

- A. Newspaper advertisement. The Borough shall, each year, cause notice of this article to be published two times in a newspaper of general circulation within the Borough. The first notice shall be published during January of each calendar year, except in the year of enactment, when the first notice shall be published within 30 days of the date of enactment. The second notice shall be published during October of each calendar year. The notice shall set forth the general requirements of this article, state that inspection may be required before a regulated residential unit is occupied and state where a copy of this article may be obtained.
- B. Written notice must be given to the property owner or agent prior to an inspection. The property owner or agent shall provide the tenant with reasonable notice of the inspection.

**§ 114-16. Transfer of certificate of inspection.**

A certificate of inspection issued hereunder is transferable to any person or entity who acquires ownership of a regulated residential unit for the unexpired portion of the three-year term for which the certificate was issued. The new owner of the regulated residential unit shall file a notice of transfer of the certificate of inspection with the Borough within 30 days of the date of sale or transfer of ownership. A certificate of inspection shall terminate upon failure to file a notice of transfer within 30 days of the date of sale or transfer of ownership of the regulated residential unit.

**§ 114-17. Responsibility for compliance.**

The owner of any regulated residential unit shall be responsible for compliance with the provisions of this article.

**§ 114-18. Notice of violation; suspension or revocation of certificate of inspection.**

A. General.

- (1) Depending on the severity and/or number of violations of the Code, the borough may initiate action against an owner that may result in a notice of violation and/or suspension or revocation of a certificate of inspection for violating any provisions of this article that impose a duty upon the owner and/or for failing to regulate the

breach of duties by occupants as provided herein, subject to the right of appeal pursuant to § 114-19.

- (2) In order for an owner to obtain or retain a certificate of inspection, the property owner has the responsibility for maintaining the structure and/or regulated residential unit in accordance with the Code.
- (3) Administration, inspections and notifications utilized in the enforcement of this article shall be conducted in accordance with the procedures set forth in the current version of the International Property Maintenance Code or other such property maintenance code subsequently adopted by the Borough.<sup>2</sup>

B. Borough's options.

- (1) Notice of violation: violation(s) of the Code or this article shall result in the issuance of a notice of violation by the Code Official in accordance with procedures contained in the current version of the International Property Maintenance Code or other such property maintenance code subsequently adopted by the Borough.
- (2) Suspension: A certificate of inspection may be suspended upon the issuance of a notice of violation. Notification of the suspension of the certificate shall be included in the notice. Upon failure of the certificate holder to correct the violations set forth in the notice in the time period therein specified, the certificate of inspection may be revoked. A suspended certificate of inspection shall be reinstated at the time the violation(s) cited in the notice are corrected. Suspension of a certificate shall not result in eviction of the occupants of the unit.
- (3) Revocation: Should an owner fail to correct the violations set forth in a notice of violation in the time period therein specified or should the Code Official determine that a structure or unit is unsafe or unfit for occupancy, the certificate of inspection may be revoked and the owner shall be notified of the immediate loss of the right to rent the unit(s) in question. Upon revocation of a certificate of inspection, the owner shall take immediate action to evict the occupants of the unit(s).

C. Grounds for taking action. Any of the following may subject an owner to actions as provided for in this article:

- (1) Failure to abate a violation of this article that applies to the premises within the time directed by the Borough.
- (2) Refusal to permit the inspection of the premises by the Borough, as provided for in this article.
- (3) Failure to take steps to remedy and prevent violations of this article by occupants of a regulated residential unit as provided for in this section.

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2. Editor's Note: See Art. I, Property Maintenance Code, of this chapter.

**§ 114-19. Means of appeal.**

Any person affected by any notice or order which has been issued in connection with the enforcement of any provision of this article, or by any rule or regulation adopted pursuant thereto, may request and shall be granted a hearing on the matter before the Board of Appeal. Appeals shall be filed and appeal hearings conducted in accordance with the procedures set forth in the current version of the International Property Maintenance Code or other such property maintenance code subsequently adopted by the Borough.

**§ 114-20. Violations and penalties.**

The owner of any regulated residential unit who has violated or permitted the violation of this article shall be subject to the general penalty provisions of the Code of the Borough of Montoursville.<sup>3</sup>

**§ 114-21. Fees.**

The Borough is authorized to assess fees upon owners of regulated residential units for inspections, re-inspections, issuance of certificates of inspection and reports of inspection and other administrative actions necessary to implement this article. Fees assessable by the Borough for the administration and enforcement undertaken pursuant to this chapter and the Code shall be established by the Borough Council by resolution from time to time.

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3. Editor's Note: See Ch. 1, General Provisions, Art. II, General Penalty.