BOROUGH OF LORAIN
CAMBRIA COUNTY
PENNSYLVANIA

ORDINANCE NO. 189

AN ORDINANCE RELATING TO THE MOVING INTO, MOVING FROM SITE TO SITE WITHIN, OR REMOVING FROM LORAIN BOROUGH; REQUIRING PERMITS FOR THE TRANSPORTATION OF PERSONAL PROPERTY AND HOUSEHOLD GOODS FROM BUILDING TO BUILDING WITHIN LORAIN BOROUGH, OR OUT OF LORAIN BOROUGH; REQUIRING LESSORS AND LANDLORDS TO REPORT THE NAMES AND ADDRESSES OF NEW TENANTS OR LESSEES WHO INTEND TO MOVE INTO THE BOROUGH OF LORAIN; AND PROVIDING METHODS OF ENFORCEMENT, AND PENALTIES FOR THE VIOLATION THEREOF.

BE IT ENACTED AND ORDAINED by the Council of Lorain Borough, and the same is enacted and ordained by the authority of the same.

SECTION 1. The following words when used in this Ordinance shall have the meaning ascribed to them in this section, except where the context clearly indicates or requires a different meaning:

"Person" - shall mean any natural person, firm or corporation. The singular shall include the plural and the masculine shall include the feminine and neuter.

"Transportation" - shall mean the moving of personal property or household goods by way of public streets or highways.

"Personal property or household goods" - shall mean any tangible property that is the subject of ownership and is possible

of being moved, and which is generally used in the operation of a business or for the maintenance of the household.

"Lessor or Landlord" - shall mean one who grants a lease or rents real estate to another either for business or dwelling purposes.

SECTION 2. On and after the effective date of this Ordinance, no person, firm or corporation shall move into or remove from, or cause his personal property to be so moved or removed from any house, dwelling or other building within the Borough of Lorain, Cambria County, Pennsylvania, without first having obtained a permit therefrom from the Secretary of the Borough of Lorain. Thereafter, any person, firm or corporation, or his or its agent, so transporting shall accompany said transportation and shall have the permit issued by the Secretary of the Borough of Lorain on his person.

SECTION 3. Any person desiring such a permit for the removal or transportation of personal property or household goods in the manner herein described, shall make application during regular business hours at least five (5) days in advance of the scheduled transportation, to the Secretary of the Borough of Lorain, at the Lorain Municipal Building, Valley Street, Johnstown, Pennsylvania 15902, setting forth his name and address, and also setting forth the name of the owners or reputed owners of the personal property or household goods to be moved or transported, the ad-

SECTION 6. Any person who is in the business of transportation, rental of equipment or moving personal property or household goods in bulk from one location to another, as hereinbefore described, shall be obligated to verify that the proper permit has been issued, prior to the moving or transporting of any personal property or household goods, either within the Borough of Lorain or to a point outside the Borough of Lorain.

SECTION 7. The Secretary of the Borough of Lorain shall not issue any permit until all taxes and fees levied are satisfied. The Tax Collector and Earned Income Tax Collector shall be contacted and verify satisfaction and further that garbage fees have been paid as well as any other levied taxes and fees.

SECTION 8. Any person, firm or corporation who shall fail to comply with any of the provisions of this Ordinance shall be liable upon conviction before any Magistrate in Cambria County in a summary proceeding, to pay a fine or penalty not exceeding the sum of ONE HUNDRED ($100.00) DOLLARS for each such violation, and, upon failure to pay such fine and/or costs, to be imprisoned in the Cambria County Prison for a period not to exceed thirty (30) days.

SECTION 9. The provisions of this Ordinance are severable, and, if any part thereof shall be declared illegal, invalid or unconstitutional by any court of competent jurisdiction, such

dress and location from which the personal property or household goods are to be moved or transported. All occupants over the age of 18 shall be listed on the application, as well as their occupation status.

SECTION 4. The Secretary of the Borough of Lorain shall, upon application, issue a permit for which a charge of FIVE ($5.00) DOLLARS will be made, setting forth the name of the permitee as well as the name or names and address of the owners of the personal property or household goods to be moved or transported, the address from which the personal property or household goods are to be moved, the new address to which the personal property or household goods are to be delivered, and if there are no outstanding obligations to the Borough of Lorain, a copy of said permit shall be delivered to the Police Department of Lorain Borough.

SECTION 5. Any lessor or landlord leasing or renting any premises or part thereof, within the Borough of Lorain, to another person for the purpose of either a business or as a dwelling shall give the Borough Secretary at least five (5) days' notice of the intention of the lessee or tenant to remove from the leased or rented premises. Any lessor or landlord leasing or renting any premises, or part thereof, within the Borough of Lorain to another person for the purpose of either a business or as a dwelling shall also give to the Borough Secretary the names of the new occupant leasing or renting the premises.

ORDINANCE NO. 193

An Ordinance of the Borough of Lorain in the County of Cambria, Commonwealth of Pennsylvania, appropriating specific sums estimated to be required for the specific purposes of the municipal government, hereinafter set forth, during the year 1984

BE IT ORDAINED AND ENACTED, and it is hereby ordained and enacted by the Borough Council of the Borough of Lorain, County of Cambria, Commonwealth of Pennsylvania:

SECTION 1. That for the expenditures and expenses of the fiscal year 1984 the following amounts are hereby appropriated from the fund equities, revenues, and other financing sources available for the year 1984 for the specific purposes set forth on the following:

Cash	$ 0.00	
Taxes	41,130.00	
Miscellaneous Revenues	5,100.00	
Other Financing Sources	15,590.00	
Total Available for Appropriation		$61,820.00
Expenditures:		
General Government	$16,420.00	
Public Safety	26,500.00	
Health and Welfare	300.00	
Highways, Roads and Streets	16,700.00	
Miscellaneous Expenditures	1,900.00	
Total Expenditures		$61,820.00

SECTION 2. That any ordinance conflicting with this ordinance be and the same is hereby repealed insofar as the same affects this ordinance.

ADOPTED THIS 7th day of December, A.D. 1983.

Harold W. Barkebile Jr.
Borough Mayor

Richard J. Hoover
President of Borough Council

I hereby certify that the foregoing is a true and correct copy of Ordinance No. 193 enacted by the Borough of Lorain in the County of Cambria on the 7th day of December A.D. 1983.

Patricia Kidd Hoover
Borough Secretary

illegality, invalidity or unconstitutionality shall not affect or impair any of the remaining provisions of this Ordinance. It is hereby declared to be the intent of the Council of the Borough of Lorain that this Ordinance would have been adopted if such illegal, invalid or unconstitutional part or parts thereof had not been included herein.

SECTION 10. All Ordinances or parts of Ordinances inconsistent herewith are repealed insofar as such inconsistencies may exist.

SECTION 11. The effective date of this Ordinance shall be the 6th day of April, 1983.

ENACTED into an Ordinance this 6th day of April, 1983.

BOROUGH OF LORAIN

By Richard J. Hosmer
President

ATTEST:

Patricia Kidd Hosmer
Secretary

Approved this 6th day of April, 1983.

Harold W. Berkebile Jr.
Mayor

ORDINANCE NO. 195

An Ordinance of the Borough of Lorain in the County of Cambria, Commonwealth of Pennsylvania, appropriating specific sums estimated to be required for the specific purposes of the municipal government, hereinafter set forth, during the year 1985

BE IT ORDAINED AND ENACTED, and it is hereby ordained and enacted by the Borough Council of the Borough of Lorain, County of Cambria, Commonwealth of Pennsylvania:

SECTION 1. That for the expenditures and expenses of the fiscal year 1985 the following amounts are hereby appropriated from the fund equities, revenues, and other financing sources available for the year 1985 for the specific purposes set forth on the following:

Cash	$ 0.00	
Taxes	44,875.00	
Miscellaneous Revenues	5,500.00	
Other Financing Sources	16,000.00	
Total Available for Appropriation		$66,375.00
Expenditures:		
General Government	$18,625.00	
Public Safety	27,690.00	
Health and Welfare	300.00	
Highways, Roads and Streets	17,600.00	
Miscellaneous Expenditures	2,160.00	
Total Expenditures		$66,375.00

SECTION 2. That any ordinance conflicting with this ordinance be and the same is hereby repealed insofar as the same affects this ordinance.

ADOPTED THIS 5th day of December, A.D. 1984.

Harold W Berkebile Jr
Borough Mayor

Richard J. Horner
President of Borough Council

I hereby certify that the foregoing is a true and correct copy of Ordinance No. 195 enacted by the Borough of Lorain in the County of Cambria on the 5th day of December A.D. 1984.

Patricia Kissel Horner
Borough Secretary

ORDINANCE NO. 194

An Ordinance of the Borough of Lorain County of Cambria, Commonwealth of Pennsylvania, fixing the tax rate for the year 1984.

BE IT ORDAINED AND ENACTED, and it is hereby ordained and enacted by the Borough Council of the Borough of Lorain County of Cambria, Commonwealth of Pennsylvania:

That a tax be and the same is hereby levied on all real property and occupations within the Borough of Lorain subject to taxation for the fiscal year 1984 as follows:

Tax rate for general purposes, the sum of 14 mills on each dollar of assessed valuation

That any ordinance, or part of ordinance, conflicting with this ordinance be and the same is hereby repealed insofar as the same affects this ordinance.

Adopted the 7th day of December, A.D. 1983.

Harold W. Berkebile Jr.
Borough Mayor

Richard J. Hoover
President of Borough Council

I hereby certify that the foregoing is a true and correct copy of Ordinance No. 194 enacted by the Lorain Borough Council on the 7th day of December, A.D. 1983.

Patricia Rose Hoover
Borough Secretary

BOROUGH OF LORAIN
CAMBRIA COUNTY
PENNSYLVANIA

ORDINANCE NO. 197

AN ORDINANCE PRESCRIBING TRAFFIC AND PARKING REGULATIONS AND PROVIDING PENALTIES FOR THEIR VIOLATION.

BE IT ORDAINED AND ENACTED by the Council of the Borough of Lorain, Cambria County, Pennsylvania, and it is hereby ordained and enacted by the authority of the same as follows:

ARTICLE A

GENERAL REGULATIONS

SECTION 1. Definitions.

Words and phrases, when used in this part, shall have the meanings ascribed to them in the Vehicle Code (the Act of 1976 P.L. 162 No. 81, as amended).

SECTION 2. Manner of adopting permanent traffic and parking regulations.

All traffic and parking regulations of a permanent nature shall be enacted as ordinances or as parts of ordinances or as amendments to ordinances of this Borough, except where the law specificially authorizes less formal action for the purposes.

SECTION 3. Temporary and emergency regulations.

(a) The Mayor shall have the following powers to regulate traffic and parking temporarily and in time of emergency:

ORDINANCE NO. 196

An Ordinance of the Borough of Lorain, County of Cambria, Commonwealth of Pennsylvania, fixing the tax rate for the year 1985.

BE IT ORDAINED AND ENACTED, and it is hereby ordained and enacted by the Borough Council of the Borough of Lorain, County of Cambria, Commonwealth of Pennsylvania:

That a tax be and the same is hereby levied on all real property and occupations within the Borough of Lorain subject to taxation for the fiscal year 1985 as follows:

Tax rate for general purposes, the sum of 14 mills on each dollar of assessed valuation

That any ordinance, or part of ordinance, conflicting with this ordinance be and the same is hereby repealed insofar as the same affects this ordinance.

Adopted the 5th day of December, A.D. 1984.

Harold W Berkebile Jr.
Borough Mayor

Richard L Hoover
President of Borough Council

I hereby certify that the foregoing is a true and correct copy of Ordinance No. 196 enacted by the Lorain Borough Council on the 5th day of December, A.D. 1984.

Patricia Rise Hoover
Borough Secretary

shall, upon conviction, be liable to the penalty set forth in the law or elsewhere in this part for a violation of that nature and, in case of a violation for which no specific penalty is set forth in the law or elsewhere in this part, to a fine of $25.00 and costs. Provided, the purpose of this section is to allow for the test and experimental determination of the feasibility and desirability of permanent changes in the ordinances of the Borough relative to traffic and parking.

SECTION 5. Traffic on streets closed or restricted for construction, maintenance or special events.

(a) Council shall have authority to close any street or any part of a street to vehicular traffic and to place barriers or station police officers at each end of the closed portion, while construction or maintenance work is under way or a special event is being conducted on the closed portion. It shall be unlawful for any person to drive a motor vehicle upon any such closed portion.

(b) Council shall have authority to establish a restricted traffic area upon any street where construction or maintenance work is under way, and to station flagmen at each end of the restricted portion. It shall be unlawful for any person to drive a vehicle in any such restricted traffic area at any time when a flagman is displaying a sign directing that vehicle to stop, or is signaling that vehicle, by a flag or other device, not to proceed.

(c) Any person who violates any provision of this Section shall be sentenced to pay a fine of $25.00 and costs.

(1) In the case of fire, flood, storm or other emergency, to establish temporary traffic and/or parking regulations;

(2) In the case of emergency public works or public events of limited scope or duration, to restrict or prohibit traffic and/or parking in limited areas for periods of not more than 72 hours.

(b) Those temporary and emergency regulations shall be enforced by the Mayor and the police officers in the same manner as permanent regulations. Any person who drives or parks a vehicle in violation of any such regulations, or who moves, removes, destroys, injures or defaces any sign or marking erected, posted or made to give notice of any such regulation shall be guilty of a violation, and upon conviction, shall be liable to the penalty set forth in law or elsewhere in this part for a violation of that nature, and in case of a violation for which no specific penalty is set forth in the law or elsewhere in this part, to a fine of $25.00 and costs.

SECTION 4. Experimental Regulations.

Council may, from time to time, designate places upon and along the streets in the Borough where, for a period of not more than 90 days, specific traffic and/or parking regulations, prohibitions and restrictions shall be in force and effect, and shall designate these locations by proper signs and markings. Those regulations, prohibitions and restrictions shall be effective just as if they had been specified in this part. No person shall drive or park a vehicle in violation of any such regulation, prohibition or restriction, and no person shall move, remove destroy or deface any sign or marking erected, posted or made by authority of this section. Any person who violates any provision of this section

SECTION 3. Intersections where turn prohibited on red signal.

(a) Those intersections listed in Appendix I-B, which is incorporated by reference into and made a part of this Section, are establisted as intersections where drivers of vehicles headed in the direction or directions indicated are prohibited from making a right turn (or a left turn from a one-way street into a one-way street) on a steady red signal.

(b) Any driver of a vehicle who makes a turn on a red signal in violation of this Section shall, upon conviction, be sentenced to pay a fine of $25.00 and costs.

SECTION 4. One-Way Streets Established.

The following are established as one-way streets:

(a) Clair Street - vehicular traffic to move in a southerly direction only.

(b) Highland Drive - vehicular traffic to move in a southerly direction only.

(c) Any person who violates any provision of this Section shall, upon conviction, be sentenced to pay a fine of $25.00 and costs.

SECTION 5. Turning at certain intersections prohibited or restricted.

(a) Appendix I-C, which is incorporated by reference into and made a part of this Section, lists intersections where turns are restrictor prohibited. It shall be unlawful for the driver of any vehicle, of the type indicated, traveling upon the first-named street at any intersection named in that appendix, in the direction or directions indicated

SECTION 6. Authority of police officers.

The police officers serving the Borough are given authority to direct traffic on the streets in the Borough and at intersections of those streets, in public parks and in other places where the Vehicle Code or this part applies.

ARTICLE B

TRAFFIC REGULATIONS

SECTION 1. Maximum speed limits established on certain streets.

(a) On all streets within the Borough of Lorain, other than those designated as state highways, vehicular traffic shall be restricted to a speed of not more than twenty-five (25) miles per hour.

(b) Any person who violates any provision of this Section shall, upon conviction, be sentenced to pay a fine of $35.00 and costs. Any person exceeding a maximum speed limit by more than five (5) miles per hour shall pay an additional fine of $2.00 per mile for each mile in excess of five (5) miles per hour over the maximum speed limit.

SECTION 2. Traffic signals at certain intersections.

(a) Official traffic signals shall be erected (or are ratified if previously erected) at those intersections listed in Appendix I-A which is incorporated by reference into and made a part of this section, and traffic at those intersections shall be directed by those signals.

(b) Any driver of a vehicle who disobeys the directions of an official traffic signal shall, upon conviction, be sentenced to pay a fine of $25.00 and costs.

and official stop signs shall be erected (or are ratified if previously erected) in such a position as to face traffic approaching the second-named street upon the first-named street at each stop intersection, in the direction or directions indicated for that intersection. Every driver of a vehicle approaching the intersection upon the first-named street, indicated in each case, shall stop the vehicle as required by Section 3323(b) Vehicle Code and shall not proceed into or across the second-named street until he has followed all applicable requirements of that section of the law.

(b) Any person who violates any provision of this section shall, upon conviction, be sentenced to pay a fine of $25.00 and costs.

SECTION 8. Yield-Right-of-Way Intersections established.

(a) Those intersections listed in Appendix I-F, which is incorporated by reference into and made a part of this section, are established as yield-right-of-way intersections, and official yield signs shall be erected (or are ratified if previously erected) in such a position as to face traffic approaching the second-named street upon the first-named street at each yield intersection, in that direction or directions indicated for that intersection. Every driver of a vehicle approaching the intersection upon the first-named street, in the direction indicated in each case, shall slow down or stop the vehicle as required by Section 3323(c) of the Vehicle Code, and then yield the right of way as required by that subsection of the Vehicle Code.

(b) Any person who violates any provision of this section shall, upon conviction, be sentenced to pay a fine of $25.00 and costs.

in each case, to make a left turn and/or a right turn into the second-named street, as indicated, at any time when a turn is prohibited by that appendix.

(b) Any person who violates any provision of this Section shall, be sentenced to pay a fine of $25.00 and costs.

SECTION 6. Through highways established.

(a) Through highways are listed in Appendix I-D, which is incorporated into and made a part of this Section, and stop or yield signs shall be erected at every intersection of every through highway (except those intersections where traffic signals are erected and maintained as provided in Section 8), facing traffic approaching the through highway on intersecting streets. Every driver of a vehicle approaching the through highway on any intersecting street where there is a stop or yield sign shall stop the vehicle as required by Section 3323(b) or Section 3323(c) of the Vehicle Code, as the case may be, and shall not proceed into or across the through highway until he has followed all applicable requirements of that section of the law.

(b) Any person who violates any provision of this section shall, upon conviction, be sentenced to pay a fine of $25.00 and costs of prosecution.

SECTION 7. Stop intersections established.

(a) Those intersections listed in Appendix I-E, which is incorporated by reference into and made a part of this Section (in addition to streets established by Section 6), are established as stop intersections,

(a) Snow and ice emergency routes, referred to in the following parts of this Section as "snow emergency routes" are established on those streets and portions of streets listed in Appendix I-H, which is incorporated by reference into and made a part of this Section. In order to facilitate the movement of traffic and to combat the hazards of snow and ice on those snow emergency routes, the Mayor, at his discretion, may declare a snow and ice emergency. Information on the existence of the emergency may be given through radio, newspaper or other available media and notification of the termination of the emergency may be given by use of the same media.

(b) After any snow and ice emergency is declared, it shall be unlawful at any time during the continuance of the emergency for any person to park a motor vehicle, or to allow the vehicle to remain parked on any snow and ice emergency route; or for any person to drive a motor vehicle not equipped with snow tires or chains on a snow and ice emergency route.

(c) If at any time during a period of snow and ice emergency, a person parks a motor vehicle anywhere upon a snow and ice emergency route, that person shall be guilty of a violation of this Section and, upon conviction, shall be sentenced to pay a fine of not more than $25.00 and costs.

(d) If, at any time during a period of snow and ice emergency, a person drives a motor vehicle not equipped with snow tires or chains upon a snow and ice emergency route, that person shall be guilty of a violation of this Section and, upon conviction, shall be sentenced to pay a fine of $25.00 and costs.

SECTION 9. Vehicle weight limits established.

(a) On portions of streets listed hereunder, vehicle weight limits are established by authority granted by Section 4902(c) of the Vehicle Code, and it shall be unlawful for any person to drive on any of these streets or portions of streets, as the case may be, any vehicle or combination having a gross weight in excess of the maximum prescribed for that street or portion of a street:

(1) Valley Street Bridge - 4 ton limit.
(2) Highland Drive Bridge - 4 ton limit.

(b) Any person who violates any provision of this Section shall be prosecuted under Section 4902(a) of the Vehicle Code, and upon conviction, be sentenced to pay a fine of $25.00 and costs.

SECTION 10. Truck traffic restricted on certain streets.

(a) It shall be unlawful for any person to drive any vehicle other than a passenger car on any street or portion of a street listed in Appendix I-G, which is incorporated by reference into and made a part of this section, except that nothing in this Section shall prohibit any person from driving a commercial vehicle or truck on any part of any street listed in Appendix I-G where necessary in order to pick up or deliver any goods, wares, merchandise or material from or to any premises located on any such street or portion of a street.

(b) Any person who violates any provision of this Section shall be prosecuted under Section 4902(a) of the Vehicle Code and, upon conviction, be sentenced to pay a fine of $25.00 and costs.

SECTION 11. Snow and ice emergency routes established.

(3) View Street
(4) Valley Street
(5) Ruby Street

(b) Parking shall be prohibited on all bridges at all times.

(c) No parking of any kind shall be permitted in the Lorain Borough Park after the closing of the Park to the public.

(d) No parking shall be permitted within 15 feet of any street intersection, alley intersection or driveway.

(e) No parking shall be permitted beyond within 12 inches from any parallel street or alley boundary line.

SECTION 3. Parking time limited in certain locations certain days and hours.

In the locations listed in Appendix II-A, which is incorporated by reference into and made a part of this Section, no person shall park a vehicle, or allow it to remain parked, for longer than the time indicated, at any time on the days and between the hours stated for the location.

SECTION 4. Special purpose parking zones established; parking otherwise prohibited.

Special purpose parking zones are established in the locations listed in Appendix II-B, which is incorporated by reference into and made part of this Section, and it shall be unlawful for any person to park a vehicle, or to allow a vehicle to remain parked, in any such zone, except as specifically provided in that appendix for that zone.

SECTION 5. Penalty for violation.

Any person who violates any provision of this Article shall,

SECTION 12. Play highways authorized.

The Mayor is authorized to designate as "play highways", whenever he deems that action advisable, and for whatever period of time directed by him, any street or alley in the Borough where sledding and coasting shall be permitted. Every such play highway shall be set apart for that purpose under the direction of the Mayor. No person shall drive a motor vehicle upon a play highway at any time when the street or alley is so designated, except in case of emergency, without special permission of the Mayor or police officer in charge, who shall first clear that play highway of all persons using it for the purpose for which it was set aside. Any person who violates any provision of this Section shall, upon conviction, be sentenced to pay a fine of $25.00 and costs.

ARTICLE C

PARKING REGULATIONS

SECTION 1. Vehicles to be parked within marked spaces.

Whenever a space shall be marked off on any street for the parking of an individual vehicle, every vehicle parked there shall be parked wholly within the lines bounding that space and it shall be a violation of this Section for any person to park a vehicle otherwise.

SECTION 2. Parking prohibited at all times in certain locations.

(a) No person shall park a vehicle or allow a vehicle to remain parked, at any time, in any location along the following streets in the Borough listed as a prohibited zone:

(1) Oakland Avenue
(2) Ohio Street

SECTION 2. Approved storage garages.

Approved storage garages as pounds for the storage of vehicles are listed in Appendix III-A, which is incorporated by reference into and made part of this Section.

SECTION 3. Garages to be bonded.

Every approved storage garage or pound shall be bonded in the amount of $5,000.00 for the indemnifying of the owner of every impounded vehicle against the loss of it, or injury or damage to it, while in the custody of the poundkeeper.

SECTION 4. Towing and storage charges.

The towing charge to be collected by every poundkeeper shall be $25.00 and the storage charge shall be $2.00 a day for outside storage and $5.00 a day for inside storage.

SECTION 5. Notification of removal and impounding.

Within twelve (12) hours from the time of removal of any vehicle under authority granted by this Article, notice of the fact that the vehicle has been impounded shall be sent by the Mayor to the owner of record of the vehicle. This notice shall designate the place from which the vehicle was removed, the reason for its removal and impounding, and the pound in which it was impounded.

SECTION 6. Effect of payment of towing and impounding charges without protest.

The payment of any towing and impounding charges, authorized by this Article, shall, unless the payment is made "under protest", be final

upon conviction, be sentenced to pay a fine of not more than $15.00 and costs of prosecution. Provided: it shall be the duty of police officers to report to the Mayor all violations of this Article, indicating in each case the section violated, the license number of the vehicle involved in the violation, the location where the violation took place, the time of the violation, and any other facts that might be necessary in order to secure a clear understanding of the circumstances of the violation. The police officer making the report shall also attach to the vehicle a notice that the vehicle was parked in violation of this Article, which notice shall contain instructions to the owner or operator of the vehicle that if he shall report to the office of the Mayor within five (5) days after the time of the notice and pay, for the use of the Borough, the sum of $15.00, the violator shall be saved from prosecution and from payment of the fine and costs hereinabove provided.

ARTICLE D

REMOVAL AND IMPOUNDING OF CERTAIN VEHICLES

SECTION 1. Authority to remove and impound.

The Mayor is authorized to remove and impound, or to order the removal and impounding, of any vehicle parked overtime on any street or public property in the Borough in violation of any provision of the law or of any ordinance of the Borough. Provided: no vehicle shall be removed or impounded except in strict adherence to the provisions of this Article. Provided further: this Article shall not apply to vehicles parked where prohibited by law or by this chapter, the removal and impounding of which is governed by Section 3352 of the Vehicle Code.

being in charge of the vehicle is present and expresses a willingness to remove the vehicle immediately.

ARTICLE E

INTERPRETATION

SECTION 1. Severabililty.

The provisions of this Ordinance shall be severable, and if any of its provisions shall be held to be unconstitutional or illegal, such decision shall not affect the validity of any of the remaining provisions of this Ordinance. It is hereby declared as a legislative intent that this Ordinance would have been adopted had such unconstitutional or illegal provision not been included herein.

SECTION 2. Provisions to be continuation of existing regulations.

The provisions of this Ordinance, so far as they are the same as those of ordinances and regulations in force immediately prior to the enactment of this Ordinance, are intended as a continuation of such ordinances and regulations and not as new enactments. The provisions of this Ordiance shall not affect any act done or liability incurred, nor shall they affect any suit or prosecution pending or to be instituted to enforce any right or penalty or to punish any offense under the authority of any of these repealed ordinances and regulations.

and conclusive, and shall constitute a waiver of any right to recover the money so paid.

SECTION 7. Effect of payment of towing and impounding charges under protest.

In the event that any towing and impounding charges, so imposed shall be paid "under protest", the offender shall be entitled to a hearing before a magistrate or court of record having jurisdiction, in which case the defendant shall be proceeded against and shall receive notice as is provided in the Vehicle Code in other cases of summary offense, and shall have the same rights as to appearance and waiver of hearing.

SECTION 8. Records of vehicles removed and impounded.

The Mayor shall keep a record of all vehicles impounded and shall at all reasonable times be able to furnish the owners or the agents of the owners of the vehicles with information as to the place of storage of any such vehicle.

SECTION 9. Owner or driver of vehicle remains liable for fine or penalty.

The payment of towing and storage charges authorized by this Article shall not operate to relive the owner or driver of any vehicle from liability for any fine or penalty for violation of any law or ordinance on account of which the vehicle was removed and impounded.

SECTION 10. Restrictions upon removal of vehicles.

No vehicle shall be removed under the authority of this Article if, at the time of the intended removal, the owner or person for the time

STOP INTERSECTIONS

Woodland Avenue and Ohio Street
Woodland Avenue and Sam Street
Woodland Avenue and 1st Alley
Sam Street and Marsh Avenue
Marsh avenue and 1st Alley
Woodland Avenue and Village Street
Woodland Avenue and Wheat Street
Valley Street and Ohio Street
Valley Street and Highland Drive
Ohio Street and 16th Place
Ohio Street and Oakland Avenue
Ohio Street and 16th Alley
Ohio Street and 19th Alley
Lunen Street and Lees Alley
Lohr Place and Lees Alley
Molnar Street and Penrod Street
Thelma Avenue and Emerald Avenue
Diamond Street and Thelma Avenue
Berkebile Street and Leffler Court
Lohr Place and 21st Alley
Oakland Avenue and Constable Court
Oakland Avenue and Lunen Street
Oakland Avenue and Terry Street
Oakland Avenue and Lohr Place
Oakland Avenue and Alma Avenue
Oakland Avenue and View Street
Oakland Avenue and Porter Street
Oakland Avenue and Molnar Street
Oakland Avenue and Berkebile Street
Oakland Avenue and Ruby Street
Oakland Avenue and Emerald Avenue
Oakland Avenue and Diamond Street
Oakland Avenue and A Court
Ruby Street and A Court
Ruby Street and Carnation Avenue
Ruby Street and Shomo Avenue
Diamond Street and Thelma Avenue
View Street and Penrod Street
View Street and Ober Street
View Street and B Court
Porter Street and Koch Avenue
View Street and Koch Avenue
Oakland Avenue and Clair Street
Clair Street and Terry Street
Ohio Street and Ohio Street Lounge
Carnation Avenue and Diamond Street
Carnation Avenue and Emerald Avenue
Oakland Avenue and Carnation Street
Oakland Avenue and Shomo Avenue
Penrod Street and Ruby Street
Penrod Street and Berkebile Street
Diamond Street and Shomo Street
Emerald Avenue and Shomo Street

ENACTED this 5th day of December, 1984.

Richard F. Hosner Pres.
President of Council

ATTEST:
Patricia Kiel Hosner
Secretary

APPROVED this 5th day of December, 1984.

Harold Berkebile Jr. Mayor
Mayor

SPECIAL PURPOSE PARKING ZONES

During any civic function or during a fire, parking shall be permitted on Valley Street and the No Parking Signs shall be covered until such time as the function at the fire hall is over or the fire is put out and the emergency is over.

LIMITED PARKING TIME

OAKLAND AVENUE, from its intersection with OHIO STREET to the Stonycreek Township boundary line.

OHIO STREET, from the City of Johnstown boundary line to the Stonycreek Township boundary line.

The northerly side of LUNEN STREET, from OAKLAND AVENUE to the City of Johnstown boundary line.

The southerly side of VALLEY STREET, from OHIO STREET to the LORAIN BOROUGH PARK.

TERRY STREET

RAGER COURT

VIEW STREET

THELMA AVENUE

PENROD STREET

BERKEBILE STREET, from PENROD STREET to OAKLAND AVENUE

SAM STREET, from No. 351 SAM STREET to the City of Johnstown boundary line.

The southerly side of SAM STREET, from 355 SAM STREET and running the remaining length of SAM STREET.

The northerly side of ALMA STREET.

The southerly side of EMERALD AVENUE, from SHOMO STREET to OAKLAND AVENUE.

The southerly side of DIAMOND STREET, from SHOMO STREET to OAKLAND AVENUE.

The easterly side of SHOMO STREET, from RUBY STREET to EMERALD AVENUE.

The westerly side of MARSH AVENUE.

SECTION 4. This Ordinance shall become effective immediately upon its adoption.

ORDAINED AND ENACTED this 3rd day of April, 1985.

BOROUGH OF LORAIN

By Richard J. Horner
President

ATTEST:

Patricia Kinel Horner
Secretary

BOROUGH OF LORAIN
CAMBRIA COUNTY
PENNSYLVANIA

ORDINANCE NO. 198

AN ORDINANCE ACCEPTING THE PROVISIONS OF CLAUSE VII OF SECTION 1005 OF ARTICLE X, ACT OF MAY 4, 1927 (P.L. 519), KNOWN AS "THE BOROUGH CODE", REENACTED AND AMENDED JULY 10, 1947 (P.L. 1621) AND FEBRUARY 1, 1966 (P.L. 1965), NO. 581, SECTION 1005, BY PROVIDING FOR THE APPOINTMENT OF AN AUDITOR IN AND FOR THE BOROUGH OF LORAIN AND FIXING THE AMOUNT OF THE BOND OF SAID AUDITOR.

BE IT ENACTED, AND IT IS HEREBY ORDAINED, by the Council of the Borough of Lorain as follows:

SECTION 1. The Borough of Lorain hereby accepts the provisions of Clause VII of Section 1005 of Article X of the Borough Code, as amended by Act of Assembly July 3, 1963 (No. 116) and hereby establishes the office of appointed auditor in and for the Borough of Lorain. The Borough Council is hereby directed, immediately following the effective date of this Ordinance and annually thereafter, to appoint by Resolution, a public accountant or a certified public accountant in accordance with the provisions of the Borough Code hereinbefore cited.

SECTION 2. The auditor appointed by the Borough Council shall, before entering upon the duties of his office, give bond to the Borough in the sum of $, conditioned for the faithful discharge of his duties.

SECTION 3. All ordinances and parts of ordinances in conflict with the provisions of this Ordinance be and the same are hereby repealed insofar as the same affect this Ordinance.

Section 1.02 - Abrogation and Greater Restrictions

This Ordinance supersedes any other conflicting provisions which may be in effect in identified floodplain areas. However, any other ordinance provisions shall remain in full force and effect to the extent that those provisions are more restrictive. If there is any conflict between any of the provisions of this Ordinance, the more restrictive shall apply.

Section 1.03 - Severability

If any section, subsection, paragraph, sentence,clause, or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall remain in full force and effect,and for this purpose the provisions of this Ordinance are hereby declared to be severable.

Section 1.04 - Warning and Disclaimer of Liability

The degree of flood protection sought by the provisions of this Ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Ordinance does not imply that areas outside any identified floodplain area, or that land uses permitted within such areas will be free from flooding or flood damages.

This Ordinance shall not create liability on the part of the Borough, or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

ARTICLE II. ADMINISTRATION

Section 2.00 - Building Permits Required

Building permits shall be required before any construction or development is undertaken within any area of the Borough.

Section 2.01 - Issuance of Building Permit

A. The Building Permit Officer shall issue a Building Permit only after it has been determined that proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances.

B. Prior to the issuance of any building permit the Building Permit Officer shall review the application for permit to determine if all other necessary government permits required by State and Federal Laws have been

BOROUGH OF LORAIN
CAMBRIA COUNTY
PENNSYLVANIA

ORDINANCE NO. 199

AN ORDINANCE REQUIRING ALL PERSONS, PARTNERSHIPS, BUSINESSES, AND CORPORATIONS TO OBTAIN A BUILDING PERMIT FOR ANY CONSTRUCTION OR DEVELOPMENT; PROVIDING FOR THE ISSUANCE OF SUCH BUILDING PERMITS; SETTING FORTH CERTAIN MINIMUM REQUIREMENTS FOR NEW CONSTRUCTION AND DEVELOPMENT WITHIN AREAS OF THE BOROUGH OFLORAIN WHICH ARE SUBJECT TO FLOODING; AND ESTABLISHING PENALTIES FOR ANY PERSONS WHO FAIL, OR REFUSE TO COMPLY WITH, THE REQUIREMENTS OR PROVISIONS OF THIS ORDINANCE.

BE IT ENACTED and ORDAINED by the Borough of Lorain, Cambria County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same as follows:

ARTICLE I. GENERAL PROVISIONS

Section 1.00 - Intent

The intent of this Ordinance is to:

A. Promote the general health, welfare and safety of the community.

B. Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.

C. Minimize danger to public health by protecting water supply and natural drainage.

D. Reduce financial burdens imposed on the community, its governmental units, and its residents, by preventing excessive development in areas subject to flooding.

E. Comply with federal and state floodplain management requirements.

Section 1.01 - Applicability

A. It shall be unlawful for any person, partnership, business or corporation to undertake, or cause to be undertaken, any construction or development anywhere within the Borough unless a Building Permit has been obtained from the Building Permit Officer.

B. A Building Permit shall not be required for minor repairs to existing buildings or structures.

3. Adequate drainage is provided so as to reduce exposure to flood hazards.

Applicants shall file the following minimum information plus any other pertinent information (e.g., any or all of the technical information contained in Section 5.01) as may be required by the Building Permit Officer to make the above determination:

1. A completed Building Permit Application Form.

2. A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:

a. North arrow, scale, and date;

b. Topographic contour lines, if available;

c. All property and lot lines including dimensions, and the size of the site expressed in acres or square feet;

d. The location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision and land development;

e. The location of all existing streets, drives and other accessways; and

f. The location of any existing bodies of water, or watercourses, identified floodplain areas, and, if available, information pertaining to the floodway, and the flow of water including direction and velocities.

3. Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:

a. The proposed lowest floor elevation of any proposed building based upon National Geodetic Vertical Datum of 1929;

b. The elevation of the one-hundred (100) year flood;

c. If available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a one-hundred (100) year flood; and

d. Detailed information concerning any proposed floodproofing measures.

obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended); the U. S. Clean Water Act, Section 404, 33, U.S.C. 1334. No permit shall be issued until this determination has been made.

C. No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the Borough and until all required permits or approvals have been first obtained from the Department of Environmental Resources, Bureau of Dams and Waterway Management.

In addition, the Federal Insurance Administrator and Pennsylvania Department of Community Affairs, Bureau of Community Planning, shall be notified by the Borough prior to any alteration or relocation of any watercourse.

Section 2.02 - Application Procedures and Requirements

A. Application for such a building permit shall be made, in writing, to the Building Permit Officer on forms supplied by the Borough. Such application shall contain the following:

1. Name and address of applicant.

2. Name and address of owner of land on which proposed construction is to occur.

3. Name and address of contractor.

4. Site location.

5. Listing of other permits required.

6. Brief description of proposed work and estimated cost.

7. A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures.

B. If any proposed construction or development is located entirely or partially within any identified floodplain area, applicants for Building Permits shall provide all the necessary information in sufficient detail and clarity to enable the Building Permit Officer to determine that:

1. All such proposals are consistent with the need to minimize flood damage and conform with the requirements of this and all other applicable codes and ordinances;

2. All utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage; and

C. In the event the Building Permit Officer discovers that the work does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the Building Permit Officer shall revoke the building permit and report such fact to the Council for whatever action it considers necesssary.

D. A record of all such inspections and violations of this ordinance shall be maintained.

Section 2.08 - Fees

Aplications for a building permit shall be accompanied by a fee, payable to the Borough, based upon the estimated cost of the proposed construction as determined by the Building Permit Officer at the following rates:

Estimated Cost	Fee
$ 0.00 to $200.00	$ 0.00
$201.00 to $1,000.00	5.00
Each additional $1,000.00 or part thereof beyond the first $1,000.00	1.00

Section 2.10 - Enforcement

A. NOTICES

Whenever the Building Permit Officer or other authorized municipal representative determines that there are reasonable grounds to believe that there has been a violation of any provisions of this Ordinance, or of any regulation adopted pursuant thereto, the Building Permit Officer shall give notice of such alleged violation as hereinafter provided. Such notice shall (a) be in writing; (b) include a statement of the reasons for its issuance; (c) allow a reasonable time not to exceed a period of thirty (30) days for the performance of any act it requires; (d) be served upon the property owner or his agent as the case may require; provided, however that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been served with such notice by any other method authorized or required by the laws of this State; (e) contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Ordinance.

B. PENALTIES

Any person who fails to comply with any or all of the requirements or provisions of this Ordinance or who fails or refuses to comply with any notice, order or direction of the Building Permit Officer or any other authorized employee of the municipality shall be guilty of an offense and, upon conviction, shall pay a fine to Borough of not less than Twenty-Five ($25.00) Dollars nor more than Three Hundred ($300.00) Dollars, plus costs of prosecution. In default of such payment, such person shall be

Section 2.04 - Changes

After the issuance of a building permit by the Building Permit Officer, no changes of any kind shall be made to the application, permit or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Building Permit Officer. Requests for any such change shall be in writing, and shall be submitted by the applicant to the Building Permit Officer for consideration.

Section 2.05 - Placards

In addition to the building permit, the Building Permit Officer shall issue a placard which shall be displayed on the premises during the time construction is in progress. This placard shall show the number of the building permit, the date of its issuance and be signed by the Building Permit Officer.

Section 2.06 - Start of Construction

Work on the proposed construction and/or development shall begin within six (6) months and shall be completed within twelve (12) months after the date of issuance of the building permit or the permit shall expire unless a time extension is granted, in writing, by the Building Permit Officer. Construction and/or development shall be considered to have started with the preparation of land, land clearing, grading, filling, excavation for basement, footings, piers, or foundations, erection of temporary forms, the installation of pilings under proposed subsurface footings, or the installation of sewer, gas and water pipes, or electrical or other service lines from the street.

Time extensions shall be granted only if a written request is submitted by the applicant, which sets forth sufficient and reasonable cause for the Building Permit Officer to approve such a request.

Section 2.07 - Inspection and Revocation

A. During the construction period, the Building Permit Officer or other authorized official shall inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable Borough laws and ordinances. He shall make as many inspections during and upon completion of the work as are necessary.

B. In the discharge of his duties, the Building Permit Officer shall have the authority to enter any building, structure, premises or development in the identified flood-prone area, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this Ordinance.

hundred (100) year flood elevation, the elevation at a given point on the boundary of the identified floodplain area which is nearest the construction site in question will be used. In helping to make this necessary elevation determination, other sources of date, where available, shall be used such as:

A. Corps of Engineers - Flood Plain Information Reports.

B. U. S. Geological Survey -Flood Prone Quadrangles.

C. U.S.D.A., Soil Conservation Service - County Soil Surveys (Alluvial Soils) or P.L. 566 Flood Information.

D. Pennsylvania Department of Environmental Resources - Flood Control Investigations.

E. Known Highwater Marks from Past Floods.

F. Other Sources.

In lieu of the above, the municipality may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Borough.

Section 3.02 - Changes in Identification of Area

The identified floodplain area may be revised or modified by the Council where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change, approval must be obtained from the Federal Insurance Administration (FIA).

Section 3.03 - Boundary Disputes

Should a dispute concerning any identified floodplain boundary arise, an initial determination shall be made by the Borough Planning Commission and any party aggrieved by this decision may appeal to the Council. The burden of proof shall be on the appellant.

ARTICLE IV. GENERAL TECHNICAL REQUIREMENTS

Section 4.00 - General

A. In the identified floodplain area, the development and/or use of any land shall be permitted provided that the development and/or use com-

imprisoned in county prison for a period not to exceed ten (10) days. Each day during which any violation of this Ordinance continues shall constitute a separate offense. In addition to the above penalties all other actions are hereby reserved including an action in equity for the proper enforcement of this Ordinance. The imposition of a fine or penalty for any violation of, or non-compliance with, this Ordinance shall not excuse the violation or non-compliance or permit it to continue and all such persons shall be required to correct or remedy such violations and non-compliance within a reasonable time. Any development initiated or any structure or building constructed, reconstructed, enlarged, altered, or relocated in non-compliance with this Ordinance may be declared by the Council to be a public nuisance and abatable as such.

Section 2.11 - Appeals

A. Any person aggrieved by an action or decision of the Building Permit Officer concerning the administration of the provisions of this Ordinance, may appeal to the Council. Such appeal must be filed, in writing, within thirty (30) days after the decision or action of the Building Permit Officer.

B. Upon receipt of such appeal, the Council shall set a time and place, within not less then ten (10) days nor more than thirty (30) days, for the purpose of considering the appeal. Notice of the time and place at which the appeal will be considered shall be given to all parties.

C. Any person aggrieved by any decision of the Council may seek relief therefrom by appeal to court, as provided by the laws of this Commonwealth, including The Pennsylvania Flood Plain Management Act.

ARTICLE III. IDENTIFICATION OF FLOODPLAIN AREAS

Section 3.00 - Identification

The identified floodplain area shall be any area of the Borough of Lorain, subject to the one-hundred (100) year flood, which is identified as Zone A (Area of Special Flood Hazard) on the Flood Hazard Boundary Map (FHBM) dated November 19, 1976 (or the most recent revision thereof) as issued by the Federal Emergency Management Agency (FEMA), or on the most recent Flood Insurance Rate Map (FIRM) issued by FEMA, if such a map has been prepared for the Borough of Lorain.

Section 3.01 - Determination of the One-Hundred (100) Year Flood Elevation

For the purposes of this Ordinance, the one-hundred (100) year flood elevation shall be used as the basis for regulation. To determine the one-

B. Drainage Facilities

Storm drainage facilities shall be designed to convey the flow of storm water runoff in a safe and efficient manner. The system shall insure proper drainage along streets, and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.

C. Water and Sanitary Sewer Facilities and Systems

1. All new or replacement water and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of flood waters.

2. Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.

3. No part of any on-site sewage system shall be located within any identified floodplain area except in strict compliance with all State and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.

D. Other Utilities

All other utilities such as gas lines, electrical and telephone systems shall be located, elevated (where possible) and constructed to minimize the change of impairment during a flood.

E. Streets

The finished elevation of all new streets shall be no more than one (1) foot below the Regulatory Flood Elevation.

F. Storage

All materials that are buoyant, flammable, explosive or, in times of flooding, could be injurious to human,animal or plant life, and not listed in Section 4.02, Development Which May Endanger Human Life, shall be stored at or above the Regulatory Flood Elevation and/or floodproofed to the maximum extent possible.

G. Placement of Buildings and Structures

All buildings and structures shall be designed,located, and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of flood water.

plies with the restrictions and requirements of this and all other applicable codes and ordinances in force in the municipality.

B. Within any identified floodplain area, no new construction or development shall be located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse, unless a permit is obtained from the Department of Environmental Resources, Bureau of Dams and Waterway Management.

C. Within any identified floodplain area, the elevation of the lowest floor (including basement) of any residential structure shall be one and one-half (1½) feet or more above the one-hundred (100) year flood elevation

D. Within any identified floodplain area, the elevation of the lowest floor (including basement) of any new or substantially improved non-residential structure shall be one and one-half (1½) feet or more above the one-hundred (100 year flood elevation <u>or</u> be flood-proofed up to that height.

Any non-residential structure, or part thereof, which will not be completely or adequately elevated, shall be flood-proofed in accordance with the provisions of this Article. Additional information may be obtained from the publication entitled "flood-Proofing Regulations" (U.S. Army Corps of Engineers, June 1972).

<u>Section 4.01 - Design and Construction Standards</u>

The following minimum standards shall apply for all construction and development proposed within any identified floodplain area:

A. Fill

If fill is used, it shall:

1. Extend laterally at least fifteen (15) feet beyond the building line from all points;

2. Consist of soil or small rock materials only - Sanitary Landfills shall not be permitted;

3. Be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling;

4. Be no steeper than one (1) vertical to two (2) horizontal, unless substantiated data, justifying steeper slopes are submitted to, and approved by the Building Permit Officer; and

5. Be used to the extent to which it does not adversely affect adjacent properties.

L. Equipment

Water heaters, furnaces, air conditioning and ventilating units, and other mechanical or utility equipment or apparatus shall not be located below the Regulatory Flood Elevation.

M. Fuel Supply Systems

All gas and oil supply systems shall be designed to prevent the infiltration of flood waters into the system and discharges from the system into flood waters. Additional provision shall be made for the drainage of these systems in the event that flood water infiltration occurs.

Section 4.02 - Development Which May Endanger Human Life

A. In accordance with the Pennsylvania Flood Plain Management Act, and the regulations adopted by the Department of Community Affairs as required by the Act, any new or substantially improved structure which:

-will be used for the production or storage of any of the following dangerous materials or substances; or

-will be used for any activity requiring the maintenance of a supply of more than 550 gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises; or

-will involve the production, storage, or use of any amount of radioactive substances;

shall be subject to the provisions of this section, in addition to all other aplicable provisions. The following list of materials and substances are considered dangerous to human life:

1. Acetone
2. Ammonia
3. Benzene
4. Calcium carbide
5. Carbon disulfide
6. Celluloid
7. Chlorine
8. Hydrochloric acid
9. Hydroyanic acid
10. Magnesium
11. Nitric acid and oxides of nitrogen
12. Petroleum products (gasoline, fuel oil, etc.)
13. Phosphorus
14. Potassium
15. Sodium
16. Sulphur and sulphur products
17. Pesticides (including insecticides, fungicides and rodenticides)

H. Anchoring

1. All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.

2. All air ducts, large pipes, storage tanks, and other similar objects or components located below the Regulatory Flood Elevation shall be securely anchored or affixed to prevent flotation.

I. Floors, Walls and Ceilings

1. Wood flooring used at or below the Regulatory Flood Elevation shall be installed to accomodate a lateral expansion of the flooring, perpendicular to the flooring grain without causing structural damage to the building.

2. Plywood used at or below the Regulatory Flood Elevation shall be of a "marine" or "water-resistant" variety.

3. Walls and ceilings at or below the Regulatory Flood Elevation shall be designed and constructed of materials that are water-resistant and will withstand inundation.

4. Windows, doors, and other components at or below the Regulatory Flood Elevation shall be made of metal or other water-resistant material.

J. Paints and Adhesives

1. Paints or other finishes used at or below the Regulatory Flood Elevation shall be of "marine" or water-resistant quality.

2. Adhesives used at or below the Regulatory Flood Elevation shall be of a "marine" or water-resistant variety.

3. All wooden components (doors, trims, cabinets, etc.) shall be finished with a "marine" or water-resistant paint or other finishing material.

K. Electrical Components

1. Electrical distribution panels shall be at least three (3) feet above the one-hundred (100) year flood elevation.

2. Separate electrical circuits shall serve lower levels and shall be dropped from above.

2. Elevated in accordance with the following requirements:

   a. The stands or lots shall be elevated on compacted fill, or on pilings so that the lowest floor of the mobile home will be one and one-half (1½) feet or more above the elevation of the one-hundred (100) year flood.

   b. Adequate surface drainage is provided.

   c. Adequate access for a hauler is provided.

   d. Where pilings are used for elevation, the lots shall be large enough to permit steps; piling foundations shall be placed in stable soil no more than ten (10) feet apart; reinforcement shall be provided for pilings that will extend for six (6) feet or more above the ground level.

C. An evacuation plan indicating alternate vehicular access and excape route shall be filed with the appropriate Borough officials for mobile home parks.

ARTICLE V. ACTIVITIES REQUIRING SPECIAL PERMITS

Section 5.00 - General

In accordance with the administrative regulations promulgated by the Department of Community Affairs to implement the Pennsylvania Flood Plain Management Act, the following activities shall be prohibited within any identified floodplain area unless a Special Permit has been issued by the Borough:

A. The commencement of any of the following activities; or the construction, enlargement, or expansion of any structure used, or intended to be used, for any of the following activities:

1. Hospitals
2. Nursing homes
3. Jails or prisons

B. The commencement of, or any construction of, a new mobile home park or mobile home subdivision, or substantial improvement to an existing mobile home park or mobile home subdivision.

Section 5.01 - Application Requirements for Special Permits

Applicants for Special Permits shall provide five (5) copies of the following items:

18. Radioactive substances, insofar as such substances are not otherwise regulated.

B. Where permitted within any identified floodplain area, any new or substantially improved structure of the kind described in Subsection A., above, shall be:

1. Elevated or designed and constructed to remain completely dry up to at least one and one-half (1½) feet above the one-hundred (100) year flood; and

2. Designed to prevent pollution from the structure or activity during the course of a one-hundred (100 year flood.

Any such structure, or part thereof, that will be built below the Regulatory Flood Elevation shall be designed and constructed in accordance with the standards for completely dry flood-proofing contained in the publication "Flood-Proofing Regulations" (U.S. Army Corps of Engineers, June 1972), or with some other equivalent watertight standard.

Section 4.03 - Special Requirements for Mobile Homes

A. Where permitted within any identified floodplain area, all mobile homes and additions thereto shall be:

1. Anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors in accordance with the American National Standards as specified in the Standard for the Installation of Mobile Homes Including Mobile Home Park Requirements (NFPA No. 501A-1974 ANSI A119.3-1975) as amended for Mobile Homes in Hurricane Zones or other appropriate standards such as the following:

   a. Over-the-top ties shall be provided at each of the four (4) corners of the mobile home, with two (2) additional ties per side at intermediate locations for units fifty (50) feet or more in length, and one (1) additional tie per side for units less than fifty (50) feet in length.

   b. frame ties shall be provided at each corner of the mobile home, with five (5) additional ties per side at intermediate locations for units fifty (50) feet or more in length, and four (4) additional ties per side for units less than fifty (50) feet in length.

   c. all components of the anchoring system shall be capable of carrying a force of four thousand, eight hundred (4,800) pounds.

3. Complete information concerning flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the one-hundred (100) year flood;

4. Detailed information concerning any proposed flood-proofing measures;

5. Cross-section drawings for all proposed streets, drives, other accessways, and parking areas, showing all rights-of-way and pavement widths;

6. Profile drawings for all proposed streets, drives, and vehicular accessways including existing and proposed grades; and

7. Plans and profiles of all proposed sanitary and storm sewer systems, water supply systems, and any other utilities and facilities.

E. The following data and documentation:

1. Certification from the applicant that the site upon which the activity or development is porposed is an existing separate and single parcel, owned by the applicant or the client he represents;

2. Certification from a registered professional engineer, architect, or landscape architect that the proposed construction has been adequately designed to protect against damage from the one-hundred (100) year flood;

3. A statement, certified by a registered professional engineer, architect, landscape architect, or other qualified person which contains a complete and accurate description of the nature and extent of pollution that might possibly occur from the development during the course of a one-hundred (100) year flood, including a statement concerning the effects such pollution may have on human life;

4. A statement certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the effects the proposed development will have on one-hundred (100) year flood elevations and flows;

5. A statement, certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the kinds and amounts of any loose buoyant materials or debris that may possible exist or be located on the

A. A written request including a completed Building Permit Application Form.

B. A small scale map showing the vicinity in which the proposed site is located.

C. A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:

1. North arrow, scale and date;

2. Topography based upon the National Geodetic Vertical Datum of 1929, showing existing and proposed contours at intervals of two (2) feet;

3. All property and lot lines including dimensions, and the size of the site expressed in acres or square feet;

4. The location of all existing streets, drives, other accessways, and parking areas, with information concerning widths, pavement types and construction, and elevations;

5. The location of any existing bodies of water or watercourses, buildings, structures and other public or private facilities, including railroad tracks and facilities, and any other natural and man-made features affecting, or affected by, the proposed activity or development;

6. The location of the floodplain boundary line, information and spot elevations concerning the one-hundred (100) year flood elevations, and information concerning the flow of water including direction and velocities;

7. The location of all proposed buildings, structures, utilities and any other improvements; and

8. Any other information which the municipality considers necessary for adequate review of the application.

D. Plans of all proposed buildings, structures and other improvements, clearly and legibly drawn at suitable scale, showing the following:

1. Sufficiently detailed architectural or engineering drawings, including floor plans, sections, and exterior building elevations, as appropriate;

2. For any proposed building, the elevation of the lowest floor (including basement) and, as required, the elevation of any other floor;

F. If the Borough does not receive any communication from the Department of Community Affairs during the thirty (30) day review period, it may issue a Special Permit to the applicant.

G. If the Department of Community Affairs should decide to disapprove an application, it shall notify the Borough and the applicant, in writing, of the reasons for the disapproval, and the Borough shall not issue the Special Permit.

Section 5.03 - Special Technical Requirements

A. In addition to the requirements of Article IV of this Ordinance, the following minimum requirements shall also apply to any proposed development requiring a Special Permit. If there is any conflict between any of the following requirements and those in Article IV of this Ordinance or in any other code, ordinance, or regulation, the more restrictive provision shall apply.

B. No application for a Special Permit shall be approved unless it can be determined that the structure or activity will be located, constructed and maintained in a manner which will:

1. Fully protect the health and safety of the general public and any occupants of the structure. At a minimum, all new structures shall be designed, located, and constructed so that:

   a. The structure will survive inundation by waters of the one-hundred (100) year flood without any lateral movement or damage to either the structure itself, or to any of its equipment or contents below the one-hundred (100) year flood elevation.

   b. The lowest floor elevation will be at least one and one-half (1½) feet above the one-hundred (100) year flood elvation.

   c. The occupants of the structure can remain inside for an indefinite period of time and be safely evacuated at any time during the one-hundred (100) year flood.

2. Prevent any significant possibility of pollution, increased flood levels or flows, or debris endangering life and property.

All hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the techinical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc. shall be submitted in sufficient detail to allow a thorough technical review by the Borough and the Department of Community Affairs.

site below the one-hundred (100 Year flood elevation and the effects such material and debris may have on one-hundred (100) year flood elevations and flows;

6. The appropriate component of the Department of Environmental Resources "Planning Module for Land Development";

7. Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Resources to implement and maintain erosion and sedimentation control;

8. Any other applicable permits such as, but not limited to, a permit for any activity regulated by the Department of Environmental Resources under Section 302 of Act 1978-166; and

9. An evacuation plan which fully explains the manner in which the site will be safely evacuated before or during the course of a one-hundred (100) year flood.

Section 5.02 - Application Review Procedure

Upon receipt of an application for a Special Permit by the Borough, the following procedures shall apply in addition to those of Article II:

A. Within three (3) working days following receipt of the application, a complete copy of the application and all accompanying documentation shall be forwarded to the County Planning Commission by registered or certified mail for its review and recommendations. Copies of the application shall also be forwarded to the Borough Planning Commission and Borough Engineer for review and comment.

B. If an application is received that is incomplete, the Borough shall notify the applicant in writing, stating in what respect the application is deficient.

C. If the Borough decides to disapprove an application, it shall notify the applicant, in writing, of the reasons for the disapproval.

D. If the Borough approves an application, it shall file written notification, together with the application and all pertinent information, with the Department of Community Affairs, by registered or certified mail, within five (5) working days after the date of approval.

E. Before issuing the Special Permit, the Borough shall allow the Department of Community Affairs thirty (30) days, after receipt of the noltification by the Department, to review the application and decision made by the Borough.

2. Such variances may increase the risks to life and property.

E. In reviewing any request for a variance, the Borough shall consider, at a minimum, the following:

1. That there is good and sufficient cause.

2. That falure to grant the variance would result in exceptional hardship to the applicant.

3. That the granting of the variance will (i) neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense, (ii) nor create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable state or local ordinances and regulations.

F. A complete record of all variance requests and related actions shall be maintained by the Borough. In addition, a report of all variances granted during the year shall be included in the annual report to the Federal Insurance Administration.

Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the one-hundred (100) year flood.

ARTICLE VIII. DEFINITIONS

Section 8.00 - General

Unless specifically defined below, words and phrases used in this Ordinance shall be interpreted so as to give this Ordinance its most reasonable application.

Section 8.01 - Specific Definitions

A. Accessory use or structure - a use of structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

B. Building - a combination of materials to form a permanent structure having walls and a roof. Included shall be all mobile homes and trailers to be used for human habitation.

C. Construction - the construction, reconstruction, renovation, repair, extension, expansion, alteration, or relocation of a building or structure, including the placement of mobile homes.

ARTICLE VI. EXISTING STRUCTURES IN IDENTIFIED FLOODPLAIN AREAS

Section 6.00 - General

Structures existing in any identified floodplain area prior to the enactment of this Ordinance may continue to remain, provided that:

A. Any modification, alteration, reconstruction or improvement of any kind to an existing structure, to an extent or amount of fifty per cent (50%) or more of its market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this Ordinance.

B. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of less than fifty per cent (50%) of its market value, shall be elevated and/or floodproofed to the greatest extent possible.

ARTICLE VII. VARIANCES

Section 7.00 - General

If compliance with any of the requirements of this Ordinance would result in an exceptional hardship to a prospective building, developer or landowner, the Borough may, upon request, grant relief from the strict application of the requirements.

Section 7.01 - Variance Procedures and Conditions

Requests for variances shall be considered by the Borough in accordance with the procedures contained in Section 2.11 and the following:

A. Except for a possible modification of the freeboard requirements involved, no variance shall be granted for any of the other requirements pertaining specifically to development regulated by Special Permit (Article V), or to Development Which May Endanger Human Life (Section 4.02).

B. If granted, a variance shall involve only the least modification necessary to provide relief.

C. In granting any variance, the Borough shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare, and to achieve the objectives of this Ordinance.

D. Whenever a variance is granted, the Borough shall notify the applicant in writing that:

1. The granting of the variance may result in increased premium rates for flood insurance.

M. Regulatory flood elevation - the one-hundred (100) year flood elevation, plus a freeboard safety factor of one and one-half (1½) feet.

N. Special permit - a special approval which is required for hospitals, nursing homes, jails, and new mobile home parks and substantial improvements to such existing parks, when such development is located in all, or a designated portion of a floodplain.

O. Structure - anything constructed or erected on the ground or attached to the ground including, but not limited to buildings, sheds, mobile homes, and other similar items.

P. Subdivision - the division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, transfer of ownership or building or lot development: Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access or residential dwellings shall be exempted.

Q. Substantial improvement - any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty per cent (50%) of the market value of the structure, (a) either before the improvement or repair is started, or (b) if the structure has been damaged, and is being restored, before the damage occurred.

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance be and the same are hereby repealed insofar as the same affect this Ordinance.

ORDAINED and ENACTED this 3rd day of April, 1985.

BOROUGH OF LORAIN

By Richard J. Horner

ATTEST:

Patricia Kiel Horner
Secretary

APPROVED this 3rd day of April, 1985.

Harold W. Barbetile Jr.
Mayor

D. Development - any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, the placement of mobile homes, streets, and other paving, utilities, filling, grading, excavation, mining, dredging, or drilling operations.

E. Flood - a temporary inundation of normally dry land areas.

F. Floodplain area - a relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.

G. Flood-proofing - means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

H. Minor repair - the replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exitway requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

I. Mobile home - means a transportable, single-family dwelling intended for permanent occupancy, office, or place of assembly, contained in one or more sections, built on a permanent chassis, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used with or without a permanent foundation. The term does not include recreational vehicles or travel trailers.

J. Mobile home park - a parcel of land under single ownership which has been planned and improved for the placement of two or more mobile homes for nontransient use.

K. Obstruction - any wall, dam, wharf, embankment, levee, dike, pile abutment, projection, excavation, channel, rectification, culvert, building, fence, stockpile, refuse, fill, structure or matter in, along, across, or projecting into any channel, watercourse, or flood-prone area, which may impede, retard, or change the direction of the flow of water either in itself or by catching or collecting debris carried by such water or catching or collecting debris carried by such water or is placed where The flow of water might carry the same downstream to the damage of life and property.

L. One-hundred year flood - a flood that, on the average, is likely to occur once every one hundred (100) years (i.e. that has one percent (1%) chance of occurring each year, although the flood may occur in any year).

ORDINANCE NO. 201

An Ordinance of the Borough of Lorain, County of Cambria, Commonwealth of Pennsylvania, fixing the tax rate for the year 1986.

BE IT ORDAINED AND ENACTED, and it is hereby ordained and enacted by the Borough Council of the Borough of Lorain, County of Cambria, Commonwealth of Pennsylvania:

That a tax be and the same is hereby levied on all real property and occupations within the Borough of Lorain subject to taxation for the fiscal year 1986 as follows:

Tax rate for general purposes, the sum of 16 mills on each dollar of assessed valuation

That any ordinance, or part of ordinance, conflicting with this ordinance be and the same is hereby repealed insofar as the same affects this ordinance.

Adopted the 4th day of December, A.D. 1985.

Harold W Berkebile Jr.
Borough Mayor

Richard J Hoover
President of Borough Council

I hereby certify that the foregoing is a true and correct copy of Ordinance No. 201 enacted by the Lorain Borough Council on the 4th day of December, A.D. 1985.

Patricia Kissel Hoover
Borough Secretary

ORDINANCE NO. 200

An Ordinance of the Borough of Lorain in the County of Cambria, Commonwealth of Pennsylvania, appropriating specific sums estimated to be required for the specific purposes of the municipal government, hereinafter set forth, during the year 1986

BE IT ORDAINED AND ENACTED, and it is hereby ordained and enacted by the Borough Council of the Borough of Lorain, County of Cambria, Commonwealth of Pennsylvania:

SECTION 1. That for the expenditures and expenses of the fiscal year 1986 the following amounts are hereby appropriated from the fund equities, revenues, and other financing sources available for the year 1986 for the specific purposes set forth on the following:

Cash	$ 0.00	
Taxes	47,920.00	
Miscellaneous Revenues	100.00	
Other Financing Sources	15,500.00	
Total Available for Appropriation		$63,520.00
Expenditures:		
General Government	$20,825.00	
Public Safety	26,770.00	
Health and Welfare	500.00	
Highways, Roads and Streets	12,975.00	
Miscellaneous Expenditures	2,450.00	
Total Expenditures		$63,520.00

SECTION 2. That any ordinance conflicting with this ordinance be and the same is hereby repealed insofar as the same affects this ordinance.

ADOPTED THIS 4th day of December, A.D. 1985.

Harold W Berkebile Jr — Borough Mayor

Richard J Hoover — President of Borough Council

I hereby certify that the foregoing is a true and correct copy of Ordinance No. 200 enacted by the Borough of Lorain in the County of Cambria on the 4th day of December A.D. 1985.

Patricia Kissel Hoover

Borough Secretary

BOROUGH OF LORAIN
CAMBRIA COUNTY
PENNSYLVANIA

ORDINANCE NO. 203-B

AN ORDINANCE OF THE BOROUGH OF LORAIN, CAMBRIA COUNTY, PENNSYLVANIA, PROVIDING FOR THE LEVYING, ASSESSMENT AND COLLECTION OF A TAX FOR GENERAL REVENUE PURPOSES UPON COIN-OPERATED AMUSEMENT DEVICES LOCATED WITHIN THE BOROUGH; PROVIDING FOR PENALTIES; AND PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED, and **IT IS HEREBY ORDAINED** by the Council of the Borough of Lorain as follows:

SECTION 1. Coin-operated amusement devices subject to regulation.

Except as hereinafter provided, it shall be unlawful for any person, whether as principal or agent, to set up, install, maintain, operate or allow to be operated in or at any place within the borough, any coin-operated amusement device commonly known as pin-ball machines, juke-boxes, poker machines, or any similar device which upon insertion of a coin, slug, token, plate or disc may be operated for use as a game, entertainment, amusement, or test of skill, whether or not registering a score and whether or not a prize is offered.

SECTION 2. Annual license fee imposed; pro-rata annual license fee.

(a) Annual License Fee. It is temporarily permitted to set up, install, maintain, operate, and allow to be operated the coin-operated devices as are referred to in Section 1, upon payment in advance of a license fee of **FIFTY ($50.00) DOLLARS** per calendar year, for every machine so set up or operated, which license fee shall be in addition to all other licenses required by law, and shall be paid to the borough

ORDINANCE NO. 202

An Ordinance of the Borough of Lorain, County of Cambria, Commonwealth of Pennsylvania, fixing the tax rate for the year 1987.

BE IT ORDAINED AND ENACTED, and it is hereby ordained and enacted by the Borough Council of the Borough of Lorain, County of Cambria, Commonwealth of Pennsylvania:

That a tax be and the same is hereby levied on all real property and occupations within the Borough ofLorain subject to taxation for the fiscal year 1987 as follows:

Tax rate for general purposes, the sum of 16 mills on each dollar of assessed valuation

That any ordinance, or part of ordinance, conflicting with this ordinance be and the same is hereby repealed insofar as the same affects this ordinance.

Adopted the 20th day of December, A.D. 1986.

Harold W Bebelhoff
Borough Mayor

Richard G Hoover
President of Borough Council

I hereby certify that the foregoing is a true and correct copy of Ordinance No. 202 enacted by the Lorain Borough Council on the 20th day of December, A.D. 1986.

Mary Anne Davis
Borough Secretary

SECTION 6. Effective date.

This Ordinance shall be effective on April 18, 1989, 1989.

BOROUGH OF LORAIN

By _____
President of Council

ATTEST:

Kimberly Koplogle
Secretary

APPROVED this 18th day of April, 1989.

_____
Mayor

treasurer.

(b) Pro-rata annual license fee. An amusement device installed after January 1st of any year shall be subject to a pro-rata license fee based upon the quarter of the year in which the device is actually installed, i.e., during the first quarter the fee shall be the full annual license fee; during the second quarter, three-fourths (3/4) of the annual fee; during the third quarter, one-half (1/2) of the annual fee; and during the fourth quarter, one-fourth (1/4) of the annual fee.

SECTION 3. When fee is payable; when pro-rata fee is payable.

(a) The whole of the annual fee shall be paid on the first day of every calendar year.

(b) A pro-rata fee as set forth in Section 2(b) hereinabove shall be paid in full on the first day of the quarter in which an amusement device is installed.

SECTION 4. Penalty for Violation.

Any person violating any provision of this Ordinance shall be guilty of an offense and upon conviction thereof, shall be sentenced to pay a fine of not less than **TWENTY-FIVE ($25.00) DOLLARS** or more than **THREE HUNDRED ($300.00) DOLLARS**, plus costs of prosecution, and, in default of payment of fine and cost, to imprisonment for not more than ten (10) days.

SECTION 5. Severability.

Should any section, subsection, sentence, clause or phrase of this Ordinance be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of the Ordinance in its entirety or of any part thereof other than that declared to be invalid.

Section 1.02 - Abrogation and Greater Restrictions

This Ordinance supersedes any other conflicting provision which may be in effect in identified floodplain areas. However, any other ordinance provisions shall remain in full force and effect to the extent that those provisions are more restrictive. If there is any conflict between any of the provisions of this Ordinance, the more restrictive shall apply.

Section 1.03 - Severability

If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of the Ordinance, which shall remain in full force and effect, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

Section 1.04 - Warning and Disclaimer of Liability

The degree of flood protection sought by the provisions of this Ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur. Flood heights may be increased by man-made or natural cause, such as ice jams and bridge openings restricted by debris. This Ordinance does not imply that areas outside any identified floodplain area, or that land uses permitted within such areas will be free from flooding or flood damages.

This Ordinance shall not create liability on the part of the Borough or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

ARTICLE II. ADMINISTRATION

Section 2.00 - Building Permits Required

Building Permits shall be required before any construction or development is undertaken within any area of the Borough.

Section 2.01 - Issuance of Building Permit

A. The Building Permit Officer shall issue a Building Permit only after it has been determined that the proposed work to be undertaken will be in conformance within the requirements of this and all other applicable codes and ordinances.

B. Prior to the issuance of any Building Permit, the Building Permit Officer shall review the application for permit to determine if all other necessary government permits required by State and

BOROUGH OF LORAIN
CAMBRIA COUNTY
PENNSYLVANIA

ORDINANCE NO. 205

AN ORDINANCE REQUIRING ALL PERSONS, PARTNERSHIPS, BUSINESSES, AND CORPORATIONS TO OBTAIN A BUILDING PERMIT FOR ANY CONSTRUCTION OR DEVELOPMENT; PROVIDING FOR THE ISSUANCE OF SUCH BUILDING PERMITS; SETTING FORTH CERTAIN MINIMUM REQUIREMENTS FOR NEW CONSTRUCTION AND DEVELOPMENT WITHIN AREAS OF THE BOROUGH OF LORAIN WHICH ARE SUBJECT TO FLOODING; AND ESTABLISHING PENALTIES FOR ANY PERSONS WHO FAIL, OR REFUSE TO COMPLY WITH, THE REQUIREMENTS OF THIS ORDINANCE.

BE IT ENACTED and **ORDAINED** by the Borough of Lorain, Cambria County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same as follows:

ARTICLE I. GENERAL PROVISIONS

Section 1.00 - Intent

The intent of this Ordinance is to:

A. Promote the general health, welfare and safety of the community.

B. Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.

C. Minimize danger to public health by protecting water supply and natural drainage.

D. Reduce financial burdens imposed on the community, its governmental units, and its residents, by preventing excessive development in areas subject to flooding.

E. Comply with federal and state floodplain management requirements.

Section 1.01 - Applicability

A. It shall be unlawful for any person, partnership, business or corporation to undertake, or cause to be undertaken, any construction or development anywhere within the Borough unless a Building Permit has been obtained from the Building Permit Officer.

B. A Building Permit shall not be required for minor repairs to existing buildings or structures.

electrical and water systems are located and constructed to minimize or eliminate flood damage; and

3. Adequate drainage is provided so as to reduce exposure to flood hazards.

Applicants shall file the following minimum information plus any other pertinent information (e.g., any or all of the technical information contained in Section 5.01) as may be required by the Building Permit officer to make the above determination:

1. A completed Building Permit Application Form.

2. A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:

   a. North arrow, scale and date;

   b. Topographic contour lines, if available;

   c. All property and lot lines including dimensions, and the size of the site expressed in acres or square feet;

   d. The location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision and land development;

   e. The location of all existing streets, drives and other accessways; and

   f. The location of any existing bodies of water or watercourses, identified floodplain areas, and, if available, information pertaining to the floodway, and the flow of water, including direction and velocities.

3. Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:

   a. The proposed lowest floor elevation of any proposed building based upon National Geodetic Vertical Datum of 1929;

   b. The elevation of the one hundred (100 year flood;

   c. If available, information concerning flood depths, pressures, velocities, impact and

Federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended); the U. S. Clean Water Act, Section 404, 33 U.S.C. 1344. No Permit shall be issued until this determination has been made.

C. No encroachment, alteration or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the Borough, and until all required permits or approvals have been first obtained from the Department of Environmental Resources, Bureau of Dams and Waterway Management.

In addition, the Federal Insurance Administrator and Pennsylvania Department of Community Affairs, Bureau of Community Planning, shall be notified by the Borough prior to any alteration or relocation of any watercourse.

Section 2.02 - Application Procedures and Requirements

A. Application for such a building permit shall be made, in writing, to the Building Permit Officer on forms supplied by the Borough. Such application shall contain the following:

1. Name and address of applicant.

2. Name and address of owner of land on which proposed construction is to occur.

3. Name and address of contractor

4. Site location.

5. Listing of other permits required.

6. Brief description of proposed work and estimated cost.

7. A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures.

B. If any proposed construction or development is located entirely or partially within any identified floodplain area, applicants for Building Permits shall provide all the necessary information in sufficient detail and clarity to enable the Building Permit Officer to determine that:

1. All such proposals are consistent within the need to minimize flood damage and conform with the requirements of this and all other applicable codes and ordinances;

2. All utilities and facilities, such as sewer gas,

e. Where any excavation of grading is proposed, a plan meeting the requirements of the Department of Environmental Resources, to implement and maintain erosion and sedimentation control.

Section 2.03 - Review of Application by Others

A copy of all plans and applications for any proposed construction development in any identified floodplain area to be considered approval may be submitted by the Building Permit Officer to any oth appropriate agencies and/or individuals (e.g. planning commissic municipal engineer, etc.) for review and comment.

Section 2.04 - Changes

After the issuance of a Building Permit by the Building Permit Office no changes of any kind shall be made to the application, permit or an of the plans, specifications or other documents submitted with th application without the written consent or approval of the Buildin Permit Officer. Requests for any such change shall be in writing, an shall be submitted by the application to Building Permit Officer fo consideration.

Section 2.05 - Placards

In addition to the Building Permit, the Building Permit Officer shall issue a placard which shall be displayed on the premises during the time construction is in progress. This placard shall show the number of the Building Permit, the date of its issuance and be signed by the Building Permit Officer.

Section 2.06 - Start of Construction

Work on the proposed construction and/or development shall begin within six (6) months and shall be completed within twelve (12) months after the date of issuance of the building permit or the permit shall expire unless a time extension is granted, in writing, by the Building Permit Officer. Construction and/or development shall be considered to have started with the preparation of land, land clearing, grading, erection of temporary forms, the installation of piling under proposed subsurface footings, or the installation of sewer, gas and water pipes, or electrical or other service lines from the street.

Time extensions shall be granted only if a written request is submitted by the applicant, which sets forth sufficient and reasonable cause for the Building Permit Officer to approve such a request.

Section 207 - Inspection and Revocation

A. During the construction period, the Building Permit Officer or

required by the laws of this State; (e) contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Ordinance.

B. Penalties

Any person who fails to comply with any or all of the requirements or provisions of this Ordinance or who fails or refuses to comply with any notice, order of direction of the Building Permit Officer or any other authorized employee of the municipality shall be guilty of an offense and, upon conviction, shall pay a fine to Borough of not less than Twenty-Five ($25.00) Dollars, nor more than Three Hundred ($300.00) Dollars, plus costs of prosecution. In default of such payment, such person shall be imprisoned in county prison for a period not to exceed ten (10) days. Each day during which any violation of this Ordinance continues shall constitute a separate offense. In addition to the above penalties all other actions are hereby reserved including an action in equity for the proper enforcement of this Ordinance. The imposition of a fine or penalty for any violation of, or noncompliance with, this Ordinance shall not excuse the violation or noncompliance or permit it to continue and all such persons shall be required to correct or remedy such violations and noncompliances within a reasonable time. Any development initiated or any structure or building constructed, reconstructed, enlarged, altered or relocated, in noncompliance with this Ordinance may be declared by the Council to be a public nuisance and abatable as such.

Section 2.10 - Appeals

A. Any person aggrieved by an action or decision of the Building Permit Officer concerning the administration of the provisions of this Ordinance may appeal to the Council. Such appeal must be filed, in writing, within thirty (30) days after the decision or action of the Building Permit Officer.

B. Upon receipt of such appeal the Council shall set a time and place, within not less than ten (10) nor more than thirty (30) days, for the purpose of considering the appeal. Notice of the time and place at which the appeal will be considered shall be given to all parties.

C. Any person aggrieved by any decision of the Council may seek relief therefrom by appeal to court, as provided by the laws of this Commonwealth including the Pennsylvania Flood Plain Management Act.

other authorized official shall inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable municipal laws and ordinances. He shall make as many inspections during and upon completion of the work as are necessary.

B. In the discharge of his duties, the Building Permit Officer shall have the authority to enter any building, structure, premises or development in the identified flood-prone area, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this Ordinance.

C. In the event the Building Permit Officer discovers that the work does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the Building Permit Officer shall revoke the Building Permit and report such fact to the Council for whatever action it considers necessary.

D. A record of all such inspections and violations of this Ordinance shall be maintained.

Section 2.08 - Fees

Applications for a Building Permit shall be accompanied by a fee, payable to the municipality based upon the estimated cost of the proposed construction as determined by the Building Permit Officer at the following rates:

Estimated Cost	Fee
$ 0.00 to $200.00	$0.00
$201.00 to $1,000.00	$5.00
Each additional $1,000.00 or part thereof beyond the first $1,000.00	$1.00

Section 2.09 - Enforcement

A. Notices

Whenever the Building Permit Officer or other authorized municipal representative determines that there are reasonable grounds to believe that there has been a violation of any provision of this Ordinance or of any regulation adopted pursuant thereto, the Building Permit Officer shall give notice of such alleged violation as hereinafter provided. Such notice shall (a) be in writing; (b) include a statement of the reasons for its issuance; (c) allow a reasonable time not to exceed a period of (30) days for the performance of any act it requires; (d) be served upon the property owner or his agent as the case may require; provided, however, that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been served with such notice by any other method authorized or

initial determination shall be made by the Borough Planning Commission and any party aggrieved by this decision may appeal to the Council. The burden of proof shall be on the appellant.

ARTICLE IV. GENERAL TECHNICAL REQUIREMENTS

Section 4.00 - General

A. In the identified floodplain area, the development and/or use of any land shall be permitted provided that the development and/or use complies with the restrictions and requirements of this and all other applicable codes and ordinances in force in the municipality.

B. Within any floodway area, no new construction or development shall be permitted that would cause any increase in the one hundred (100) year flood elevation.

C. Within any AE Area/District, no new construction or development shall be allowed unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the elevation of the one hundred (100) year flood more than one (1) foot at any point.

D. Within any identified floodplain area, no new construction or development shall be located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse, unless a permit is obtained from the Department of Environmental Resources, Bureau of Dams and Waterway Management.

E. Within any identified floodplain area, the elevation of the lowest floor (including basement) of any new or substantially improved residential structure shall be one and one-half (1-1/2) feet or more above the one hundred (100) year flood elevation.

F. Within any identified floodplain area, the elevation of the lowest floor (including basement) of any new or substantially improved nonresidential structure shall be one and one-half (1-1/2) feet or more above the one hundred (100) year flood elevation <u>or</u> be floodproofed up to that height.

Any nonresidential structure, or part thereof, having a lowest floor (including basement) which is not elevated to at least one and one-half (1-1/2) feet above the one hundred (100) year flood elevation, shall be floodproofed in a completely or essentially dry manner in accordance with the W1 or W2 space classification standards contained in the publication entitled "Flood-Proofing Regulations" published by the U. S. Army Corps of Engineers (June

ARTICLE III. IDENTIFICATION OF FLOODPLAIN AREAS

Section 3.00 - Identification

The identified floodplain area shall be those areas of Lorain Borough which are subject to the one hundred (100) year flood, as shown on the Flood Insurance Rate Map (FIRM) which accompanies the Flood Insurance Study (FIS) prepared by the Borough by the Federal Emergency Management Agency (FEMA), dated August 15, 1990, or the most recent revision thereof.

Section 3.01 - Description of Floodplain Areas/Districts

The identified floodplain area shall consist of the following two specific areas/districts:

A. The AE Area/District shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA and for which one hundred (100) year flood elevations have been provided in the FIS.

B. The A Area/District shall be those areas identified as an A Zone on the FIRM included in the FIS prepared by FEMA and for which no one hundred (100) year flood elevations have been provided. For these areas, elevation and floodway information from other Federal, State or other acceptable source shall be used when available. Where other acceptable information is not available, the elevation shall be determined by using the elevation of a point on the boundary of the identified floodplain area which is nearest the construction site.

   In lieu of the above, the municipality may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the municipality.

Section 3.02 - Changes in Identification of Area

The identified floodplain area may be revised or modified by the Council where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change, approval must be obtained from the Federal Insurance Administration (FIA).

Section 3.03 - Boundary Disputes

Should a dispute concerning any identified floodplain boundary arise, an

C. Water and Sanitary Sewer Facilities and Systems

1. All new or replacement water and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of flood waters.

2. Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.

3. No part of any on-site sewage system shall be located within any identified floodplain area except in strict compliance with all State and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.

D. Other Utilities.

All other utilities such as gas lines, electrical and telephone systems shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.

E. Streets

The finished elevation of all new streets shall be no more than one (1) foot below the Regulatory Flood Elevation.

F. Storage

All materials that are buoyant, flammable, explosive or, in times of flooding, could be injurious to human, animal or plant life, and not listed in Section 4.03 - Development Which May Endanger Human Life, shall be stored at or above the Regulatory Flood Elevation and/or floodproofed to the maximum extent possible.

G. Placement of Buildings and Structures

All buildings and structures shall be designed, located and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of flood water.

H. Anchoring

1. All buildings and structures shall be firmly anchored in accordance within accepted engineering practices to prevent flotation, collapse or lateral movement.

2. All air ducts, large pipes, storage tanks and other

1972), or with some other equivalent standard. All plans and specifications for such floodproofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above referenced standards.

G. Enclosed areas below the lowest floor (including basement) are prohibited.

Section 4.01 - Special Requirement for the AE Area/District

Within any AE Area/District, no new construction or development shall be allowed unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the elevation of the one hundred (100) year flood more than one (1) foot at any point.

Section 4.02 - Design and Construction Standards

The following minimum standards shall apply for all construction and development proposed within any identified floodplain area:

A. Fill

If fill is used, it shall:

1. Extend laterally at least fifteen (15) feet beyond the building line from all points;

2. Consist of soil or small rock materials only - Sanitary Landfills shall not be permitted;

3. Be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling;

4. Be no steeper than one (1) vertical to two (2) horizontal, feet unless substantiated data, justifying steeper slopes are submitted to, and approved by the Building Permit Officer; and

5. Be used to the extent to which it does not adversely affect adjacent properties.

B. Drainage Facilities

Storm drainage facilities shall be designed to convey the flow of storm water runoff in a safe and efficient manner. The system shall insure proper drainage along streets, and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.

All gas and oil supply systems shall be designed to prevent the infiltration of flood waters into the system and discharges from the system into flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.

Section 4.03 - Development Which May Endanger Human Life

A. In accordance with the Pennsylvania Flood Management Act, and the regulations adopted by the Department of Community Affairs as required by the Act, any new or substantially improved structure which:

- will be used for the production or storage of any of the following dangerous materials or substances; or,

- will be used for any activity requiring the maintenance of a supply of more than 550 gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises; or

- will involve the production, storage or use of any amount of radioactive substances;

shall be subject to the provisions of this section, in addition to all other applicable provisions. The following list of materials and substances are considered dangerous to human life:

1. Acetone
2. Ammonia
3. Benzene
4. Calcium carbide
5. Carbon disulfide
6. Celluloid
7. Chlorine
8. Hydrochloric acid
9. Hydrocyanic acid
10. Magnesium
11. Nitric acid and oxides of nitrogen
12. Petroleum products (gasoline, fuel oil, etc.)
13. Phosphorus
14. Potassium
15. Sodium
16. Sulphur and sulphur products
17. Pesticides (including insecticides, fungicides and rodenticides)
18. Radioactive substances, insofar as such substances are not otherwise regulated.

b. Where permitted within any identified floodplain area, any new or substantially improved structure of the kind described in

similar objects or components located below the Regulatory Flood Elevation shall be securely anchored or affixed to prevent flotation.

Floors, Walls and Ceilings

1. Wood flooring used at or below the Regulatory Flood Elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain without causing structural damage to the building.

2. Plywood used at or below the Regulatory Flood Elevation shall be of a "marine" or "water-resistant" variety.

3. Walls and ceilings at or below the Regulatory Flood Elevation shall be designed and constructed of materials that are water-resistant and will withstand inundation.

4. Windows, doors and other components at or below the Regulatory Flood Elevation shall be made of metal or other water-resistant material.

J. Paints and Adhesives

1. Paints or other finishes used at or below the Regulatory Flood Elevation shall be of "marine" or water-resistant quality.

2. Adhesives used at or below the Regulatory Flood Elevation shall be of a "marine" or water-resistant variety.

3. All wooden components (doors, trim, cabinets, etc.) shall be finished with a "marine" or water-resistant paint or other finishing material.

K. Electrical Components

1. Electrical distribution panels shall be at least three (3) feet above the one hundred (100) year flood elevation.

2. Separate electrical circuits shall serve lower levels and shall be dropped from above.

L. Equipment

Water heaters, furnaces, air conditioning and ventilating units, and other mechanical or utility equipment or apparatus shall not be located below the Regulatory Flood Elevation.

M. Fuel Supply Systems

be capable of carrying a force of four thousand eight hundred (4,800) pounds.

2. Elevated in accordance with the following requirements:

   a. The stands or lots shall be elevated on compacted fill, or on pilings so that the lowest floor of the manufactured home will be one and one-half (1-1/2) feet or more above the elevation of the one hundred (100) year flood.

   b. Adequate surface drainage is provided.

   c. Adequate access for a hauler is provided.

   d. Where pilings are used for elevation, the lots shall be large enough to permit steps; piling foundations shall be placed in stable soil no more than ten (10) feet apart; reinforcement shall be provided for pilings that will extend for six (6) feet or more above the ground level.

C. An evacuation plan indicating alternate vehicular access and escape route shall be filed with the appropriate Borough officials for manufactured home parks.

ARTICLE V. ACTIVITIES REQUIRING SPECIAL PERMITS

Section 5.00 - General

In accordance with the administrative regulations promulgated by the Department of Community Affairs to implement the Pennsylvania Flood Plain Management Act, the following activities shall be prohibited within any identified floodplain area unless a Special Permit has been issued by the Borough.

A. The commencement of any of the following activities; or the construction, enlargement or expansion of any structure used, or intended to be used, for any of the following activities:

   1. Hospitals
   2. Nursing homes
   3. Jails or prisons

B. The commencement of, or any construction of, a new manufactured home park or manufactured home subdivision, or substantial improvement to an existing manufactured home park or manufactured home subdivision.

Subsection A. above, shall be:

1. Elevated or designed and constructed to remain completely dry up to at least one and one-half (1-1/2) feet above the one hundred (100) year flood and,

2. Designed to prevent pollution from the structure or activity during the course of a one hundred (100) year flood.

   Any such structure, or part thereof, that will be built below the Regulatory Flood Elevation shall be designed and constructed in accordance with the standards for completely dry floodproofing contained in the publication "Flood-Proofing Regulations" (u. S. Army Corps of Engineers, June 1972), or with some other equivalent watertight standard.

Section 4.04 - Special Requirements for Manufactured Homes

A. Within any identified floodplain area, all manufactured homes and any additions thereto shall be prohibited within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.

B. Where permitted within any identified floodplain area, all manufactured homes and additions thereto shall be:

   1. Anchored to resist flotation, collapse or lateral movement by providing over-the-top and frame ties to ground anchors in accordance with the American National Standards as specified in the Standard for the Installation of Mobile Homes Including Mobile Home Park Requirements (NFPA No. 501A-1974 ANSI A119.3-1975) as amended for Mobile Homes in Hurricane Zones or other appropriate standards such as the following:

      a. Over-the-top ties shall be provided at each of the four (4) corners of the manufactured home, with two (2) additional ties per side at intermediate locations for units fifty (50) feet or more in length, and one (1) additional tie per side for units less than fifty (50) feet in length.

      b. Frame ties shall be provided at each corner of the manufactured home, with five (5) additional ties per side at intermediate locations for units fifty (50) feet or more in length, and four (4) additional ties per side for units less than fifty (50) feet in length.

      c. All components of the anchoring system shall

1. Sufficiently detailed architectural or engineering drawings, including floor plans, sections and exterior building elevations, as appropriate;

2. For any proposed building, the elevation of the lowest floor (including basement) and, as required, the elevation of any other floor;

3. Complete information concerning flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the one hundred (100) year flood;

4. Detailed information concerning any proposed floodproofing measures;

5. Cross section drawings for all proposed streets, drives, other accessways and parking areas, showing all rights-of-way and pavement widths;

6. Profile drawings for all proposed streets, drives and vehicular accessways, including existing and proposed grades; and

7. Plans and profiles of all proposed sanitary and storm sewer systems, water supply systems, and any other utilities and facilities.

E. The following data and documentation:

1. Certification from the applicant that the site upon which the activity or development is proposed is an existing separate and single parcel, owned by the applicant or the client he represents;

2. Certification from a registered professional engineer, architect or landscape architect that the proposed construction has been adequately designed to protect against damage from the one hundred (100) year flood;

3. A statement, certified by a registered professional engineer, architect, landscape architect or other qualified person which contains a complete and accurate description of the nature and extent of pollution that might possibly occur from the development during the course of a one hundred (100) year flood, including a statement concerning the effects such pollution may have on human life;

4. A statement certified by a registered professional engineer, architect or landscape architect which contains a complete and accurate description of the effects the proposed development will have on one

Section 5.01 - Application Requirements for Special Permits

Applicants for Special Permits shall provide five (5) copies of the following items:

A. A written request including a completed Building Permit Application Form.

B. A small scale map showing the vicinity in which the proposed site is located.

C. A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:

1. North arrow, scale and date;

2. Topography based upon the National Geodetic Vertical Datum of 1929, showing existing and proposed contours at intervals of two (2) feet;

3. All property and lot lines including dimensions, and the size of the site expressed in acres or square feet;

4. The location of all existing streets, drives, other accessways and parking areas, with information concerning widths, pavement types and construction, and elevations;

5. The location of any existing bodies of water or watercourses, buildings, structures and other public or private facilities, including railroad tracks and facilities, and any other natural and man made features affecting, or affected by, the proposed activity or development;

6. The location of the floodplain boundary line, information and spot elevations concerning the one hundred (100) year flood elevations and information concerning the flow of water including direction and velocities;

7. The location of all proposed buildings, structures, utilities and any other improvements; and

8. Any other information which the municipality considers necessary for adequate review of the application.

D. Plans of all proposed buildings, structures and other improvements, clearly and legibly drawn at suitable scale showing the following:

registered or certified mail, within five (5) working days after the date of approval.

E. Before issuing the Special Permit, the Borough shall allow the Department of Community Affairs thirty (30) days, after receipt of the notification by the Department, to review the application and decision made by the Borough.

F. If the Borough does not receive any communication from the Department of Community Affairs during the thirty (30) day review period, it may issue a Special Permit to the applicant.

G. If the Department of Community Affairs should decide to disapprove an application, it shall notify the Borough and the applicant, in writing, of the reasons for the disapproval, and the Borough shall not issue the Special Permit.

Section 5.03 - Special Technical Requirements

A. In addition to the requirements of Article IV of this Ordinance, the following minimum requirements shall also apply to any proposed development requiring a Special Permit. If there is any conflict between any of the following requirements and those in Article IV of this Ordinance or in any other code, ordinance or regulation, the more restrictive provision shall apply.

B. No application for a Special Permit shall be approved unless it can be determined that the structure or activity will be located, constructed and maintained in a manner which will:

1. Fully protect the health and safety of the general public and any occupants of the structure. At a minimum, all new structures shall be designed, located and constructed so that:

   a. The structure will survive inundation by waters of the one hundred (100) year flood without any lateral movement or damage to either the structure itself, or to any of its equipment or contents below the one hundred (100) year flood elevation.

   b. The lowest floor elevation will be at least one and one-half (1-1/2) feet above the one hundred (100) year flood elevation.

   c. The occupants of the structure can remain inside for an indefinite period of time and be safely evacuated at any time during the one hundred (100) year flood.

2. Prevent any significant possibility of pollution,

hundred (100) year flood elevations and flows;

5. A statement, certified by a registered professional engineer, architect or landscape architect which contains a complete and accurate description of the kinds and amounts of any loose buoyant materials or debris that may possibly exist or be located on the site below the one hundred (100) year flood elevation and the effects such materials and debris may have on one hundred (100) year flood elevations and flows;

6. The appropriate component of the Department of Environmental Resources "Planning Module for Land Development";

7. Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Resources to implement and maintain erosion and sedimentation control;

8. Any other applicable permits such as, but not limited to, a permit for any activity regulated by the Department of Environmental Resources under Section 302 of Act 1978-166; and

9. An evacuation plan which fully explains the manner in which the site will be safely evacuated before or during the course of a one hundred (100) year flood.

Section 5.02 - Application Review Procedures

Upon receipt of an application for a Special Permit by the Borough, the following procedures shall apply in addition to those of Article II:

A. Within three (3) working days following receipt of the application, a complete copy of the application and all accompanying documentation shall be forwarded to the County Planning Commission by registered or certified mail for its review and recommendations. Copies of the application shall also be forwarded to the Borough Planning Commission and Borough Engineer for review and comment.

B. If an application is received that is incomplete, the Borough shall notify the applicant in writing, stating in what respect the application is deficient.

C. If the Borough decides to disapprove an application it shall notify the applicant, in writing, of the reasons for the disapproval.

D. If the Borough approves an application, it shall file written notification, together with the application and all pertinent information, with the Department of Community Affairs, by

Section 7.01 - Variance Procedures and Conditions

Request for variances shall be considered by the Borough in accordance with the procedures contained in Section 2.11 and the following:

A. No variance shall be granted for any construction, development, use or activity within any floodway area that would cause any increase in the one hundred (100) year flood elevation.

B. No variance shall be granted for any construction, development, use or activity within any AE area that would, together with all other existing and anticipated development, increase the one hundred (100) year flood elevation more than one (1) foot at any point.

C. Except for a possible modification of the one and one-half (1-1/2) foot freeboard requirement involved, no variance shall be granted for any of the other requirements pertaining specifically to development regulated by Special Permit (Article V) or to Development Which May Endanger Human Life (Section 4.03).

D. If granted, a variance shall involve only the least modification necessary to provide relief.

E. In granting any variance, the Borough shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety and welfare, and to achieve the objectives of this Ordinance.

F. Whenever a variance is granted, the Borough shall notify the applicant in writing that:

   1. The granting of the variance may result in increased premium rates for flood insurance.

   2. Such variances may increase the risks to life and property.

G. In reviewing any request for a variance, the Borough shall consider, at a minimum, the following:

   1. That there is good and sufficient cause.

   2. That failure to grant the variance would result in exceptional hardship to the applicant.

   3. That the granting of the variance will (i) result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expenses; (ii) nor create nuisances, cause fraud on, or victimize the public, or conflict with any other

increased flood levels or flows, or debris endangering life and property.

All hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Borough and the Department of Community Affairs.

ARTICLE VI. EXISTING STRUCTURES IN IDENTIFIED FLOODPLAIN AREAS

Section 6.00 - Existing Structures

The provisions of this Ordinance do not require any changes or improvements to be made to lawfully existing structures. However, when an improvement is made to any existing structure, the provisions of Section 6.01 shall apply.

Section 6.01 - Improvements

The following provisions shall apply whenever any improvement is made to an existing structure located within any identified floodplain area:

A. No expansion or enlargement of an existing structure shall be allowed within any floodway area that would cause any increase in the elevation of the one hundred (100) year flood.

B. No expansion or enlargement of an existing structure shall be allowed within any AE area that would, together with all other existing and anticipated development, increase the one hundred (100) year flood elevation more than one (1) foot at any point.

C. Any modification, alteration, reconstruction or improvement of any kind to an existing structure, to an extent or amount of fifty percent (50%) or more of its market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this Ordinance.

ARTICLE VII. VARIANCES

Section 7.00 - General

If compliance with any of the requirements of this Ordinance would result in an exceptional hardship to a prospective builder, developer or landowner, the Borough may, upon request, grant relief from the strict application of the requirements.

or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

H. **Floodway** - the designated area of a floodplain required to carry and discharge flood waters of a given magnitude. For the purposes of this Ordinance, the floodway shall be capable of accommodating a flood of the one hundred (100) year magnitude.

I. **Manufactured Home** - a transportable, single-family dwelling intended for permanent occupancy, office, or place of assembly, contained in one or more sections, built on a permanent chasis, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used with or without a permanent foundation. The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than one hundred eighty (180) consecutive days.

J. **Manufactured Home Park** - a parcel of land under single ownership, which has been planned and improved for the Placement of two or more manufactured homes for non-transient use.

K. **Minor repair** - the replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exitway requirements; nor shall minor repairs include addition to alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

L. **One hundred year flood** - a flood that, on the average, is likely to occur once every one hundred (100) years (i.e., that has one percent (1%) change of occurring each year, although the flood may occur in any year).

M. **Regulatory flood elevation** - the one hundred (100) year flood elevation plus a freeboard safety factor of one and one-half (1 1/2) feet.

N. **Special Permit** - a special approval which is required for hospitals, nursing homes, jails and new manufactured home parks and substantial improvements to such existing parks, when such development is located in all or a designated portion of floodplain.

O. **Structure** - anything constructed or erected on the ground or attached to the ground including, but not limited to building

applicable state or local ordinances and regulations.

H. A complete record of all variance requests and related actions shall be maintained by the Borough. In addition, a report of all variances granted during the year shall be included in the annual report to the Federal Insurance Administration.

Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the one hundred (100) year flood.

ARTICLE VII. DEFINITIONS

Section 8.00 - General

Unless specifically defined below, words and phrases used in this Ordinance shall be interpreted so as to give this Ordinance its most reasonable application.

Section 8.01 - Specific Definitions

A. **Accessory use or structure** - a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

B. **Building** - a combination of materials to form a permanent structure having walls and a roof. Included shall be all manufactured homes and trailers to be used for human habitation.

C. **Construction** - the construction, reconstruction, renovation, repair, extension, expansion, alteration or relocation of a building or structure, including the placement of manufactured homes.

D. **Development** - any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, the placement of manufactured homes, streets and other paving, utilities, filling, grading, excavation, mining, dredging or drilling operations and the subdivision of land.

E. **Flood** - a temporary inundation of normally dry land areas.

F. **Floodplain area** - a relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.

G. **Floodproofing** - means any combination of structural and nonstructural additions, changes or adjustments to structures which reduce

BOROUGH OF LORAIN
CAMBRIA COUNTY
PENNSYLVANIA

ORDINANCE NO. 209

AN ORDINANCE REPEALING ORDINANCE NO. 198 WHICH ACCEPTS THE PROVISIONS OF CLAUSE VII OF SECTION 1005 OF ARTICLE X, ACT OF MAY 4, 1927 (P.L. 519) KNOWN AS "THE BOROUGH CODE", REENACTED AND AMENDED JULY 10, 1947 (P.L. 1621) AND FEBRUARY 1, 1966 (P.L. 1965), NO. 581, SECTION 1005, BY PROVIDING FOR THE APPOINTMENT OF AN AUDITOR IN AND FOR THE BOROUGH OF LORAIN AND FIXING THE AMOUNT OF THE BOND OF SAID AUDITOR.

BE IT ENACTED, AND IT IS HEREBY ORDAINED, by the Council of the Borough of Lorain as follows:

SECTION 1. Ordinance No. 198 which accepts the provisions of Clause VII of Section 1005 of Article X, Act of May 4, 1927 (P.L. 519), known as "The Borough Code", reenacted and amended July 10, 1947 (P.L. 1621) and February 1, 1966 (P.L. 1965), No. 581, Section 1005, by providing for the appointment of an auditor in and for the Borough of Lorain and fixing the amount of the bond of said auditor, is hereby repealed unconditionally.

SECTION 2. All ordinances and parts of ordinances in conflict with the provisions of this Ordinance be and the same are hereby repealed insofar as the same affect this Ordinance.

SECTION 3. This Ordinance shall become effective immediately upon its adoption.

ORDAINED AND ENACTED this 16 day of January, 1990.

BOROUGH OF LORAIN

Darwin R. Shegard
President

ATTEST:

Kimberly Replogle
Secretary

BOROUGH OF LORAIN
CAMBRIA COUNTY
PENNSYLVANIA

ORDINANCE NO. 309

AN ORDINANCE REPEALING ORDINANCE NO. 198 WHICH ACCEPTS THE PROVISIONS OF CLAUSE VII OF SECTION 1005 OF ARTICLE X, ACT OF MAY 4, 1927 (P.L. 519) KNOWN AS "THE BOROUGH CODE", REENACTED AND AMENDED JULY 10, 1947 (P.L. 1621) AND FEBRUARY 1, 1966 (P.L. 1965), NO. 581, SECTION 1005, BY PROVIDING FOR THE APPOINTMENT OF AN AUDITOR IN AND FOR THE BOROUGH OF LORAIN AND FIXING THE AMOUNT OF THE BOND OF SAID AUDITOR.

BE IT ENACTED, AND IT IS HEREBY ORDAINED, by the Council of the Borough of Lorain as follows:

SECTION 1. Ordinance No. 198 which accepts the provisions of Clause VII of Section 1005 of Article X, Act of May 4, 1927 (P.L. 519), known as "The Borough Code", reenacted and amended July 10, 1947 (P.L. 1621) and February 1, 1966 (P.L. 1965), No. 581, Section 1005, by providing for the appointment of an auditor in and for the Borough of Lorain and fixing the amount of the bond of said auditor, is hereby repealed unconditionally.

SECTION 2. All ordinances and parts of ordinances in conflict with the provisions of this Ordinance be and the same are hereby repealed insofar as the same affect this Ordinance.

SECTION 3. This Ordinance shall become effective immediately upon its adoption.

ORDAINED AND ENACTED this 16 day of January, 1990.

BOROUGH OF LORAIN

Darrison P. Shegerd
President

ATTEST:

Kimberly Replogle
Secretary

BOROUGH OF LORAIN
CAMBRIA COUNTY
PENNSYLVANIA

ORDINANCE NO. 206

AN ORDINANCE AMENDING THE AMUSEMENT TAX ORDINANCE, BEING ORDINANCE NO. 203, ADOPTED APRIL 18, 1989, TO INCREASE THE LICENSE FEES.

WHEREAS, the Council of the Borough of Lorain did, on April 18, 1989, adopt Ordinance No. 203 providing for the licensing of pin ball machines, machines operated as games of skill, and other machines played for amusement in the Borough of Lorain; and

WHEREAS, said Ordinance No. 203 provides that the license fee shall be TWENTY-FIVE ($25.00) DOLLARS for the first machine, and TEN ($10.00) DOLLARS for each additional machine for each calendar year or fraction thereof:

BE IT ORDAINED, and it is hereby ordained by the Council of the Borough of Lorain, Cambria County, Pennsylvania, under and by virtue of the authority vested in it, as follows:

SECTION 1: That Section 2 of the Amusement Tax Ordinance, being Ordinance No. 203, adopted April 18, 1989, is hereby amended to read as follows:

SECTION 2: The Operator shall pay for said license the sum of **FIFTY ($50.00) DOLLARS** for the first machine, and **TWENTY-FIVE ($25.00) DOLLARS** for each additional machine for each calendar year or fraction thereof; provided, however, that said license shall not be transferable from one owner to another, and provided further that it shall not be required to secure a new license when one machine is

replaced by another, so long as the operator is licensed to operate the total number of machines in his place of business.

SECTION 2: All other provisions and sections of said Amusement Tax Ordinance, being Ordinance No. 203, adopted April 18, 1989, are hereby reenacted without change.

ORDAINED AND ENACTED this 3rd day of April, 1991.

BOROUGH OF LORAIN

By Darwin R. Kiegand
President of Council

ATTEST:

Kimberly Keplogle
Secretary

APPROVED this 3rd day of April, 1991.

Harold Bahelitzf
Mayor

BOROUGH OF LORAIN
CAMBRIA COUNTY
PENNSYLVANIA

ORDINANCE NO. 210

ORDINANCE AMENDING THE LORAIN BOROUGH FLOODPLAIN MANAGEMENT ORDINANCE NO. 205 ADOPTED OCTOBER 17, 1989.

BE IT ORDAINED AND ENACTED by the Borough of Lorain, Cambria County, Pennsylvania, and it is hereby ordained and enacted by the authority of the same as follows:

FIRST: That Section 4.04 B. be amended to read as follows:

B. Where permitted within any identified floodplain area, all manufactured homes and additions thereto shall be placed on a permanent foundation and:

1. Anchored to resist flotation, collapse or lateral movement by providing over-the-top and frame ties to ground anchors in accordance with the American National Standards as specified in the Standard for the Installation of Mobile Homes Including Mobile Home Park Requirements (NFPA No. 501A-1974 ANSI A119.3-1975) as amended for Mobile Homes in Hurricane Zones or other appropriate standards such as the following:

   a. Over-the-top ties shall be provided at each of the four (4) corners of the manufactured home, with two (2) additional ties per side at intermediate locations for units fifty (50) feet or more in length, and one (1) additional tie per side for units less than fifty (50) feet in length.

   b. Frame ties shall be provided at each corner of the manufactured home, with five (5) additional ties per side at intermediate locations for units fifty (50) feet or more in length, and four (4) additional ties per side for units less than fifty

(50) feet in length.

c. All components of the anchoring system shall be capable of carrying a force of four thousand eight hundred (4,800) pounds.

2. Elevated in accordance with the following requirements:

a. The stands or lots shall be elevated on compacted fill, or on pilings so that the lowest floor of the manufactured home will be one and one-half (1-1/2) feet or more above the elevation of the one hundred (100) year flood.

b. Adequate surface drainage is provided.

c. Adequate access for a hauler is provided.

d. Where pilings are used for elevation, the lots shall be large enough to permit steps; piling foundations shall be placed in stable soil no more than ten (10) feet apart; reinforcement shall be provided for pilings that will extend for six (6) feet or more above the ground level.

ORDAINED AND ENACTED this 6th day of ~~May~~ June, 1990.

BOROUGH OF LORAIN

By Harvey L. Hegand
President of Council

ATTEST:

Kimberly Replogle
Secretary

APPROVED this 6th day of ~~May~~ June, 1990.

Harold W Berkebile Jr
Mayor

AGREEMENT
FOR THE PROVISION OF ZONING SERVICE
TO: LORAIN BOROUGH

The Council of LORAIN Borough hereby appoints the code officials of the Cambria-Somerset COG Regional Code Agency, to the position of zoning officer in order to administer the zoning ordinance of LORAIN Borough, # 211, dated _____, 20___, including all subsequent amendments. The zoning officer shall not permit any construction, or any use, or any change of use which does not conform to said zoning ordinance.

The Council of LORAIN Borough hereby authorizes said zoning officer, when acting within the scope of his employment as described in this agreement, to institute civil enforcement proceedings whenever necessary to ensure proper compliance with the zoning ordinance.

A. SUMMARY OF ZONING OFFICER DUTIES:

It is the duty of the Zoning Officer to:

1. Receive appeals and applications for conditional uses, special exceptions and variances, and forward them to the governing body or the zoning hearing board, as appropriate. Schedule, advertise and post notices on property subject to a ZHB hearing at least one week prior to the hearing. In addition, post a notice on the affected tract or area involved with a zoning map amendment as described in MPC Section 609(b) at least one week prior to the hearing. Provide applicant and other parties with copies of items sent to the zoning hearing board. Provide testimony at hearings of the zoning board.

2. Issue permits only where there is compliance with the provisions of the zoning ordinance, with other municipal ordinances, and with the laws of the Commonwealth. Permits for construction or uses requiring a special exception or variance shall be issued only upon order of the zoning hearing board. Permits requiring a conditional use shall be issued only upon order of the governing body.

3. When required by the zoning ordinance, identify and register nonconforming uses and structures and record the reasons.

4. Conduct inspections and surveys as prescribed by the governing body or ordinance to determine compliance or non-compliance with the terms of the zoning ordinance.

5. Issue enforcement notices and orders in writing by certified or registered mail or served personally as described below upon persons, firms, or corporations deemed by the zoning officer to be violating the terms of the ordinance directing them to correct all conditions found in violation. If any such person or persons does not comply with the written notice of violation within a prescribed period of time, the zoning officer shall notify the governing body for their action, or, if authorized in advance, file a civil complaint with the district justice. Note: A civil complaint should not be filed until the expiration of the appeal period.

An enforcement notice shall state at least the following:

(a) The name of the owner of record and any other person against whom the municipality intends to take action.

(b) The location of the property in violation.

(c) The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the ordinance.

(d) The date before which the steps for compliance must be commenced and the date before which the steps must be completed.

(e) That the recipient of the notice has the right to appeal to the zoning hearing board within 30 days (from the date delivered or postmarked if mailed) in accordance with the procedures set forth in the ordinance.

(f) That failure to comply with the notice within the time specified, unless extended by appeal to the zoning hearing board, constitutes a violation with possible sanctions clearly described.

6. Act on behalf of the municipality in any appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, demolition, maintenance or use of any building or structure, to restrain, correct, or abate such violation, so as to prevent the occupancy or use of any building, structure or land, or to prevent any illegal act, conduct, business or use in or about such premises. Note: Some municipalities require approval by the governing body and review by the solicitor before a civil complaint is filed. An injunction request requires governing body approval and is prepared by the solicitor.

7. Revoke by order a building or zoning certificate issued under a mistake of fact or contrary to the law or the provisions of the ordinance.

8. Record and file all applications and plans for permits and the action taken thereon. All applications, plans, and documents shall be a public record.

9. Maintain a map or maps showing the current zoning districts and overlay areas for all the land within the municipality. Upon request, the zoning officer shall make determinations of any zoning map district boundary question. Such determination may be appealed to the zoning hearing board.

10. Upon the request of the governing body or planning commission, present facts, records or information to assist the zoning hearing board in making decisions.

11. The zoning officer shall not issue a building permit or zoning certificate for the erection, construction, reconstruction or alteration of a building in a subdivision or land development prior to the final approval of the subdivision and land development plan in full compliance with the Subdivision and Land Development Ordinance, and the recording of the plan with the recorder of deeds.

B RELIEF FROM PERSONAL RESPONSIBILITY:

The code official, officer or employee charged with the enforcement of zoning in LORAIN Borough, while acting for the jurisdiction, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of any act required or permitted in discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of all zoning ordinances and requirements shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in any action, suit or proceeding that is instituted in pursuance of the provisions of all zoning ordinances and requirements, and the code official, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

C FEES:

A) A fee of **$15.00** shall be added to building permits for those permit applications requiring zoning opinion. The building permit applicant shall be responsible for payment of the zoning fee.

B) The fee for LORAIN Borough residents requesting a written zoning opinion only shall be **$5.00**.

C) The fee for zoning reviews for land developments/subdivisions in LORAIN BOROUGH shall be **$125.00**. The fee will be paid by the applicant/developer. All zoning fees shall be paid to the Cambria-Somerset COG.

D TERMINATION OF SERVICES:

There is provision for termination of services by either party. Both LORAIN BOROUGH and the Cambria-Somerset COG agree that these zoning services can be terminated by either party with a sixty (60) day written notice. Unless this agreement is terminated prior to sixty (60) days of the annual expiration date, services as specified in the agreement will continue.

E AMENDMENTS:

This first year of this agreement (7/29/02 to 7/29/03) will be a transition period. Both parties reserve the right to amend the agreement with thirty (30) days written notification to the other party during the transition period. Both parties agree, upon receipt of the notification to convene a meeting to discuss and resolve the requested amendment.

In witness whereof, the Cambria-Somerset COG and LORAIN Borough in consideration of the mutual promises set forth herein, and intending themselves to be legally bound, hereby to execute this agreement this 29TH. day of JULY, 2002.

For LORAIN Borough

President GEORGE W. PETRY, JR

ATTEST: Secretary IVY C. FAUST

For the Cambria-Somerset Council of Governments:

President

ATTEST: Robert M. Fedore
Executive Director

BOROUGH OF LORAIN
CAMBRIA COUNTY
PENNSYLVANIA

ORDINANCE NO. 211

AN ORDINANCE AMENDING THE LORAIN BOROUGH ZONING ORDINANCE OF 1970 BY CHANGING AND ADDING CERTAIN SECTIONS, RULES AND DEFINITIONS; CHANGING ENFORCEMENT, VIOLATIONS AND PENALTIES; AND CHANGING AND ADDING AMENDMENTS.

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ARTICLE I - PRELIMINARY PROVISIONS

Section 1.01 - Enacting Clause - **BE IT ORDAINED AND ENACTED** by the Council of the Borough of Lorain, Cambria County, Pennsylvania, and by the authority of the same, that from and after the passage and approval of the following Ordinance, the same shall be in full force and effect.

Section 1.02 - Short Title - This Ordinance shall be known as the Lorain Borough Zoning Ordinance, and the map referred to herein and made a part of this Ordinance shall be known as the Lorain Borough Zoning District Map.

Section 1.03 - Effective Date - The effective date of this Ordinance shall be one day following the date of passage of this Ordinance by the Council of the Borough of Lorain.

Section 1.04 - Validity and Conflict - Should any section or provision of this Ordinance be declared invalid, the same shall not affect the validity of the Ordinance as a whole or any part hereof other than the part so declared to be invalid. Where a provision of this Ordinance is found to be in conflict with a provision of any building or housing code, or with any applicable health regulations, or with any other ordinance of the Borough existing on the effective date of this Ordinance, or with any regulation issued under the authority of such code or ordinance, the provision which established the higher standard for the protection of health, safety and welfare shall prevail.

Section 1.05 - Purpose and Community Objectives - The purpose of this Zoning Ordinance shall be designed:

1. To promote, protect and facilitate any or all of the following: the public health, safety, morals, and the general welfare; coordinated and practical community development and proper density of population; emergency management preparedness and operations; airports, and national defense facilities; the provisions of adequate light and air; access to incident solar energy; policy protection; vehicle parking and loading space; transportation; water; sewerage; schools; recreational facilities; public grounds; the provision of a safe, reliable and adequate water supply for domestic, commercial, agricultural or industrial use, and other public requirements; as well as preservation of the natural, scenic and historic values in the environment and preservation of forests, wetlands, aquifers and floodplains.

2. To prevent one or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers.

3. To preserve all lands within the Borough of Lorain including prime agriculture and farmland considering topography, soil type and classification, and present uses by regulating the excavation,

filling and/or grading of any land within the Borough.

4. To provide for the use of land within the municipality for residential housing of various dwelling types encompassing all basic forms of housing, including single-family and two-family dwellings, and a reasonable range of multi-family dwellings in various arrangements, mobile homes and mobile home parks, provided, however, that this Ordinance shall not be deemed invalid for the failure to provide for any other specific dwelling type and to preserve prime residential areas.

5. To accommodate reasonable overall community growth, including population and employment growth, and opportunities for development of a variety of residential dwelling types and nonresidential uses.

ARTICLE II - RULES AND DEFINITIONS

Section 2.01 - Rules - The following rules of construction shall apply to this Ordinance:

A. The particular shall control the general.

B. In case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.

C. The word "shall" is mandatory and not discretionary. The word "may" is permissive.

D. Words used in the present tense shall include the future, words in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.

E. The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for", and/or "occupied for".

Section 2.02 - Definitions -

ACCESSORY BUILDING OR ACCESSORY USE - A building or use customarily incidental and subordinate to the principal building or use and located on the same lot with such principal building or use. An accessory use includes, but is not limited to, the following:

Children's playhouse, garden house or private greenhouse.
Civil defense shelter serving not more than 2 families.

Garage, shed or building for domestic storage.

Parking of boats, boat trailers and travel trailers not used as a

dwelling on the premises.

Private garage

Private swimming pool appurtenant to an allowed use on the same lot when meeting the yard depth and width requirements of the district for principal buildings and when the swimming pool or the property on which it is located is adequately fenced to prevent free access of small children and meets all applicable health and sanitary requirements.

Non-paying guest house or rooms for non-paying guests within an accessory building, provided such facilities are used for the occasional housing guest and not for permanent occupancy by others as housekeeping.

Off-street motor vehicle parking area; loading and unloading facility.

Fence; signs.

Home occupation.

ALLEY - A service way providing secondary public means of access to abutting properties.

ALTERATIONS - As applied to a building or structure, a change or rearrangement in the structural parts or in the existing facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location to another, or any change in use from that of one zoning district classification to another.

ALTERATIONS, STRUCTURAL - Any change in the supporting members of a building such as bearing walls, columns, beams, girders, or foundations.

APARTMENT - A room or suite of rooms in a multiple-family structure which is used as a single housekeeping unit, and which contains complete kitchen, bath and toilet facilities, permanently installed.

APARTMENT BUILDING - A building used by 3 or more families living independently of each other and containing dwelling units.

AREA, BUILDING - The total of areas taken on a horizontal plane at the main grade level of the principal building exclusive of uncovered porches, terraces, steps, garages, and other accessory buildings.

AUTOMOBILE REPAIR, MAJOR - Engine rebuilding or major reconditioning work on damaged motor vehicles or trailers; collision service, including body, frame or fender straightening or repair; overall painting of vehicles.

AUTOMOBILE REPAIR, MINOR - Incidental repairs; replacement of parts; motor service to automobiles; state inspection, but not including any

operation specified under **AUTOMOBILE REPAIR, MAJOR** above.

BASEMENT - A story partly underground, but having at least one-half of its height above the average level of the adjoining ground. A basement shall be counted as a story for the purpose of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is 5 feet or more or if the basement is used for business or dwelling purposes.

BILLBOARD - Structure, building wall, or other outdoor surface used to display lettered, pictorial, sculptured or other matter which directs attention to any product, commodity or service offered only elsewhere than on the premises or as a minor and incidental service on the premises.

BOARD - The Zoning Hearing Board of Lorain Borough.

BUFFER AREA - A strip of land which is planted and maintained in shrubs, bushes, trees, grass or other landscaping material and within which no structure is permitted except a wall or fence.

BUILDING - A structure having a roof supported by columns or walls, for the shelter of persons, animals, chattels or property. When separated by walls which are common with the walls of adjoining dwellings, each portion of such structure shall be considered as a separate building.

BUILDING OR SET-BACK LINE - The line within a property defining the required minimum distance between any building and the adjacent right-of-way or property line. This face includes sun parlors and covered porches whether enclosed or unenclosed, but does not include walks, steps, paved areas or terraces.

A. Front Set-Back Line - The line nearest the front of and across a lot establishing the minimum open space to be provided between the front line of buildings and structures and the front lot line.

B. Side Set-Back Lines - The line nearest the side of and across a lot establishing the minimum open space to be provided between the side line of buildings and structures and the side lot line.

C. Rear Set-Back Line - The line nearest the rear of and across a lot establishing the minimum open space to be provided between the rear line of buildings and structures and the rear lot line.

BUILDING HEIGHT - The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deckline of mansard roofs, and to the mean height between eave and ridge for gable, hip and gambrel roofs.

COMMISSION - The Planning Commission.

COUNCILMEN - The Councilmen of Lorain Borough.

DISTRICT, ZONING - A section of the Borough for which uniform regulations governing the use, height, area, and intensity of use of buildings and land and open spaces about buildings are herein established.

DWELLING -

One-Family - A detached building designed for or occupied exclusively by one family

Two-Family - A building designed for or occupied exclusively by two families living independently of each other, with separate dwelling unit entrances.

Multiple-Family - A dwelling or group of dwellings on one plot or lot containing separate living units or dwelling units for three or more families, but which may have joint services or facilities or both.

Row - A multiple family dwelling divided by party walls into distinct and noncommunicating units, each dwelling unit of which has direct access to the outdoors.

EARTH MATERIAL - Any rock, natural soil or fill and/or any combination thereof.

EXCAVATION - The mechanical removal of earth material.

FAMILY - One or more persons related by blood, marriage or adoption, or three unrelated persons living as a household in a dwelling unit. May also include domestic servants and gratuitous guests.

FILLING - The disposition of earth material.

FLOOR AREA - The sum of the gross horizontal areas of the several floors of a building or buildings, measured from the exterior faces of exterior walls, or from the centerline of common walls separating buildings. For purpose of determining parking and loading space requirements for the several zoning districts herein, the "floor area" of a building or buildings shall include: basement space, penthouses, attic space providing structural headroom of seven and one-half feet or more, interior balconies and mezzanines, enclosed porches, accessory uses other than accessory off-street parking, lobbies and hallways. For determination of parking and loading space requirements, the following area shall not be included: cellar space, elevator shafts and stairwells, floor space for mechanical equipment as necessary to service the needs of the building, uncovered steps, terraces, breezeways, open spaces unroofed unless specifically required in the parking regulations therein, and fitting and dressing rooms.

GARAGE, PRIVATE - An accessory building, housing only motor driven vehicles, the property of and for the use of the occupants of the lot on which the private garage is located.

GOVERNING BODY - The elected Council for the municipality of Lorain Borough.

GRADING - Any excavating or filling or combination thereof.

HEIGHT - See **BUILDING HEIGHT** herein.

HOME OCCUPATION - An accessory use of a service character customarily conducted within a dwelling by the residents, which is clearly secondary to the use of the dwelling for living purposes and does not change the character thereof or have any exterior evidence of such secondary use other than a small nameplate, and in connection therewith there is not involved the keeping of or exhibition of stock in trade.

The office of a physician, surgeon, dentist, architect, or other professional person shall be deemed to be a Home Occupation. Instructions in violin, piano, or other individual musical instruments limited to a single person at a time shall be deemed a Home Occupation. The occupations of dressmaker, watchmaker, milliner, seamstress, or other persons who offer skilled services to clients and are not professionally engaged in the purchase or sale of economic goods, shall be deemed to be Home Occupations.

HOTEL - A building in which lodging is provided and offered to the public for compensation and in which ingress and egress to and from rooms is made from an inside lobby or office supervised by a person in charge at all hours, and which is open to transient guests, in contradistinction to a boarding house, lodging house or rooming house.

HOUSEHOLD PET - A domesticated animal kept for pleasure rather than utility and dwelling under the same roof as the owner(s).

LOADING SPACE - A space within the main building or on the same lot therewith providing for the standing, loading or unloading of vehicles.

LOT - A parcel, tract or area of land accessible by means of public street. It may be a single parcel separately described in a deed or plat which is recorded in the Office of the Cambria County Recorder of Deeds, or it may include parts of or a combination of such parcels when adjacent to one another and used as one parcel.

LOT, CORNER - A lot at the junction of two or more intersecting streets and having frontage on two or more such streets.

LOT, DEPTH OF - The mean horizontal distance between the front line and the rear lot line, measured midway between the side lot lines.

LOT, INTERIOR - A lot other than a corner lot or a through lot.

LOT LINE, FRONT - In the case of an interior lot, the line separating the lot from the street. In case of a corner lot, the line separating the narrowest frontage of the lot from the street.

LOT, THROUGH - A lot having frontage on two parallel or approximately parallel streets and which is not a corner lot.

LOT, WIDTH - The dimension of a lot, measured between the side lot lines of the building line.

MOBILE HOME - A detached single family dwelling unit which (1) is designed for long term occupancy and contains sleeping accommodations, a flush toilet, a tub or shower bath and kitchen facilities with plumbing and electrical connections provided for attached to outside systems; (2) is designed to be transported after fabrication on its own wheels, on a flat bed or on detachable wheels; and (3) arrives at the site where it is to be occupied as a dwelling, complete, including major appliances, furniture, and ready for occupancy except for minor incidental unpacking and assembly operations, locations on foundations, supports, connections to utilities and the like.

MOBILE HOME PARK - A contiguous parcel of land which has been developed for the placement of Mobile Homes and is owned by an individual, a firm, trust, partnership, public or private association or corporation.

MUNICIPAL OR PUBLIC BUILDING - Any building or structure erected, altered and/or occupied by a governmental or public agency or organization providing services and facilities for the general public.

NON-CONFORMING USE - A building or use of land lawfully existing on the effective date of this Ordinance that does not completely conform to the use regulations for the district in which it is located.

NURSERY SCHOOL - A school designed to provide daytime care or instruction for two or more children of preschool age.

OFFICE STRUCTURE - A structure designed and used only for office and administrative activities and shall not include those activities of a commercial nature.

PARKING LOT - Any lot, parcel or yard used in whole or in part for the storage or parking of two or more vehicles where such usage is not incidental to or in conjunction with a one-family or two-family dwelling.

PARKING SPACE - An off-street space available for the parking of one motor vehicle and having an area of not less than 180 square feet exclusive of passageways and driveways appurtenant thereto and giving access thereto and having direct access to a street or alley.

PERSON - Any person, persons, partnership, business or corporation.

PUBLIC HEARING - A formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with the requirements of this Ordinance and the laws of the Commonwealth of Pennsylvania.

PUBLIC MEETING - A forum held pursuant to notice under the provisions of Act of July 3, 1986 (P.L. 388, No. 84), known as the "Sunshine Act".

PUBLIC NOTICE - Notice published once each week for 2 successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature or the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than 7 days from the date of the hearing. In the alternative, published information stating the time and place of hearing and the nature of the matter to be considered in the form and manner as the laws of the Commonwealth of Pennsylvania may from time to time require.

SELF-SERVICE LAUNDRY - A business that provides home-type washing, drying or ironing machines, or dry-cleaning machines for hire to be used by customers on the premises.

SERVICE STATIONS - A building, premises or portions thereof which are used, arranged, designed or intended to be used for the retail sale of gasoline or other fuel for motor vehicles, boats or aircraft as well as for minor automobile repair, including state inspection.

SIGN - Any surface, fabric or device bearing lettered, pictorial, sculptured or other matter designed to convey information visually and exposed to public view; any structure designed to carry the above visual information, any structure or device designed or installed principally to direct or attract attention, except traffic signs or devices.

STORY - That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

STREET - A public or private way other than an alley which affords the principal means of access to abutting properties. If there is no officially established grade, the Borough Engineer shall establish same.

STRUCTURE - Anything constructed or erected, the use of which requires location on the ground or attachment of something having location on the ground.

TRAILER - Any trailer drawn by a vehicle used for the occasional transport of personal effects, boats or used as a vacation trailer.

USE - The specific purpose for which land or building is designed, arranged, intended or for which it may be occupied or maintained. The term PERMITTED USE or its equivalent shall not be deemed to include any

non-conforming use.

YARD - A space on the same lot with a principal building, open, unoccupied and unobstructed by structures, except as otherwise provided in this Ordinance.

YARD, FRONT - A yard extending across the full width of the lot, unoccupied other than by steps, walks, terraces, driveways, lampposts and similar structures, the depth of which is the least distance between the lot line and building line.

YARD, REAR - A yard extending across the full width of the lot between the rear of the principal building and rear lot line, unoccupied by other than accessory buildings which do not occupy more than 30% of the space, and steps, walks, terraces, driveways, lampposts and similar structures the depth of which is the least distance between the rear lot line and the rear of such building.

YARD, SIDE - A yard between the principal building and the side lot line, extending from the front yard, or from the front lot line where no front yard is required, to the rear yard. The width of the required side yard is measured horizontally and at 90° with the side lot one from the nearest part of the principal building.

ZONING OFFICER - The person duly appointed by the Borough of Lorain to enforce and administer the provisions of this Ordinance.

ARTICLE III - ESTABLISHMENT OF DISTRICTS

Section 3.01 - Establishment of Districts and the Zoning District Map- The Borough of Lorain is hereby classified and divided into three districts designated as follows:

1. A Residence Districts.

2. B Residence Districts.

3. Business Districts.

The Zoning District Map which is attached hereto and made a part hereof shows the boundaries of the areas covered by the districts listed in this Section.

Section 3.02 - Interpretation of District Boundaries

A. Where district boundaries are indicated as approximately following the center lines of streets, highways, street lines, highway right-of-way lines, or streams, such centerlines shall be construed to be such boundaries.

B. Where district boundaries are so indicated that they approximately

3. Public or semi-public institution, educational or charitable; not including a mail, reformatory or other correctional institution, nor a mental or contagious hospital.

4. Clubhouse (non-commercial).

5. Hotel, lodging house or boarding house.

6. Accessory uses, incidental to any of the principal uses above listed and not involving the conduct of a business.

7. Trailers, or mobile homes, only when permitted in an approved mobile home or trailer park. Provided further that no trailer or mobile home will be permitted unless the wheels hereof are removed, and said trailers or mobile homes are set upon permanent foundations and connected into permanent sewer facilities and utilities.

C. In the Business District a building may be erected, altered or used, and a lot or premises may be used for any of the following purposes, and for no other:

1. Store. No store or business shall be permitted or conducted in the open or in any temporary building or buildings. All stores or businesses must be operated in a permanently enclosed building; provided, however, nothing herein contained shall prevent or restrict the display of merchandise in the open in connection with a permanently established business as herein provided, so long as such display does not create a nuisance or obstruct vehicular or pedestrian traffic.

2. Office, bank, financial institution, telephone exchange.

3. Restaurant.

4. Place of amusement.

5. Public or private garage, sales, service or repair shop, and gas filling and battery service station.

6. Signs (outdoor advertisement).

7. Storage house, express, carting or hauling office or station; yard for storage and sale of building materials.

8. Carpenter, cabinet making, furniture or upholstery shop, electrician shop; tinsmith, plumbing, gas, steam or hot water fitting shop; paint store and paperhanger.

9. Room or store for collection and distribution of articles for laundries and dry cleaning and dyeing plants.

10. Tailoring, dressmaking, shoemaking and repairing.

11. Repair of jewelry, watches, clocks or optical goods.

12. Club or lodge.

13. Accessory use on the same lot with and customarily incidental to any of the above permitted and not detrimental to the neighborhood.

ARTICLE IV - GENERAL PROVISIONS

Section 4.01 - Conformance and Permits - No building or land shall, after effective date of this Ordinance, except for existing non-conforming uses, be used or occupied and no building or part thereof shall be erected, moved or altered and no excavation shall be done unless in conformity with the regulations herein specified for the district in which it is located, and then only after applying for and securing all permits and licenses required by all laws and ordinances.

Section 4.02 - Construction or Alteration - No building shall hereafter be erected or altered to exceed the height to accommodate or house a greater number of families, to occupy a greater percentage of lot area, or to have a narrower or smaller rear yard, side yard, or front yard, than is herein specified for the district in which the building is located.

Section 4.03 - Yards - No part of a yard or other open space about any building required for the purpose of complying with the provisions of this Ordinance shall be included as a part of a yard or open space similarly required for another building.

Section 4.04 - Substandard Dwellings - No structure shall be used or occupied as a dwelling if such structure is in need of such major structural repairs as to render it unsafe or unsanitary, or if the premises do not have connection with the municipal sewer system or alternative sanitary sewage facilities approved by the local public health authorities.

Section 4.05 - Uses Requiring Site Plan and/or Site Plan Approval - In addition to the above requirements, uses of all property other than those in the A Residence Districts shall in addition to conforming to any and all regulations pertaining thereto that are specifically set forth in this Ordinance, be in accordance with a site plan approved by the Zoning Hearing Board. In addition, all public or semi-public

buildings and special exceptions shall be in accordance with a site plan approved by the Zoning Hearing Board. The site plan shall show, in addition to any specific requirement set forth in the district regulations herein, the following:

The location of principal and accessory buildings.

Traffic circulation features within the site.

The location of vehicular access onto the site.

The height and bulk of structures.

The provision of off-street parking and loading facilities.

The landscaping, paving, fencing, walls, and signs on the site.

In considering any land hereunder, the Zoning Hearing Board will endeavor to assure safety and convenience of traffic movement, harmonious and beneficial relationship of buildings and uses on the site as well as to contiguous properties and overall development, in a manner not detrimental to the public at large, before giving a recommendation to the Zoning Hearing Board.

Section 4.06 - Public Utility Lines - The transportation, distribution and control of water, gas, electricity, oil, steam, telephone and telegraph shall not be required to be located on a zoning lot, nor be held to reduce yard dimension for other buildings on a lot.

1. A plan prepared by the utility company indicating the size, capacity and location of all facilities shall be filed with the Borough prior to the installation or alteration of any utility within a street right-of-way or easement.

Section 4.07 - On-Lot Treatment Systems - All on-lot treatment systems must be approved by Borough officials in accordance with local and state regulations thereon.

ARTICLE V - PROVISIONS GOVERNING RESIDENTIAL DISTRICTS

Section 5.01 - Residential Districts -

A. A Residence Districts - Within the A Residence Districts, the following regulations shall apply:

1. One Family Dwelling.

2. Two Family Dwelling.

3. Church or other place of worship.

4. School, including dormitory for faculty or students.

5. Park (not including amusement park operated for profit).

6. Playground.

7. Home garden.

8. Greenhouse (non-commercial).

9. Telephone Exchange Building, Sub-station of Electric Light Works without rotary machinery, or gas regulating station.

10. Accessory uses. Incident to any of the principal uses above listed and not involving the conduct of a business.

11. Fire halls and municipal buildings.

B. B Residence Districts - Within the B Residence Districts, the following regulations shall apply:

1. Any use permitted in an A Residence District.

2. Multiple dwelling.

3. Public or semi-public institution, educational or charitable; not including a jail, reformatory or other correctional institution, nor a mental or contagious hospital.

4. Clubhouse (non-commercial).

5. Hotel, motel, lodging house or boarding house.

6. Accessory uses, incident to any of the principal uses above listed and not involving the conduct of a business.

7. Mobile Homes or trailer homes, only in approved mobile home or trailer parks. A mobile home or trailer park is defined as a contiguous parcel of land which has been developed for the placement of mobile homes and/or trailers, and is owned by an individual, a firm, trust, partnership, public or private association or corporation.

C. **Set Back** -

Residential Structure

Interior lot:
Front - 25 feet
Rear - 15 feet
Side - 15 feet

Corner Lot:
Street sides - 20 feet
Interior - 15 feet

Non-Residential Structure

Front - 50 feet
Side - 10 feet
Rear - 25 feet
Side Street, Corner Lot - 20 feet

D. **Height** - The maximum height of buildings hereafter erected or altered shall be as follows:

One or two family dwelling - 25 feet, or 2-1/2 stories.

Church or similar place of worship - 45 feet or 4-1/2 stories, and 75 feet for steeples and towers.

Other non-residential - maximum of 75 feet, but not to exceed the width of lot.

E. **Lot Area** - The minimum lot area for every building hereafter erected or altered shall be as follows:

Residential Use: With Public Water

One-family dwelling - 9,600 square feet and width at building line of 80 feet.

Two-family dwelling - 15,000 square feet and width at building line of 100 feet.

One- or two-family dwelling with no Sewer and Water- 25,000 square feet and 175 feet at building line.

F. **Other Permitted Uses** - Accessory uses in any Residence District shall be:

1. Accessory use customarily incident to the principal uses listed as permitted. They shall be understood to include an office, such as that of a physician, dentist, musician, artist or other professional person when located within her or his dwelling; and home occupations such as dressmaking or millinery and tailoring engaged in by persons within their own dwellings, provided no more than three persons shall be employed.

2. Private garage, located no less than 30 feet from the front lot line if a separate building; or in a suitable room within or attached to the dwelling.

3. A sign or signboard not exceeding eight square feet in area, appertaining to the lease or sale of the premises, providing that not more than one such sign or signboard shall be permitted on each property so offered for sale or lease.

4. A name plate not exceeding one square foot in area.

5. A sign or bulletin board, not exceeding eight square feet in area, so placed as not to be less than five feet from front property line, nor obstruct the view around the corner of intersecting streets, and erected upon the premises of a church or similar institution, for the purpose of displaying the name and activities thereof, or the service therein provided.

6. Any advertisements other than those herein set forth are hereby prohibited.

G. **Percentage of Lot Coverage** - All buildings, including accessory uses, shall cover not more than 25% of the total lot area.

H. **Dwelling Standards** - Every one-story dwelling hereafter erected or altered shall have a total minimum floor area of not less than 1,000 square feet.

Every two-story dwelling hereafter erected or altered shall have a total minimum floor area of 1,400 square feet.

Each dwelling unit in a two-family structure shall have a minimum floor area of not less than 1,000 square feet per unit.

I. **Off-Street Parking** - Shall be provided as under Article VIII.

J. **Signs** - Shall be provided as under Article IX.

ARTICLE VI - PROVISIONS GOVERNING NEIGHBORHOOD COMMERCIAL DISTRICTS

Section 6.01 - Neighborhood, Commercial or "Business" Districts -

A. In a Business District the following regulations shall apply: A building may be erected, altered or used, and a lot or premises may be used for any of the following purposes and for no other:

1. Store - No store or business shall be permitted or conducted in the open or in any temporary building or

buildings. All stores or businesses must be operated in a permanently enclosed building; provided, however, nothing herein contained shall prevent or restrict the display of merchandise in the open in connection with a permanently established business as herein provided, so long as such display does not create a nuisance or obstruct vehicular or pedestrian traffic.

2. Office, bank, financial institution, telephone exchange.

3. Restaurant.

4. Place of amusement.

5. Public or private garage, sales, service or repair shop, and gas filling and battery service station.

6. Signs (outdoor advertisement).

7. Storage house, express, carting or hauling office or station; yard for storage and sale of building materials.

8. Carpenter, cabinet making, furniture or upholstery shop, electrician shop, tinsmith, plumbing, car, steam or hot water fitting shop; paint store and paperhanger.

9. Room or store for collection and distribution of articles for laundries and dry cleaning and dyeing plants.

10. Tailoring, dressmaking, shoemaking and repairing.

11. Repair of jewelry, watches, clocks or optical goods.

12. Club or lodge.

13. Accessory use on the same lot with and customarily incidental to any of the above permitted uses and not seriously detrimental to the neighborhood.

14. Any use of the same general character as any of the uses hereinbefore specifically permitted and not detrimental to the neighborhood.

B. **Set Back** - No building shall hereafter be erected or altered unless the minimum set-back is met as follows:

Front - 50 feet
Rear - 25 feet
Side - 10 feet
Side street - 20 feet

Where a commercial structure is proposed adjacent to a residential area, the following set back specifications will be met:

Side - 40 feet
Buffer Area - 15 feet with landscaping

C. **Height** - The maximum height of buildings hereafter erected or altered shall be as follows:

All buildings shall be a maximum of 45 feet or 3 stories.

D. **Lot Size** - The minimum lot area for all commercial buildings hereafter erected or altered shall be 20,000 square feet and a minimum width at the building line of 100 feet.

E. **Percentage of Coverage** - All buildings shall cover not more than 40% of the lot area.

All buildings plus accessory uses, excluding parking, shall cover not more than 60% of the lot area.

F. **Dwelling Standards** - As required in the A Residence and B Residence Districts.

G. **Off-Street Parking** - Shall be provided as required under Article VIII.

H. **Signs** - Shall be provided as required under Article IX.

I. **Conditions of Use** - In addition to the site plan requirements set forth in Article IV, Section 4.05, the following regulations shall apply:

1. Traffic Study

   a. To include a comparative analysis of present capacity of street(s) adjacent to the proposed development, together with necessary points of access to off-street parking and loading. Traffic data available from the Highway Department may be utilized providing that such data is deemed current by the Lorain Borough Planning Commission.

   b. To include circulation plan for all streets in the vicinity, existing and proposed, which will show the recommendations for controlling signalizing, channelizing, storing, warning and directing traffic.

2. Landscape and Site Development Plan

a. To include a plan of landscape development which shall include, among other considerations, an area of at least five feet in width along all streets with the exception of approved entrances, to be planted and maintained with trees, shrubbery or other landscaped material or ornamental fence or wall to serve as a visual screen for parking areas and loading or servicing areas.

b. A buffer area consisting of suitable landscaping maintained wherever the proposed business abuts on a Residence District.

c. The location, arrangement, size and effect of all outdoor advertising or other signs and lighting proposed to be erected.

Any other authority approval required, when applicable, such as Department of Health, State Highway Department and similar organizations, shall be obtained before applying for a building or occupancy permit.

J. **Architectural Controls** - Architectural plans of the building or buildings and structures proposed to be constructed shall be subject to the approval of the Zoning Hearing Board. The Zoning Hearing Board approval will be based on the architectural plans creating a unified design which will be in character and proper relationship to the surrounding areas.

K. **Off-Street Parking Facilities** - Shall be provided as required or permitted under Article VIII.

ARTICLE VII - SPECIAL EXCEPTIONS, REQUIREMENTS AND PROCEDURES

Section 7.01 - General - The special exceptions listed herein and their accessory buildings and uses may be permitted by the Zoning Hearing Board in the districts indicated therein, in accordance with the procedures and requirements set forth in this section.

Upon receipt of an application for special exception, the Zoning Officer shall refer said application, together with a preliminary site plan submitted by the developer, to the Zoning Hearing Board for proper investigation as to the manner in which the proposed location and character of the special exception requested will affect the community, and how the required standards may be applied. The Zoning Hearing Board shall render its decision, based on a diligent investigation within 30 days following receipt of the application.

A. Following investigation, the Board shall conduct a public hearing

after at least seven days' public notice in a newspaper of general circulation in the Borough has been given. Following the hearing, and upon an affirmative finding by the Board that:

1. The proposed special exception should be located in a district wherein such use may be permitted; and

2. The requirements set forth herein for such special exception will be met; and

3. The special exception is consistent with the spirit, purpose and intent of this Ordinance and will not substantially and permanently injure the appropriate use of neighboring property, and will serve the public convenience and welfare.

The Board may approve the special exception, subject to such appropriate conditions and safeguards as the Board may deem necessary or desirable.

B. The applicant may then apply to the Zoning Officer for building and occupancy permits in accordance with the procedures specified in this Ordinance.

C. An existing lawful use which is listed herein as a special exception and which is located in a district in which such special exception may be permitted, is a conforming use.

D. Any expansion of such special exception involving the enlargement of the buildings, structures and land area devoted to such use shall be subject to the procedure described in this section.

E. If the nature of the special exception involves more than one of those listed, the applicant may apply for a permit for the special exception which most closely relates to the primary use, provided that the requirements of all related uses will be met.

F. Conditional uses shall be permitted in any of the zoning districts, with the exception of specifically stated Non-Permitted Uses, as long as the governing body utilizes the following criteria in permitting such conditional uses. A conditional use may be permitted as long as it does not negatively impact on the following:

1. Municipal infrastructure (water, sewer, streets, etc.).

2. Regional housing needs and effectiveness of the proposal to provide affordable housing (if the proposal is residential).

3. The physical suitability of the site for the intensity of the use.

4. The site's soils, slopes, woodlands, wetlands, floodplains, natural resources and natural features and any adverse environmental impact.

5. The preservation of agriculture and other land uses which are essential to public health and welfare.

Section 7.02 - Administration - The governing body shall have exclusive jurisdiction to hear and render final adjudication in the following matters:

1. Applications for conditional use under the express provisions of this Ordinance pursuant to Section 7.01 F.

2. Application for curative amendment to this Ordinance pursuant to Article XIV.

3. All petitions for amendments to this Ordinance pursuant to the procedures set forth in Article XIV.

4. Appeals from the determination of the zoning officer or municipal engineer in the administration of any provisions of this Ordinance with reference to sedimentation and erosion control, and storm water management insofar as the same relate to applications for land development under Article XIII (Community Unit Plans) of this Ordinance.

Section 7.03 - PLANNED RESIDENTIAL DEVELOPMENT -

A. The owner or owners of any tract of land in any district zoned for residential purposes comprising an area of not less than four acres may request a special exception from the Board by submitting a plan for the use and development of all such tract of land for residential purposes and only as specified hereinafter.

   1. Procedure - The owner or owners of a tract of land seeking to avail themselves of the provisions of this section shall submit a plan for the use and development of the tract of land in accordance with the provisions of Article XIII, Section 13.02 herein.

B. The Zoning Hearing Board may grant a special exception and approve the plan even though the use of land and the use and location of structures do not conform to all of the regulations contained in other sections of this ordinance. Such development plan should be approved except under the following conditions:

   1. That under said development plan, the property adjacent to the area included in said plan is properly safeguarded.

   2. That said plan is consistent with the intent and purpose

of this Ordinance to promote public health, safety, morals and general welfare.

C. Guidelines for the Zoning Hearing Board - Any proposed multiple family dwelling plan, together with the required statements and supplementary information, shall be studied by the Board, and a report recommending approval or disapproval shall be formulated. Said report shall contain findings related to the following conditions:

1. Such multiple-family dwelling is laid out and developed as a unit in accordance with an integrated over-all design.

2. The location and arrangement of building or buildings, parking areas, walks, lighting and appurtenant facilities are adjusted to the surrounding land uses, and any part of the site not used for buildings or other structures, or for parking, loading or accessways, are landscaped with grass, trees and shrubs.

3. Additional requirements as to landscaping, lighting, screening, accessways and building set backs may be recommended by the Zoning Hearing Board for the protection of adjacent residential property.

D. Approval of the Board - If the Board approves a submitted plan, building permits and certificates of occupancy may be issued even though the use of the land, the location of the buildings to be erected, and the areas and open spaces contemplated by the plan do not conform in all respects to the district regulations in which the development is to be located; provided that the spirit and intent of this Ordinance is not violated.

E. Permitted Uses - Buildings and premises shall be used only for multiple-family dwelling and accessory buildings and uses customarily incidental to the above uses.

F. Lot Requirements - The minimum lot area shall not be less than four acres and the minimum width at the building line shall not be less than 300 feet.

There may be two or more main buildings upon a lot, and for the purpose of determining the yard requirements of sub-paragraph "H" hereof, the yard requirements shall be applied to the lot as a whole, the front thereof being that having the greatest frontage upon a street or upon an officially approved street, and each building upon said lot shall not be required to separately meet the front, side and rear yard requirements.

G. Dwelling Unit Standards - Each dwelling unit shall not have less than 800 square feet of floor area per dwelling unit.

H. Yard Requirements - All buildings and structures hereafter erected shall provide and maintain a front yard, side yard, and rear yard of horizontal dimension of not less than the height of the building, or 50 feet, whichever is the greater.

I. Density - The maximum density of the development shall not exceed ten units per acre. The maximum coverage of all buildings shall not exceed 30% of the gross area of the site. At least 250 square feet per family unit shall be reserved and maintained as an outdoor recreation area by the owner or developer of the site.

J. Off-Street Parking and Loading - Shall be provided as required under Article VIII.

K. Assurance Requirement - Assurance shall be required from the developer that the project will be used for the specified purposes and the Councilmen may require a trust indenture restricting the area to such uses.

Section 7.04 - Modifications to Set-Back Requirements - For existing lots of record on the effective date of this Ordinance, where 40% of a frontage is developed with two or more buildings, then the depth of the front yards heretofore established shall be adjusted in the following manner:

A. When the building furthest from the street provides a front yard no more than ten feet greater than the building closest to the street, then the average depth of the front yard for such frontage shall be the minimum depth of front yard for new buildings in such block.

B. When the above is not the case and the lot is within 100 feet of an existing building on each side, excluding, however, buildings on corner lots which front upon the intersecting street, then the depth of the front yard shall be determined by a line drawn from the closest front corners of these two adjacent buildings.

C. Application of the above regulations shall not be construed to require a front yard greater than that required by the district regulations.

In all districts, a triangular space must be maintained at the street corner of three feet and twelve feet above the established street grade. The street grade is measured at the intersection of the center lines of the intersecting street pavements, and the connecting two points measured 15 feet equidistant from the intersection of the property lines or the property lines extended on the corner of the lot using each of the street right-of-way lines.

In A-Resident District, when 75% of the frontage of a block on both sides of the street between two intersecting streets or between an intersecting street and cul-de-sac has been developed with main

buildings and accessory buildings with side yards less than that required by the dwelling district in which said property is situated, then the side yard requirements for any main buildings or accessory buildings in said block may be the average side yard of all parcels which are included in the block.

Section 7.05 - Mobile Home Park or Trailer Park - Mobile homes may be permitted only in approved Mobile Home Parks. A Mobile Home Park is defined as a contiguous parcel of land which has been developed for the placement of Mobile Homes and is owned by an individual, a firm, trust, partnership, public or private association or corporation.

Minimum standards and provisions for a Mobile Home Park are as follows:

A. Use - Mobile Home Parks shall be permitted in B-Residence Districts only.

B. Lot Area - The minimum area for every Mobile Home Park hereafter developed shall be three acres.

C. Plot Plan - Each application shall be accompanied by three copies of a plot plan drawn at a scale of one inch equals twenty feet, prepared by a licensed surveyor or engineer, showing limits and square footage of the proposed Mobile Home Park and location and size of driveways, parking areas, drying areas, playgrounds, service buildings, other buildings, Mobile Home lots, together with required set-backs from rights-of-way and property lines. All Mobile Home lots shall be numbered in sequence on the plot plan.

D. Minimum Lot Area for Each Trailer - The minimum unit area for each lot used or occupied by and under each trailer shall be as follows:

1. 75% of the lots in any one Mobile Home Park shall be not less than 2,100 square feet in area.

2. 25% of the lots in any one Mobile Home Park shall be not less than 1,800 square feet in area.

3. Density in any Mobile Home Park shall not exceed ten units per gross acre.

E. Minimum Width of Trailer Lots - The minimum width of each Mobile Home lot shall be 30 feet.

F. Minimum Distance Between Trailers - No Mobile Home shall be placed within 15 feet of another; provided that with respect to Mobile Homes parked end to end, the distance between Mobile Homes so parked shall be not less than 15 feet.

G. Setbacks - No Mobile Home shall be placed a lesser distance from

the Mobile Home Park boundary than the side yard width required in the Zoning District which abuts each boundary line. In no case shall a Mobile Home be parked less than ten feet from the Mobile Home Park boundary.

H. Mobile Home Stands - The area of the Mobile Home Stand shall be improved to provide adequate support of the placement and tie-down of the Mobile Home, thereby securing the super-structure against uplift, sliding, rotation and overturning.

I. Markers - Every Mobile Home lot shall be clearly defined on the ground by permanent markers. There shall be posted and maintained in a conspicuous place on each lot a number corresponding to the number of each lot as shown on the plot plan.

J. Streets and Driveways - The minimum lane or driveway on which an individual Mobile Home lot fronts shall be 28 feet in width. In cases where driveways dead-end, there shall be constructed at each such dead-end a cul-de-sac with a minimum turning radius of 38 feet. All streets and driveways will be paved in accordance with standards and specifications required for "Local Streets" in the Borough of Lorain Regulations. All construction material for such roads shall meet established Borough requirements. Where an entrance to any Mobile Home Park is from a state highway, approval of said entrance from the State Highway Department must be secured before said development is approved.

K. Water and Sewer Facilities - An adequate supply of water approved by the Health Department shall be furnished from a public water supply system or from a private water system conforming to all applicable laws, regulations, resolutions and ordinances, with supply faucets located on each trailer lot. In each trailer park, all waste water from a faucet, toilet, tub, shower, sink, drain, washing machine, garbage disposal unit or laundry shall empty into an approved sewer system installed in accordance with State and Borough Regulations.

L. Service Buildings - Each trailer park shall provide service buildings to house the following facilities:

1. All service buildings shall be permanent structures complying with ordinances regulating the construction of buildings.

2. All service buildings shall be adequately lighted at all times of day and night, shall be well ventilated, shall be constructed of such moisture-proof material, including painted woodwork, as shall permit repeated cleaning and washing and shall be maintained at a temperature of not less than 68° Fahrenheit during the period from October first to May first.

3. All service buildings and the ground of the park shall be maintained in a clean, sightly condition and kept free of any condition that will menace the health of any occupant or the public or constitute a nuisance or fire hazard.

M. Storage Tanks - Gasoline, liquified petroleum, gas or oil storage tanks shall be so installed as to comply with all County, State and National Fire Prevention Code Regulations.

N. Playgrounds - The purpose of this section is to provide for areas and facilities for recreational purposes appropriate to the needs of the occupants. At least 50 square feet of playground space shall be provided and maintained for each trailer lot. Each trailer park must provide not less than one playground and no playground shall be less than 2,500 square feet in area. Such areas shall be used exclusively for playground purposes.

O. Additions to Trailers - No permanent or semi-permanent structures shall be affixed to any Mobile Home as an addition to such Mobile Home, nor shall an accessory structure be permitted on any trailer lot or in any Mobile Home Park except those accessory structures required by these regulations and an office structure. The prohibition herein against any addition or accessory to a Mobile Home shall not apply to a canopy or awning designed for use with a Mobile Home. The Mobile Home or lot coverage of a Mobile Home shall not exceed 40% of the total Mobile Home lot area.

ARTICLE VIII - SUPPLEMENTARY PROVISIONS

Section 8.01 - Off-Street Parking Requirements -

A. All one-family dwellings must provide off-street parking space for the number of automobiles used and/or owned by the family.

B. All two-family dwellings must provide off-street parking space for the number of automobiles used and/or owned by the said families.

C. Multiple dwellings or apartment houses must provide off-street parking space for the number of automobiles used by the occupants within such dwellings or apartment house. All parking spaces for multiple dwellings or apartment houses shall be located in the rear of said dwellings or apartment houses.

D. A garage may be considered a parking space under this Section.

E. Business Districts -

1. Service stations and public garages must provide parking or storage space for all vehicles used directly in the

1. The pool and accessory structures thereto, including the areas used by the bathers, shall not be closer than 100 feet to any property line of the property on which it is located.

2. The swimming pool and all of the area used by the bathers shall be so walled or fenced as to prevent uncontrolled access by children from the street or adjacent properties. The said fence or wall shall not be less than six feet in height and maintained in good condition. The area surrounding the enclosure, except of the parking spaces, shall be suitably landscaped with grass, hardy shrubs and trees, and maintained in good condition.

Section 8.05 - Animals in Residence Districts - Farm animals, hoofed animals, and poultry shall not be kept in any residence district. Household pets shall be limited to two pets per family.

ARTICLE IX - SIGNS

Section 9.01 - General Provisions -

A. A permit shall be required for any sign erected with a surface area in excess of two square feet.

B. All signs shall be constructed and maintained in a safe orderly manner. No sign shall be placed in such a position that it will cause danger to vehicular or pedestrian traffic by obscuring view.

C. Any sign, if illuminated, shall be non-flashing, and shall be of enclosed lamp design, and shall be lighted in a manner not detrimental to any adjacent property or public right-of-way.

D. No sign, except traffic signs and other official signs, may be erected or extend onto any public street or right-of-way. Such signs shall be placed at least five feet back from the property line.

E. Any sign attached to a building may extend a maximum distance of three feet from the wall to which it is attached, may cover a maximum of 25% of the area of the wall, to which it is attached, and shall not extend beyond the highest point of the roof of the building to which the sign is attached.

Section 9.02 - Sign Provisions for Residential Districts -

A. Permitted Signs -

1. Temporary sign of contractors, architects, mechanics and

conduct of the business, plus one parking space for each gas pump, three spaces for each grease rack or similar facility, and one space for every two persons employed on the premises at maximum employment on a single shift.

2. Drinking establishments and restaurants shall provide one parking space for each table or booth, plus one parking space for every two stools at bar or counter, plus one parking space for every two employees on peak shift.

3. Manufacturing establishments shall provide one parking space for every three employees during peak period.

Section 8.02 - Schedule of Loading Requirements - Every building or structure used for business or trade shall provide space for the loading or unloading off the street or public alley. Such space shall have direct access to a public alley, or, if there is no alley, to a street. Off-street loading or unloading space shall be in addition to and not considered as meeting a part of the requirements of off-street parking space. Off-street loading and unloading space shall not be used or designed, intended or constructed to be used in any manner to interfere with the use of any street, alley or adjoining property. All off-street loading and unloading spaces shall have a minimum width of 12 feet and a maximum length of 50 feet.

Section 8.03 - Design and Development Standards -

A. Area and dimension requirements for parking lot - Each parking space shall have a minimum width of nine feet and a minimum length of 20 feet and contain a minimum area of 180 square feet. A gross area of 300 square feet for each parking space shall be provided to allow for maneuvering and access to each space.

B. Access to adjacent street - Access land to a parking lot shall be a minimum width of 20 feet and a maximum width of 40 feet. The minimum center line distance between any two curb cut or access points to a parking lot shall be 150 feet. Signs designating entrances, exits and conditions of use shall not exceed 20 square feet and shall be erected in a manner which will not restrict the sight distance of persons entering or leaving the lot.

C. Screening and Buffer Requirements - Whenever a parking lot abuts a public street, a structurally sound wall or planting strip must be installed. Whenever a parking lot abuts a residential district or residential property a landscaped buffer strip a minimum width of ten feet shall be developed in a manner which will screen the parking lot from residential property or district.

D. Surfacing - All off-street parking space, except those accessory to a single or double family residential dwelling shall be improved with a compacted base surfaced with all weather dustless

material of adequate thickness to support the weight of fully loaded vehicles which customarily park or travel on it.

E. Lighting - Any lighting used to illuminate an off-street parking lot shall be so arranged as to reflect the light away from adjoining properties.

F. Storm Drainage - Adequate storm drainage facilities shall be designed and installed in accordance with accepted engineering practices. All surface water shall be collected and/or diverted in a manner which does not flow onto the surface of adjacent streets, sidewalks or properties.

Section 8.04 - Swimming Pools -

A. Private Swimming Pools - A private swimming pool in the ground or prefabricated installation above the ground shall be any pool, lake or open tank not located within a completely enclosed building, and containing or normally capable of containing water to a depth of any point greater than one and one-half feet.

No such swimming pool shall be allowed except as an accessory use and unless it complies with the following condition and requirements:

1. The pool is intended and is to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located, and their guests, and no fee shall be charged.

2. It may not be located, including any walks or paved areas or accessory structures adjacent thereto, closer than 15 feet to any property line of the property on which it is located.

3. The swimming pool or the entire property on which it is located shall be so walled or substantially fenced so as to prevent uncontrolled access by children from the street or from adjacent properties, said fence or wall to be not less than four feet in height and maintained in good condition.

Pools shall conform to the Pennsylvania Department of Health Standards; existing pools shall conform within 90 days to the requirements set forth in this section.

B. Community or Club Swimming Pools - A community or club swimming pool shall be any pool constructed by an association of property owners, or by a private club solely for the use and enjoyment by members of the association or club, and their families and guests of members. Community and club swimming pools shall comply with the following conditions and requirements:

artisans provided that such signs shall not exceed six square feet and shall be removed within 30 days following completion of work.

2. Name, professional and accessory use sign indicating the name, professional or activity of the occupant of a dwelling, and "trespassing", "private drive", and similar type signs, provided that such signs do not exceed an area of two square feet and are set back a minimum of five feet from the nearest property line.

3. Identification sign for schools, churches and similar institutions provided that such signs shall not exceed an area 12 square feet and are set back a minimum distance of five feet from the nearest property line.

4. Identification sign for motels, office buildings, restaurants, mobile home parks, funeral homes and other places of business permitted in respective residential zones, provided that such signs shall not exceed an area of 24 square feet and are set forth a minimum distance of 15 feet from the nearest property line.

Section 9.03 - Sign Provisions for Neighborhood Commercial or "Business" District -

A. Permitted Signs -

1. Off premise signs may be permitted in a commercial zone provided that such signs comply with the area regulations of the district and that the land on which such signs are erected are owned or leased by the individual or business erecting the sign.

2. Free Standing Signs permitted within the Front Yard Set Back Area:

   a. All signs erected in the front yard must be set back a minimum distance of five feet from all property lines.

   b. Any sign within the set back area must be erected in a manner to permit the free and unobstructed vision of persons entering or leaving the property and adjacent property.

   c. One free standing sign within the set back line may be permitted for each 25 feet of frontage of the lot or portion of lot used for business advertised on the sign, and the maximum number of such signs shall not exceed four for any one business or commercial lot.

d. The maximum area of any single faced sign shall not exceed 30 square feet.

e. The combined area of all free standing signs shall not exceed one square foot for every two feet of linear frontage occupied by a business.

f. Temporary promotional signs or displays may be erected within the setback line subject to the following provisions:

1. A special $2.00 permit must be obtained for each sign to be erected or displayed during the temporary promotion; such a permit shall be valid for a period not to exceed 30 days.

2. The applicant for such a permit shall submit drawing and/or narrative description of the size and location of all signs and/or display material to be utilized in the temporary promotion.

3. A maximum number of six signs or displays may be used in a temporary promotion and the combined area of all such signs or displays shall not exceed 30 square feet.

4. Any sign or display erected under a special temporary promotion permit shall be removed by the applicant on the expiration date of such a permit.

ARTICLE X - NON-CONFORMING USES AND BUILDINGS

Section 10.01 - Continuance - The lawful use of a building existing at the time of the effective date of this Ordinance may be continued, although such use does not conform to the provisions hereof. If no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of the same or more restricted classification. Whenever a non-conforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use. Whenever the use of a building becomes non-conforming through a change in the zoning ordinance or district boundaries, such use may be continued and if no structural

alterations are made, it may be changed to another non-conforming use of the same or of a more restricted classification.

Section 10.02 - Discontinuance of Use - Whenever a non-conforming use of a building or structure, or part thereof, has been discontinued for a period of 12 consecutive months, or for a continuous period of 18 months if the building was originally designed and constructed for a non-residential use, such discontinuance shall constitute abandonment, and the use of the premises thereafter shall be in conformity with the regulations of the District. Where no enclosed building is involved, discontinuance of a non-conforming use for a period of six months shall constitute abandonment, and any new use must be in conformity with the regulations of the District.

Section 10.03 - Alterations - No existing building or premises devoted to a use not permitted in the District in which such building or premises are located, except when required to do so by law or order, shall be enlarged, extended, reconstructed, or structurally altered, unless such use is changed to a use permitted in the District in which such building or premises are located.

Section 10.04 - Provision for Reconstruction - Any building or structure containing a non-conforming use which is damaged by fire, flood, wind, or other act of God or man to the extent of 75% or more of its fair market value immediately prior to damage, shall not be repaired or reconstructed except in conformity with the provisions of this Ordinance. In the event that the Zoning Officer's estimate of the extent of damage or fair market value is not acceptable to the applicant for the building permit to repair or reconstruct such building or structure, the applicant may appeal to the Zoning Hearing Board.

Section 10.05 - Construction in Progress - No building or structure designed or intended to be utilized for a non-conforming use shall be constructed or allowed unless construction is already under way at the time of the enactment or subsequent amendment of this Ordinance and is being diligently prosecuted so that such building or structure will be completed within 18 months from the time of the enactment or subsequent amendment of this Ordinance. All outstanding building permits for construction which do not meet those requirements are hereby rendered null and void. Said structure must be completed before a certificate of occupancy is granted.

ARTICLE XI - ADMINISTRATION

Section 11.01 - Zoning Officer and Application Fees -

A. A Zoning Officer shall be appointed for a term of one year and shall administer the provisions of this Ordinance. Compensation for the duties performed by the Officer shall be fixed from time to time by Resolution.

B. Application Fees - A Building Permit shall be obtained for any and all construction or excavation done or intended to be done in the Borough of Lorain in excess of $100.00 cost. Said application shall be accompanied by a certified check or money order, payable to the Borough of Lorain, in accordance with the following schedule (which shall be modiofied from time to time hereafter by Resolution):

Application fee	-	$25.00
Inspection fee	-	$20.00

for estimated costs in excess of $100.00 but less than $50,000.00. An additional $25.00 application fee is required for any excavation or construction cost in excess of $50,000.00.

Payment of Application Fees does not obligate Lorain Borough or the Zoning Officer to grant a permit to the applicant. All permits issued must be in conformance with the provisions of this Ordinance, and in the event that a permit is not granted, the application fee shall be returned by the Borough. All fees received hereunder shall be credited to the General Fund.

Section 11.02 - Building Permit -

A. No building or structure shall be erected, added to, altered or remodeled so as to change the building walls, beams, supports or roof thereof (resurfacing excluded) until a permit therefor has been issued by the Zoning Officer

B. It shall be unlawful for any person, partnership, business or corporation to undertake or cause to be undertaken, the excavation, filling and/or grading of any land within the Borough of Lorain in excess of $100.00 cost unless an approved permit has been obtained from the Borough Building Permit Officer.

C. There shall be submitted with all applications for the building permits, two copies of a layout or plot plan drawn to scale by a Registered Engineer, showing actual dimensions of the lot, the exact size and location on the lot of the building, accessory buildings, site improvements, the projected building staked out by a Registered Engineer, and such other information as may be necessary to determine and provide for the enforcement of this Ordinance. It will be the property owner's responsibility to have layout dimensions verified in the field prior to the start of construction.

D. All proposed construction as indicated on the Building Permit shall be completed within 18 months from date of issue. An escrow account, performance bond or its equal may be required prior to granting the Building Permit to insure proper construction and completion.

E. One copy of such layout or plot shall be returned when approved by the Zoning Officer, together with such permit of the applicant.

Section 11.03 - Certificate of Occupancy -

A. After completion of a building or structure for which a building permit has been issued and inspection has determined that all requirements of all codes and ordinances of Lorain Borough have been met, a certificate of occupancy shall be issued by the Zoning Officer stating that the building and proposed use thereof complies with the provisions of this Ordinance.

B. No non-conforming use shall be maintained, renewed or changed without a certificate of occupancy having been secured from the Zoning Officer within one year from the effective date of this Ordinance.

C. All certificates of occupancy shall be applied for at the same time as the application for a building permit. Said certificate will be issued within ten days after the erection or alteration and inspection, if the building or use is found to be in accordance with all codes and ordinances.

D. The Zoning Officer shall maintain a record of all certificates and copies which will be furnished upon request to any person having proprietary or tenancy interest in the building affected.

E. A fee of $ 20.00 shall be levied for each certificate of occupancy granted.

F. No permit for excavation for, or the erection or alteration of, or repairs to any building shall be issued until an application has been made for a certificate of occupancy.

Section 11.04 - Administration -

A. All applications for building permits and certificates of occupancy shall be made to the Zoning Officer, accompanied by the required fee and lot plans, together with such other data as may be required by district regulations.

B. Applications which require a special exception or variance from the Zoning Hearing Board may, at the applicant's option, be presented directly to the Zoning Hearing Board by a petition for the grant of a special exception or variance, with said petition to be considered as the equivalent of an appeal from an adverse decision of the Zoning Officer.

Section 11.05 - Enforcement - The Zoning Officer shall have the duty of enforcing this Ordinance as set forth in Article XV hereafter. Further, he shall make periodic inspections as may be necessary or desirable, and shall offer opinions and advice as to methods of

compliance with the requirements of this Ordinance whenever feasible.

ARTICLE XII - INTERPRETATION OF ORDINANCE

Section 12.01 - Interpretation of Ordinance - In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, morals, safety or the general welfare. Whenever the requirements of this Ordinance are at variance with the requirements of any other lawfully adopted rules, regulations or variances, the most restrictive, or that imposing the higher standards, shall govern.

ARTICLE XIII - ZONING HEARING BOARD

Section 13.01 - Creation, Appointment and Organization -

A. A Zoning Hearing Board consisting of three members, all of whom must be Borough residents, shall be appointed by Resolution by the Council. The term of office of the members of the Board shall be for three years, excepting that the membership of the first Board appointed shall be as follows:

One member appointed for three years;
One member appointed for two years; and
One member appointed for one year.

Thereafter, all members shall be appointed for terms of three years each. Vacancies shall be filled for the unexpired term only. Members may be removed by the Council in compliance with Section 905 of the Pennsylvania Municipalities Planning Code.

B. The Board shall elect its own chairman and vice-chairman and secretary, who shall serve for one year. The Board shall adopt from time to time such rules and regulations as it may deem necessary to carry into effect the provisions of this Ordinance.

C. Meetings of the Board shall be held at regular times and at the call of the chairman and at such times as the Board may determine. Such chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. The Board shall keep full public records of its business and shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating the fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record. The Board may, at its discretion, appoint a hearing officer from its own membership to conduct hearings in conformity with Sections 906 and

908 of the Pennsylvania Municipalities Planning Code.

D. The Board shall submit a report of its activities to the Council once a year.

E. The Board may employ secretaries, counsel and other personnel only within the limit of funds appropriated by the Council to the Board.

F. The members of the Board shall receive a fee of $25.00 per meeting, as permitted under Section 907 of the Pennsylvania Municipalities Planning Code.

Section 13.02 - Powers, Duties and Procedure -

A. Powers Relative to Errors - To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Zoning Officer in the enforcement of this Zoning Ordinance.

B. Powers Relative to Variations - Where it is alleged that the provisions of the Zoning ordinance inflict unnecessary hardship upon the applicant, the Board may grant a variance subject that the following findings are made where relevant to a given case:

1. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions, peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or district in which the property is located.

2. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.

3. That such unnecessary hardship has not been created by the appellant.

4. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.

5. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

C. Powers Relative to Special Exceptions - Upon appeal, the Board shall be empowered to permit the following special exceptions in addition to those otherwise specifically set forth in other parts of this Ordinance.

To permit the reconstruction of a district where the boundary line of a district divides a lot or record in single ownership.

To permit the reconstruction of a non-conforming building which has been damaged by explosion, fire, act of God or the public enemy to the extent of less than 75% of its fair market value when the Board finds some compelling public necessity requiring continuance of the non-conforming use, but in no case shall such a permit be issued if its primary function is to continue a monopoly.

To interpret the provisions of the Zoning Ordinance where the street layout actually on the ground varies from the street layout as shown on the map fixing the several districts, which map is attached to and made a part of this Ordinance.

To vary parking regulations of the Zoning Ordinance whenever the character or use of the building is such as to make unnecessary the full provision of parking facilities or when such regulations would impose an unreasonable hardship upon the use of the lot as contrasted with merely granting an advantage or convenience.

In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as the Board may deem necessary. For further provisions relating to special exceptions, see Article VII.

D. Powers Relative to Zoning Challenges - The Zoning Hearing Board shall exercise the privileges given to it under Sections 801, 802 and 910 of the Pennsylvania Municipalities Planning Code in reference to challenges to the validating of any provision of the Zoning Ordinance or the Zoning District Map.

E. Exercise of Powers - In exercising the above powers, the Board may reverse or affirm wholly or partly, or may modify the order, requirements, decision or determination appealed from and make such order, requirements, decision or determination as ought to be made and to that end shall have all the powers of the officer from whom the appeal is taken. In considering all appeals, the Board shall, before making any finding in a specific case, first determine that the proposed change will not permit a non-permitted

use for the district and will not impair an adequate supply of light and air to increase the danger of fire, or materially diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals and welfare of the Borough of Lorain. Every change granted or denied by the Board shall be accompanied by a written finding of fact based on sworn testimony and evidence, specifying the reason for granting or denying the variation. The decision of the Board shall be made a part of any building permit in which variation is allowed.

F. Required Action - The concurring vote of a majority of the members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Zoning Officer, or to decide in favor of the applicant in any matter upon which it is required to pass under this Ordinance, or to allow any variation of this ordinance.

G. Appeal from Action of the Board - Any party before the Board or any officer of the Borough or the Council may appeal to court. All zoning appeals shall be filed not later than 30 days after the issuance of the notice of the decision or report of the Board Appellants. Procedure shall following the requirements of Article X of the Pennsylvania Municipalities Planning Act.

H. In all cases, the governing body shall appropriate funds for administration, for enforcement and for actions to support or oppose, upon appeal to the courts, decisions of the Zoning Hearing Board. The governing board shall also make provision in its budget and appropriate funds for the operation of the Zoning Hearing Board.

I. In all cases, the Zoning Hearing Board may employ or contract for and fix the compensation of legal counsel, as the need arises. The legal counsel shall be an attorney other than the municipal solicitor. The Board may also employ or contract for and fix the compensation of experts and other staff and may contract for services as it shall deem necessary. The compensation of legal counsel, experts and staff and the sums expended for services shall not exceed the amount appropriated by the governing body for this use.

J. In all cases, the governing body may prescribe reasonable fees with respect to the administration of a Zoning Ordinance and with respect to hearings before the Zoning Hearing Board. Fees for these hearings may include compensation for the secretary and members of the Zoning Hearing Board, notice and advertising costs, and necessary administration overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants, or expert witness costs.

Section 13.03 - Procedure

A. Appeals to the Board may be taken by any person or Borough official aggrieved or affected by any decision of the Zoning Officer. Such appeal shall be taken within 30 days after notice of a decision or order is issued or within such other time as allowed under the Pennsylvania Municipal Planning Code by filing with the Zoning Officer and the Board a notice of appeal specifying the grounds thereof. The Zoning Officer shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from is taken.

B. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Officer certifies to the Board after the notice of appeal was filed with him that by reason of the facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceeding shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application on notice to the Zoning Officer and due cause shown.

C. The Board shall fix a reasonable time for the hearing of the appeal, give not less than seven days public notice thereof in a newspaper of general circulation, as well as due notice to the parties in interest, and decide the same within 45 days after the hearing, or if such hearing is continued, within 45 days after such continued hearing. Upon the hearing, any party may appear in person or by agent or by attorney.

D. Upon receipt of an appeal or petition involving a variance or special exception and before conducting a hearing thereupon, the Board shall refer the matter to the Planning Commission for its recommendation, unless the Board decides that such reference is inappropriate. The Planning commission shall report the result of its study to the Board within 30 days following its receipt of the appropriate documents. If no such report is filed with the Zoning Hearing Board, the Board shall assume that the Planning Commission has acted favorably; but in any event the recommendation of the Planning Commission shall be advisory and not obligatory upon the Zoning Hearing Board.

E. The Board may also hear all challenges to the validity of the Zoning Ordinance or map under the provisions of Section 910 of the Pennsylvania Municipalities Code. Any landowner who desires to challenge on substantive grounds the validity of an ordinance or map or any provision thereof which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the governing body with a written request that his challenge and proposed amendment be heard and decided under Section 609.1 of the Pennsylvania Municipalities Planning Code. The Board or the governing body shall, in such cases, comply with all requirements set forth in the Pennsylvania

Municipalities Planning Code.

F. The Board shall conduct hearings and make decisions in accordance with the following requirements:

1. Notice shall be given to the public, the applicant, the county planning agency, the Zoning Officer, such other persons as the governing body shall designate by ordinance and to any person who has made timely request for the same. Hearing notices shall be given at such time and in such manner as shall be prescribed by ordinance or, in the absence of ordinance provision, by rules of the Board. The governing body may establish reasonable fees, based on cost, to be paid by applicant and by persons requesting any notice not required by ordinance.

2. The hearings shall be conducted by the Board or the Board may appoint any member as a hearing officer. The decision or, where no decision is called for, the findings shall be made by the Board, but the parties may accept the decision or findings of the Hearing Officer as final.

3. The parties to the hearing shall be the municipality or any person who is entitled to notice under clause 1 without special request, anyone who has made timely appearance of record before the Board and any other person permitted to appear by the Board.

4. The chairman or acting chairman of the Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

5. The parties shall have the right to be represented by counsel and shall be afforded an opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.

6. Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.

7. The Board or the hearing officer, as the case may be, shall keep a record of the proceedings, either stenographically or by sound recording, and a transcript of the proceedings and copies of graphic or written materials received in evidence shall be made available to any party at cost.

8. The Board or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings with any party or his representatives unless all parties are given an opportunity to be present.

9. The Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within 45 days after the last hearing before the Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon, together with the reasons therefor. Conclusions based on any provision of this act or of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision or findings are final, the Board shall make his report and recommendations available to the parties within 45 days and the parties shall be entitled to make written representations thereof to the Board prior to final decision or entry of findings, and the Board's decision shall be entered no later than 30 days after the report of the hearing officer. Where the Board fails to render the decision within the period required by this subsection, or

10. If the Board fails to render its decision or findings within 45 days after the last hearing, or fails to hold a requested hearing within 60 days from the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant, unless the applicant has agreed, in writing, to an extension of time.

11. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the day following date. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board shall provide by mail or otherwise brief notice of the decision or findings and a statement of the place where the full decision or

findings may be examined.

12. The Board shall, in addition, follow all of the requirements of the Pennsylvania Municipalities Planning Code.

G. The fee for filing appeals or petitions to the Board shall be determined from time to time by resolution of the governing body based upon the cost factors as contained in Article XIII, Section 13.02 - Powers, Duties and Procedures, subparagraph J hereinabove.

Section 13.04 - Zoning Hearing Board Jurisdiction - The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

A. Substantive challenges to the validity of any land use ordinance, except those brought before the governing body pursuant to curative amendments.

B. Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within 30 days after the effective date of this Ordinance.

C. Appeals from the determination of the Zoning Officer, including but not limited to the granting or denial or any permit, or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any non-conforming use, structure or lot.

D. Appeals from a determination by a municipal engineer or the Zoning Officer with reference to the administration of any flood plain or flood hazard ordinance or such provisions within this Zoning Ordinance.

E. Applications for variances from the terms of the Zoning Ordinance and flood hazard provisions within this ordinance, pursuant to Section 13.02.

F. Applications for special exceptions under this Zoning ordinance or flood plain or flood hazard provisions within this Ordinance, pursuant to Section 17.02.

G. Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of this Zoning Ordinance.

H. Appeals from the Zoning Officer's determination under Section 916.2 of the Pennsylvania Municipalities Planning Code.

8. The Board or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings with any party or his representatives unless all parties are given an opportunity to be present.

9. The Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within 45 days after the last hearing before the Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon, together with the reasons therefor. Conclusions based on any provision of this act or of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision or findings are final, the Board shall make his report and recommendations available to the parties within 45 days and the parties shall be entitled to make written representations thereof to the Board prior to final decision or entry of findings, and the Board's decision shall be entered no later than 30 days after the report of the hearing officer. Where the Board fails to render the decision within the period required by this subsection, or

10. If the Board fails to render its decision or findings within 45 days after the last hearing, or fails to hold a requested hearing within 60 days from the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant, unless the applicant has agreed, in writing, to an extension of time.

11. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the day following date. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board shall provide by mail or otherwise brief notice of the decision or findings and a statement of the place where the full decision or

I. Appeals from the determination of the Zoning Officer or municipal engineer in the administration of this Ordinance or provision thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to development not involving Article XIII applications (Community Unit Plans).

ARTICLE XIV - AMENDMENTS

Section 14.01 - Procedure - The governing body may, from time to time, on their own motion, or on petition, amend, supplement, change, modify or repeal by ordinance the boundaries of districts or regulations or restrictions herein established.

A. Before voting on the enactment of an amendment, the governing body shall hold a public hearing thereon, pursuant to pubic notice. In addition, if the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the municipality at points deemed sufficient by the municipality along the perimeter of the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one week prior to the date of the hearing.

B. In the case of an amendment other than that prepared by the planning agency, the governing body shall submit each such amendment to the planning agency at least 30 days prior to the hearing on such proposed amendment to provide the planning agency an opportunity to submit recommendations.

C. If, after any public hearing held upon an amendment, the proposed amendment is changed substantially or is revised to include land previously not affected by it, the governing body shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.

D. If a county planning agency shall have been created for the county in which the municipality proposing the amendment is located, then at least 30 days prior to the public hearing on the amendment by the local governing body, the municipality shall submit the proposed amendment to the county planning agency for recommendations.

E. The municipality may offer a mediation option as an aid in completing proceedings authorized by this section. In exercising such an option, the municipality and mediating parties shall meet the stipulations and follow the procedures set forth in Article IX of the Pennsylvania Municipalities Planning Code.

F. Within 30 days after enactment, a copy of the amendment to the Zoning Ordinance shall be forwarded to the county planning agency.

Section 14.02 - General - The foregoing provisions as to amendi changes shall at all times be subject to the procedural require the Pennsylvania Municipalities Planning Code.

Section 14.03 - County Review - All zoning ordinance amendments sent to the Cambria County Planning Commission 30 days prior public hearing for their review and comments.

Section 14.04 - Enactment Advertisement - There must appea newspaper of general circulation within the municipality of l Borough an advertisement indicating the actual date of enactment o adopted zoning amendments. Such advertisement shall appear i newspaper no less than seven, or more than 60 days prior to enactmen said amendment by the municipality.

Section 14.05 - Amendment Sent to County - Within 30 days after adopt of a zoning amendment, a certified copy must be sent to the Cambr County Planning Commission.

Section 14.06 - Perimeter Posting on Map Change - When any amendment involves a change to municipality's zoning map, a notice must be conspicuously posted along the perimeter of the tract of land at least one week prior to the public hearing.

ARTICLE XV - ENFORCEMENT, VIOLATIONS AND PENALTIES

Section 15.01 - Enforcement -

A. The Zoning Officer shall have the duty of enforcing this Ordinance by the issuance of appropriate stop orders or cease and desist orders to violators, or by commencing summary proceedings against violators. In addition, the Zoning Officer, with the approval of the Supervisors, may institute appropriate actions or proceedings at law or in equity.

B. The Zoning Hearing Board shall hear appeals from the decision of the Zoning Officer as provided in Article XIII. The Board may reverse or affirm, wholly or partly, or may modify the order of the Zoning Officer and may make its own appropriate stop order or cease and desist order as ought to be made.

C. The Council members may, at their option, institute appropriate actions or proceedings at law or in equity or commence summary proceedings against violators in order to enforce this Ordinance.

D. The municipality shall initiate enforcement proceedings by sending an enforcement notice to the owner of record of the parcel on which the violation has occurred and to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner

of record. The notice shall state at least the following:

1. The name of the owner of record and any other person against whom the municipality intends to take action.

2. The location of the property in violation.

3. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the Ordinance.

4. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.

5. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures as hereinabove set forth.

6. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

Section 15.02 - Violations and Penalties - Any person or corporation violating any of the provisions of this Ordinance shall, upon conviction thereof before any district justice, pay a judgment of not less than $10.00 and not more than $500.00 with costs for each separate violation; and in default of payment of the judgment and costs, the person convicted may be subject to all applicable rules of civil procedure. Each day that a violation is continued shall constitute a separate offense. All judgments collected for said zoning violations shall be paid to the Borough of Lorain.

ARTICLE XVI - REPEALER

Section 16.01 - Repealing Clause - If any sentence, clause or section of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses or sections of this Ordinance. It is hereby declared as the intent of the Council of Lorain Borough that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentences, clauses or sections thereof not been included herein.

ENACTED into an Ordinance this 3rd day of October, 1990.

BOROUGH OF LORAIN

By Karen D. Hagand
President of Council

ATTEST:

Kimberly Rapkoske
Secretary

APPROVED this 3rd day of October, 1990.

Mayor Harold Berkebile
Mayor

BOROUGH OF LORAIN
CAMBRIA COUNTY
PENNSYLVANIA

ORDINANCE NO. 212

ORDINANCE AMENDING THE LORAIN BOROUGH SEWAGE PRETREATMENT ORDINANCE NO. 203 ADOPTED JANUARY 21, 1987.

BE IT ORDAINED AND ENACTED by the Borough of Lorain, Cambria County, Pennsylvania, and it is hereby ordained and enacted by the authority of the same as follows:

SECTION 1: That Section 1.2 be amended to read as follows:

Definitions

(18) National Categorical Pretreatment Standard or Pretreatment Standard. Any regulation containing pollutant discharge limits promulgated by the E.P.A. in accordance with Section 307(b) and (c) of the Act (33 U.S.C. 1317) and 40 CFR Subchapter N, Parts 401-471, which applies to a specific category of Industrial User.

(20) New Source. Any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

(i) The building, structure, facility or installation is constructed at a site at which no other source is located; or

(ii) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

(iii) The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In

determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

(21)

(a) Pass Through. A discharge which exits the POTW into waters of the United States in quantities or concentrations which alone or in concentration with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit.

SECTION 2. That Section 2.1(a) is hereby amended to read as follows:

(a) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient, either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than five percent nor any single reading be over ten percent of the Lower Explosive Limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldephydes, peroxides, chlorates, perchlorates, biomates, carbides, hybrides and sulfides.

(n) Any discharge causing interference at the POTW.

(o) Any waste which would exceed the following limitation unless an exception has been granted to the User in their Wastewater Discharge Permit, or different limitations are required of the discharger based upon E.P.A. Categorical Pretreatment Standards, as delineated in the User's Discharge Permit.

The limitations represent the average concentration taken during a sampling event, either an eight or twenty-four hour composite sample.

Arsenic	1.78 mg/l
Cadmium	17.98 mg/l
Chromium	17.65 mg/l
Copper	10.40 mg/l
Cyanide	1.51 mg/l
Lead	1.45 mg/l

Mercury	1.80 mg/l
Nickel	17.35 mg/l
Nitrogen as Ammonia	11.00 mg/l
Silver	4.46 mg/l
Zinc	5.98 mg/l

The specific pollutants of concern and limitations may be amended because of new health effects studies, water quality reports, or amendments to Federal or State criteria or regulations.

SECTION 3. Section 2.2 is hereby amended to read as follows:

2.2 Promulgation of Federal Categorical Pretreatment Standard

Upon the promulgation of Federal Categorical Pretreatment Standards for a particular industrial subcategory, the Federal Standard, if more stringent than limitations imposed under this Ordinance for sources in that subcategory, shall immediately supersede the limitations imposed under this Ordinance. The Director of the Bureau of Sewage shall notify all affected users of the applicable reporting requirements under 40 CFR, Section 403.12, and of any new or revised categorical standards as promulgated by the E.P.A.

SECTION 4. Section 4.1 is hereby amended to read as follows:

4.1 Compliance with Discharge Requirements

It shall be unlawful to discharge without a City Permit to any natural outlet within the operating area of the POTW, or in any area under the jurisdiction of same, and/or to the POTW any wastewater except as authorized by the Director of the Bureau of Sewage in accordance with the provisions of this Ordinance. It shall be unlawful for an existing user of the POTW to change the character or volume of its discharge where such contributions do not meet applicable Pretreatment Standards and Requirements or where such contributions would cause the POTW operator to violate its NPDES permit.

SECTION 5. Section 4.2.3 is hereby amended to read as follows:

4.2.3 Wastewater Contribution Permits
Permit Modification

Within 3 months of the promulgation of a National Categorical Pretreatment Standard, the Wastewater Contribution Permit of Users subject to such standards

shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a User subject to a National Categorical Pretreatment Standard has not previously submitted an application for a Wastewater Contribution Permit as required by 4.2.2, the User shall apply for a Wastewater Contribution Permit within 90 days after the promulgation of the applicable National Categorical Pretreatment Standard. In addition, the User with an existing Wastewater Contribution Permit shall submit to the Director of the Bureau of Sewage within 90 days after the promulgation of an applicable Federal Categorical Pretreatment Standard the information required by paragraph (h) and (i) of Section 4.2.2.

SECTION 6. Section 4.2.4(i) is hereby amended to read as follows:

(i) Requirements for notification and approval of the POTW operator of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system.

SECTION 7. Section 4.3.2(l) is hereby amended to read as follows:

(l) Any User subject to a Pretreatment Standard, after the compliance date of such Pretreatment Standards, or, in the case of a New Source, after commencement of the discharge into the POTW, shall submit biannual reports to the Director, unless required more frequently in the Pretreatment Standard or by the Director of the Bureau of Sewage, a report indicating the nature and concentration of pollutants in the effluent which are limited by such Pretreatment Standards. All baseline monitoring reports, 90-day compliance reports, and periodic reports on continued compliance must be signed by a duly authorized representative of the industrial user and must include the certification statement set forth in CFR 403.6 (a)(2)(ii).

SECTION 8. Section 4.3.2 is hereby amended to include the following:

(3) All analyses of sewage effluent performed by or on behalf of any industrial user of the system must be reported in writing to the Director of the Bureau of Sewage.

SECTION 9. Section 4.5 is hereby amended to read as follows:

4.5 Inspection and Sampling

The POTW operator shall inspect the facilities of any

User to ascertain whether the purposes of this Ordinance are being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the POTW operator or their representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination or in the performance of any of their duties. The POTW operator, Approval Authority, and where the State is the Approval Authority, the E.P.A. shall have the right to set up on the User's property such devices as are necessary to conduct sampling inspections, compliance monitoring and/or metering operations; and shall have the right to copy records and reports of the industrial users.

SECTION 10. Section 4.7 is hereby amended to read as follows:

4.7 Confidential Information

Information and data on a User obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction. If the User specifically requests and is able to demonstrate to the satisfaction of the POTW oprator that the release of certain portions of a report might disclose trade secrets or secret processes, those sections shall not be made available for inspection by the public. However, all information and data provided by Industrial Users shall be made available to the E.P.A. as provided by Section 308 of the Clean Water Act, 33 U.S.C. 1317.

SECTION 11. Section 5.5 is hereby amended to read as follows:

5.5 Legal and Equitable Remedies

If any person discharges sewage, industrial wastes or other wastes into the POTW operator's wastewater disposal system contrary to the provisions of this Ordinance, Federal or State Pretreatment Requirements, or any Wastewater Contributor Permits issued by the POTW operator; or if any person fails to submit required monitoring or compliance reports; or refuses to allow any authorized representative of the POTW operator to enter and inspect the premises of the industrial user, the POTW operator may commence an action for appropriate legal and/or equitable relief in the County Court of Common Pleas or through an appropriate order of the Public Utilities Commission.

SECTION 12. Section 6.1 is hereby amended to read as follows:

6.1 Penalties

The POTW operator shall have the authority to seek civil and criminal penalties and injunctive relief for noncompliance by any user. An Industrial User found to be in noncompliance with any provision of this Ordinance, and the orders, rules, regulations and permits issued hereunder shall be fined not less than $1,000 a day for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the POTW operator may recover reasonable attorneys' fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit of law against the person found to have violated this Ordinance or the orders, rules, regulations and permits issued hereunder.

SECTION 13. All other portions of Ordinance No. 203 shall remain unaffected hereby and are hereby reaffirmed.

SECTION 14. This Ordinance shall become effective twenty (20) days after final passage.

ORDAINED and **ENACTED** this 5th day of September, 1990.

BOROUGH OF LORAIN

By Darwin R. Siegand
President of Council

ATTEST:

Kimberly Rapicoglo
Secretary

APPROVED this 5th day of September, 1990.

Harold W Berkebile Jr
Mayor

BOROUGH OF LORAIN
CAMBRIA COUNTY
PENNSYLVANIA

ORDINANCE NO. 212 B

AN ORDINANCE AMENDING THE AMUSEMENT TAX ORDINANCE, BEING ORDINANCE NO. 203, ADOPTED APRIL 18, 1989, TO INCREASE THE LICENSE FEES.

WHEREAS, the Council of the Borough of Lorain did, on April 18, 1989, adopt Ordinance No. 203 providing for the licensing of pin ball machines, machines operated as games of skill, and other machines played for amusement in the Borough of Lorain; and

WHEREAS, said Ordinance No. 203 provides that the license fee shall be TWENTY-FIVE ($25.00) DOLLARS for the first machine, and TEN ($10.00) DOLLARS for each additional machine for each calendar year or fraction thereof:

BE IT ORDAINED, and it is hereby ordained by the Council of the Borough of Lorain, Cambria County, Pennsylvania, under and by virtue of the authority vested in it, as follows:

SECTION 1: That Section 2 of the Amusement Tax Ordinance, being Ordinance No. 203, adopted April 18, 1989, is hereby amended to read as follows:

SECTION 2: The Operator shall pay for said license the sum of **FIFTY ($50.00) DOLLARS** for the first machine, and **TWENTY-FIVE ($25.00) DOLLARS** for each additional machine for each calendar year or fraction thereof; provided, however, that said license shall not be transferable from one owner to another, and provided further that it shall not be required to secure a new license when one machine is

replaced by another, so long as the operator is licensed to operate the total number of machines in his place of business.

SECTION 2: All other provisions and sections of said Amusement Tax Ordinance, being Ordinance No. 203, adopted April 18, 1989, are hereby reenacted without change.

ORDAINED AND ENACTED this 3rd day of April, 1991.

BOROUGH OF LORAIN

By Darwin R. Hegand
President of Council

ATTEST:

Kimberly Keplogle
Secretary

APPROVED this 3rd day of April, 1991.

Harold Berkebile
Mayor