

C E R T I F I C A T I O N

TOWNSHIP OF OHIO

Office of the Township Secretary

I, JOHN L. SULLIVAN, JR., Township Secretary of the Township of Ohio, hereby certify that the chapters contained in this volume are based upon the original ordinances of the Board of Supervisors of the Township of Ohio and that said ordinances, as revised and codified, renumbered as to sections and rearranged into chapters, constitute the Code of the Township of Ohio, County of Allegheny, Commonwealth of Pennsylvania, as adopted by ordinance of the Board of Supervisors on *March 27th*, 1993.

Given under my hand and the Seal of the Township of Ohio, County of Allegheny, Commonwealth of Pennsylvania, this day of 1993, at Pittsburgh, Pennsylvania.

s/JOHN L. SULLIVAN, JR.


Township Secretary

ORDINANCE 181

AN ORDINANCE TO APPROVE, ADOPT AND ENACT AN ORDINANCE CODIFICATION OF A COMPLETE BODY OF LEGISLATION FOR THE TOWNSHIP OF OHIO, COUNTY OF ALLEGHENY, COMMONWEALTH OF PENNSYLVANIA; TO PROVIDE FOR THE REPEAL OF CERTAIN LEGISLATION NOT INCLUDED THEREIN; TO SAVE FROM REPEAL CERTAIN OTHER LEGISLATION NOT INCLUDED THEREIN; AND TO PROVIDE PENALTIES FOR THE VIOLATION OF THE CODE OR CHAPTERS THEREOF

ARTICLE I
Adoption of Code

Be it enacted and ordained by the Board of Supervisors of the Township of Ohio, County of Allegheny, Commonwealth of Pennsylvania, and it is enacted and ordained as follows:

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

Pursuant to Section 702, Clause XLI.1 (53 P.S. § 65741.1) of the Second Class Township Code, the codification of a complete body of legislation for the Township of Ohio, County of Allegheny, Commonwealth of Pennsylvania, as revised, codified and consolidated into titles, chapters and sections by General Code Publishers Corp. and consisting of Chapters 1 through 132, together with an Appendix, are hereby approved, adopted, ordained and enacted as a single ordinance of the Township of Ohio, which shall be known and is hereby designated as the "Code of the Township of Ohio," hereinafter referred to as the "Code."

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

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

§ 1-3. Repeal of legislation not contained in Code.

All legislation or parts of legislation of a general and permanent nature adopted by the Township of Ohio and in force on the date of the adoption of this Code and not contained in the Code are hereby repealed as of the effective date given in § 1-15 below, except as hereinafter provided.

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

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

- A. Any ordinance adopted subsequent to May 1, 1989.
- B. Any right or liability established, accrued or incurred under any legislative provision of the township prior to the effective date of this ordinance, or any action or proceeding brought for the enforcement of such right or liability or any cause of action acquired or existing.
- C. Any offense or act committed or done before the effective date of this ordinance in violation of any legislative provision of the township or any penalty, punishment or forfeiture which may result therefrom.
- D. Any prosecution, indictment, action, suit or other proceeding pending, or any judgment rendered prior to the effective date of this ordinance, brought pursuant to any legislative provision of the township.
- E. Any franchise, license, right, easement or privilege heretofore granted or conferred by the township or any lawful contract, obligation or agreement.
- F. Any ordinance or resolution appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond of the township, or other instruments or evidence of the township's indebtedness.
- G. Any ordinance adopting an annual budget or establishing an annual tax rate.
- H. Any ordinance providing for the levy, imposition or collection of special taxes, assessments or charges.
- I. Any ordinance authorizing the purchase, sale, lease or transfer of property or acquiring property by acceptance of deed, condemnation or exercise of eminent domain.
- J. Any ordinance annexing land to the township.
- K. Any ordinance providing for requiring the construction or reconstruction or opening of sidewalks, curbs and gutters.

- L. Any ordinance, or part of an ordinance, providing for laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, sidewalk, park or other public place or property or designating various streets as public highways.
- M. Any ordinance establishing water, sewer or other special purpose districts and designating the boundaries thereof; or providing for a system of sewers or water supply lines; or providing for the construction, extension, dedication, acceptance or abandonment of any part of a system of sewers or water supply lines.
- N. Any ordinance providing for the making of public improvements.
- O. Any ordinance providing for the salaries and compensation of officers and employees of the township or setting the bond of any officer or employee.
- P. Any ordinance concerning changes and amendments to the Zoning Map.
- Q. Any provisions regulating vehicles and traffic in the Township of Ohio.

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

All legislation of a general and permanent nature adopted subsequent to the date given in § 1-4A and/or prior to the date of adoption of this ordinance are hereby deemed to be a part of the Code and shall, upon being printed be included therein. Attested copies of all such legislation shall be temporarily placed in the Code until printed supplements are included.

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

- A. Nonsubstantive grammatical changes. In compiling and preparing the legislation of the township for adoption and revision as part of the Code, certain nonsubstantive grammatical and style changes were made in one (1) or more of said legislation. It is the intention of the Board of Supervisors that all such changes be adopted as part of the Code as if the legislation so changed had been previously formally amended to read as such.
- B. Substantive changes and revisions. In addition to the changes and revisions described above, the following changes and revisions of a substantive nature are hereby made to various legislation included in the Code. These changes are made to bring provisions into conformity with the desired policies of the Board of Supervisors, and it is the intent of the Board of Supervisors that all such changes be adopted as part of the Code as if the legislation so changed have been previously formally amended to read as such. All such changes and revisions shall be deemed to be in effect as of the effective date of the Code specified in § 1-15.

- (1) In Chapter 17, Manager, Township, § 17-3 (original Section 3 of Ord. No. 94) is amended to increase the Manager's bond from forty thousand dollars (\$40,000.) to sixty thousand dollars (\$60,000.).
- (2) In Chapter 31, Planning Commission, § 31-2 (original Section 2 of Ord. No. 24) is amended to change the terms of office of members to four (4) years, to comply with 53 P.S. § 10203.
- (3) In Chapter 58, Curfew, § 58-2B is added to state the circumstances in which a minor may be on the streets after 9:00 p.m.
- (4) Chapter 101, Sewers and Sewage Disposal, is amended as follows:
 - (a) Section 101-9 (original Section 307 of Ord. No. 43) is amended to provide as follows:

§ 101-9. Enforcement of county rules by Plumbing Inspector.

In the event the Allegheny County Department of Health fails to or is unable to exercise jurisdiction over the construction, alteration or repair of any individual sewage disposal system, the rules and regulations of said Allegheny County Department of Health applicable to sewage disposal systems in effect at the time or in effect immediately prior to the termination of the jurisdiction of said Allegheny County Department of Health shall continue to have control over such systems. If such is the case, the Ohio Township Plumbing Inspector is hereby authorized and directed to enforce such rules and regulations and the provisions of this Article.

- (b) Section 101-19 (original Section 501 of Ord. No 43) is amended to provide for a fine of not less than one hundred dollars (\$100.) and not more than three hundred dollars (\$300.) and costs for a violation of Part 1, with provision for imprisonment for not more than thirty (30) days upon default. Another section authorizing proceedings to enjoin or prevent violations has been retained.
- (5) In Chapter 109, Streets and Sidewalks, § 109-2 (original Section 2 of Ord. No. 92) is amended to provide:

§ 109-2. Application for permit.

The application for a permit shall be on a form prescribed by the township and submitted to the township in triplicate. The application shall be accompanied by a fee prescribed by the township, as determined by the Department of Transportation, payable to the township, not exceeding the approximate reasonable cost of processing the application, and another fee payable to the township not exceeding the approximate reasonable cost of making the first inspection. In addition, the applicant shall submit three (3) copies of a sketch showing such dimensions as the location of the intended facility, width of the traveled roadway, right-of-way lines and a dimension to the nearest intersecting street.

(6) Chapter 112, Subdivision and Land Development, is amended as follows:

- (a) Throughout this chapter the term "plan" has been changed to the term "plat" upon instruction of the governing body.
- (b) Section 112-4B (original Section 104.2) is amended to provide as follows:

"B. Before acting on any subdivision plat, the Board of Supervisors may arrange for a public hearing thereon after giving notice of public hearing as provided by law."

(c) Section 112-8E(5) (original Section 201.5e) is amended for clarity to provide:

- (5) Failure of the Board of Township Supervisors to render a decision and communicate it to the applicant within ninety (90) days following the date of the regular meeting of the Planning Commission next following the date the application is complete and accepted for filing shall be deemed an approval of the application in the terms presented, provided that should the said next regular meeting occur more than thirty (30) days following the filing of the application, the said ninety-day period shall be measured from the 30th day following the filing date, and in the manner required herein shall be deemed an approval of the application in the terms presented unless the applicant has agreed in writing to an extension of time or change in the manner of communication of the decision, in which case failure to meet the extended time or change in manner of communication shall have like effect.

(7) Chapter 116, Taxation, is amended as follows:

- (a) Section 116-15 (original Section 2 of Ord. No. 46) is amended to revise the definitions of earned income, employer, net profits, nonresident, resident, person and taxpayer and to add definitions of current year, income tax officer, preceding year and succeeding year, to conform to the definitions in 53 P.S. § 6913, Subdivision I.
- (b) Section 116-16A (original Section 3 of Ord. No. 46) is amended to change references to the years 1961 and 1962 to references to the current year and the succeeding year.

- (c) Section 116-17 (original Section 4 of Ord. No. 46) to change references to 1961 and 1962 to the current year and the succeeding year and to change references to the "collector" to the "Income Tax Officer."
- (d) Section 116-18 (original Section 5 of Ord. No. 46) is amended to change references to the "Collector" to the "Income Tax Officer."
- (e) Section 116-19 (original Section 6 of Ord. No. 46) is amended to change references to the Collector to references to the Income Tax Officer.
- (f) Section 116-21 (original Section 8 of Ord. No. 46) is amended to change references in Subsections A and B to the "Collector" to references to the "Income Tax Officer."
- (g) Section 116-24A [original Section 11(a) of Ord. No. 46] is amended to change the penalty for a violation to five hundred dollars (\$500.) and costs and imprisonment for thirty (30) days upon default in payment of the fine and costs, the standard penalty for a violation of an income tax ordinance.
- (h) Section 116-24B [original Section 11(b) of Ord. No. 46] is amended to a standard penalty as stated in Subsection (7)(g) above for an unauthorized disclosure of income tax information.
- (i) Section 116-28B [original Section 4(b) of Ord. No. 80] is amended to change references to certain month in 1968 and to months in the "present calendar year" to references to the current year and the succeeding year.
- (j) Section 116-29 (original Section 5 of Ord. No. 80) is amended to change references to months in 1968 to references to months in the current year and to change reference to certain months in the present calendar year to references to these months in the succeeding year.
- (k) (Reserved)
- (l) Section 116-43A (original Section X, first paragraph of Ord. No. 118) is amended to change a reference to the year 1982 to a reference to the current year.

(m) Section 116-47A [original Section IV(a) of Ord. No. 143] is amended to provide:

A. Every person who makes, executes, delivers, accepts or presents for recording any document or in whose behalf any document is made, executed, delivered, accepted or presented for recording shall be subject to pay for and in respect to the transaction or any part thereof a tax at the rate of one percent (1%) of the value of the real estate represented by such document, which tax shall be payable at the earlier of the time the document is presented for recording or within thirty (30) days of acceptance of such document or within thirty (30) days of becoming an acquired company.

(n) Section 116-58 (original Section XV of Ord. No. 143) is amended to provide:

§ 116-58. Lien for taxes.

The tax imposed by this Article shall become a lien upon the lands, tenements or hereditaments or any interest therein lying, being situated wholly or in part within the boundaries of the Township of Ohio, which lands, tenements, hereditaments or interest therein are described in or conveyed by or transferred by the deed or other instrument which is the subject of the tax imposed, assessed and levied by this Article, said lien to begin at the time when the tax under this Article is due and payable and continue until discharged by payment or in accordance with the law, and the Solicitor is authorized to file a municipal or tax claim in the Court of Common Pleas of Allegheny County in accordance with the provisions of the Municipal Claims and Liens Act of 1923, 53 P.S. § 7101 et seq, its supplements and amendments.

C. Standardization of penalty provisions.

(1) The penalty provisions in the following sections of individual legislation prescribing penalties for violations are revised pursuant to 53 P.S. § 65741, clause XLI to provide for a maximum fine of six hundred dollars (\$600.) plus costs of prosecution and in default of the payment thereof for imprisonment for a term not exceeding thirty (30) days: §§ 58-3 (original Section III), 62-2 (original Section II), 69-3 (original Section 4), 75-17B (original Section 2.10B), 86-8 (original Section 8) (other provisions retained), 91-2 (original Section 2), 96-7 (original Section 7), 101-23B (original Section IIIB of Ord. No. 127), 101-30 (original Section 7 of Ord. No. 129), 101-40 (original Section 8 of Ord. No. 138), 105-4C (original Section 4, third paragraph, 109-6 (original Section 6 of Ord. No. 92), 109-13 (original Section VII of Ord. No. 114), 116-13 (original Section XI of Ord. No. 19), 116-33 (original Section 9 of Ord. No. 50), 116-43B (original Section X; second paragraph of Ord. No. 118).

- (2) The penalty provisions in the following sections of individual legislation prescribing penalties for violations are revised pursuant to 53 P.S. § 65741, Clause XLI to provide for a maximum fine of one thousand dollars (\$1,000.) plus costs of prosecution and in default of the payment thereof for imprisonment for a term not exceeding thirty (30) days: § 72-3 (original Section 3 of Ord. No. 101).

§ 1-7. Interpretation of provisions.

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

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

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

§ 1-9. Filing of copies of Code.

Three (3) copies of the Code in a post-bound volume shall be filed with the Ordinance Book in the office of the Township Secretary and shall remain there for use and examination by the public. Upon adoption, such copies shall be certified to by the Township Secretary, as provided by law, and such certified copies shall remain on file in the office of the Township Secretary, available to persons desiring to examine the same during all times while said Code is in effect.

§ 1-10. Amendments to Code.

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

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

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

§ 1-12. Publication of notices.

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

§ 1-13. Altering or tampering with Code; penalties for violation.

It shall be unlawful for anyone to improperly change or amend, by additions or deletions, or to alter or tamper with the Code, or any part or portion thereof, in any manner whatsoever, which will cause the law of the township to be misrepresented thereby. Anyone violating this section of this ordinance shall, upon conviction thereof, be punished by a fine not exceeding three hundred dollars (\$300.) plus costs of prosecution, and in default of payment thereof by imprisonment for a term not exceeding thirty (30) days.

§ 1-14. Severability.

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

§ 1-15. Effective date.

All provisions of this ordinance and of the Code shall be in force and effect on and after

ARTICLE II
Ordinances Adopted During Codification

[During the process of codification, Ordinance No. 103, the Zoning Ordinance of the Township of Ohio, adopted April 20, 1978, was amended to designate it Chapter 132 of the Code of the Township of Ohio and to make certain revisions therein. The ordinance effecting these amendments and revisions was designated Ord. No. and was adopted on]]

This Ordinance shall become effective immediately.

ORDAINED AND ENACTED at a duly assembled public meeting by the Township of Ohio, this 8th day of March, 1993.



CHAIRMAN

Attest:


