

CASS TOWNSHIP CODE

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TITLE I. ADMINISTRATION

CHAPTER 1. CODIFICATION PROVISIONS

Section 101. Title

This codification ordinance shall be known as the "Cass Township Code" and shall be cited as follows:

1 Cass Code §101, et seq.

Section 102. Scope

The provisions of this ordinance shall apply to all ordinances and general laws enacted by Cass Township currently in effect and as may be amended in the future.

Section 103. Intent

The Board of Supervisors intends to consolidate or codify its general body of Township ordinances by adopting as a single ordinance which shall be known as the "Cass Township Code". The Board of Supervisors further intends to repeal and amend certain existing ordinances as noted in the course of preparing this consolidation or codification. However, it is the intent of the Board of Supervisors that this codification will not change the presently existing ordinances unless this enacting ordinance specifically provides for amendments or repeals. Any prior ordinance not specifically and substantively changed as part of this codification shall continue in full force and effect from the date of the adoption of the prior ordinance. All such provisions are hereby continued in full force and effect and are reaffirmed. It is the intention of the Board of Supervisors of such provisions of said ordinances within the Code be reenacted and reaffirmed as they appear in the Cass Township Code.

Section 104. Severability

The provisions of this ordinance are severable, and if any section, clause, sentence, part or provision thereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect, impair or invalidate any of the remaining sections, clauses, sentences, parts or provisions of this ordinance. It is hereby declared to be the intent of Cass Township Board of Supervisors that this ordinance would have been adopted if such illegal, invalid or unconstitutional section, clause, sentence, part or provision had not been included herein.

Section 105. Substantive Changes and Revisions to Existing Ordinances

The major substantive changes to existing ordinances relates to the penalties as provided in Section 107 below. Other revisions to existing ordinances are more in the nature of renumbering into various titles and chapters to be consistent with the Code being adopted herein.

Section 106. New Ordinances Adopted as Part of this Codification

Ordinances listed below are hereby adopted during the process of codification to replace or update previously adopted ordinances. Said new ordinances were contained in the Notice of Intent to Adopt published in conjunction with the adoption of the Cass Township Code. The new ordinances are as follows:

1. Regulation of outdoor furnaces
2. Local Services Tax

Section 107. Penalties

All prior ordinances, as part of the codification noted herein, shall be amended to include the maximum amount of civil and criminal penalties pursuant to the Second Class Township Code, 53 P.S. §66601(c.1), as it currently reads and as may be amended from time to time. The current language of the Township Code has a maximum Six Hundred Dollar (\$600.00) fine per violation for civil enforcement and a summary offense under the Pennsylvania Rules of Criminal Procedure has a maximum criminal fine not to exceed One Thousand Dollars (\$1,000.00) per violation. It is the intent of the Board of Supervisors to allow applicable fines to increase as the Pennsylvania Township Code is amended without the need to continually amend the CASS CODE. It is also the intent of the Board of Supervisors that any and all remedies or enforcement procedures available under §66601 shall be adopted as part of any penalty or enforcement provisions of the Code.

Any person, partnership, corporation, bureau or utility, or the partners or officers thereof, who fail to comply with any of the requirements or provisions of any ordinance contained in the Cass Code or the rules and regulations promulgated pursuant thereto, shall be subject to a fine of not less than Three Hundred (\$300.00) Dollars and not more than One Thousand (\$1,000.00) Dollars pursuant to 53 P.S. §66601(c.1), as amended from time to time; and in default of payment, to imprisonment of not more than thirty (30) days. Each day's violation of any provision of the Cass Code shall constitute a separate offense, and the violation of each section hereof shall constitute a separate offense. In addition to these penalties, all other remedies are hereby reserved including an action in equity for the proper enforcement of any ordinance or law of the State of Pennsylvania. The imposition of a fine or penalty for any violation of, or non-compliance with, the Cass Code shall not excuse the violation or non-compliance or permit it to continue, and all such persons, partnerships, corporations, bureaus or utilities, or the partners or officers thereof, shall be required to correct or remedy such violations and non-compliances within a reasonable time.

Section 108. Repeal of Certain Ordinances; Notation of Ordinances Not Repealed by This Codification

Any ordinance previously adopted by the Board of Supervisors which is not contained in the Code or specifically saved from repeal as noted herein, is hereby repealed as of the effective date of this codification. Ordinances which are not to be repealed or affected by this codification are generally as follows:

a. All taxation ordinances adopted by the Board of Supervisors periodically. These ordinances will be codified at a later date under Title VIII, Taxation and Finance. It is the specific intent of the Board to save codification of these ordinances for a later date.

b. Any ordinance concerning the police department and the creation of the police department or the positions contained therein. This also will be codified at a later date under Chapter 2 of Title I, Administration.

c. The current Subdivision and Land Development Ordinance adopted by the Township. It is the intent that this ordinance continue in full force and effect to be later codified as Title X of the Cass Township Code. The Board of Supervisors reserves the right of the time of that codification to make any amendments to the Subdivision and Land Development Ordinance pursuant to the Pennsylvania Municipalities Planning Code.

d. Any ordinance creating a municipal authority or a joint municipal authority pursuant to the Pennsylvania Municipal Authorities Act.

e. Any ordinances passed with regard to what is commonly known as the High Ridge Industrial Park. These ordinances can include, but are not limited to, taxation and finance ordinances related to the development of High Ridge including, but not limited to the legislation concerning the Keystone Opportunity Zone Program or the Tax Increment Financing Program, also known as TIF and LERTA.

f. Any ordinance setting a salary of an elected or appointed Township official. This is reserved under Chapter 2 of Title I, Administration, for codification at a later date.

g. Any ordinance creating the Planning Commission together with the appointment of members to serve on said Commission. This likewise will be codified at a later date.

h. Any recent ordinance concerning an update of the Police Pension Plan by the Township. This will be included in the Cass Code at a later date.

i. Any ordinance or resolution appropriating money or guaranteeing payment of money by way of issuance of bonds or guarantees such as the PennVest funding for the sewage collection system and treatment facility.

j. Ordinances adopting annual budgets or setting annual tax rates.

k. Ordinances concerning the purchase or transfer of any real or personal property or the acquisition of property through eminent domain proceedings.

1. Any ordinance commonly known as a Flood Plain Ordinance, as amended from time to time.

CHAPTER 2. OFFICIALS, DEPARTMENTS, BOARDS AND RECORDS

Section 201. Establishment of Police Department - *Reserved*

Section 202. Salaries and Compensation - *Reserved*

Section 203. Planning Commission - *Reserved*

Section 204. Municipal Authorities - *Reserved*

Section 205. Fire Department - *Reserved*

Section 206. Zoning Hearing Board - *Reserved*

Section 207. Building Code Appeals Board

Section 207.1. Appeals

Any person directly affected by a decision of an appropriate official of the Township relative to the Property Maintenance Code of Cass Township or the Cass Township Building Code have certain rights to appeal consistent with those codes noted herein. Such appeal shall be heard by the Building Code Appeals Board as provided in both the Property Maintenance Code and the Building Code.

Section 207.2. Creation of Cass Township Building Code Appeals Board

The Cass Township Building Code Appeals Board shall be appointed by the Board of Supervisors pursuant to Section 111 of the Property Maintenance Code of Cass Township.

Section 208. Public Works Department - *Reserved*

CHAPTER 3. MUNICIPAL NON-UNIFORM PENSION

Section 301. Title

This ordinance shall be known as the "Cass Township Municipal Non-Uniform Pension Ordinance".

Section 302. Citation

This ordinance may be cited as 1 Cass Code §301, et seq.

Section 303. Election to Enroll

Cass Township hereby elects to enroll its municipal employees in the Pennsylvania Municipal Retirement System, established by the Pennsylvania Municipal Retirement Law, Act 15 of 1974, as amended, with the express purpose of having the Pennsylvania Municipal Retirement System administer the pension plan established for the municipal employees of the Township. Cass Township does hereby agree to be bound by all the requirements and provisions of said Law, and to assume all obligations, financial and otherwise, placed upon member municipalities by said Law. All references hereafter shall be based on benefits negotiated between the Board and the municipality under the provisions of Article IV of the Pennsylvania Municipal Retirement Law.

Section 304. Membership

Membership in the Pennsylvania Municipal Retirement System shall be mandatory for all full-time municipal employees of the Township. Membership for part-time employees is optional. The election by part-time employees to join the System must be made within one year after the employee first enters the service of the Township. Membership for elected officials, employees, hired on a temporary or seasonal basis, and individuals paid only on a fee basis is prohibited.

Section 305. Credit and Eligibility

Credit for service toward the annuity of each original member shall begin to accrue upon the effective date of the agreement between the Township and the Pennsylvania Municipal Retirement System. However, for purposes of determining eligibility for early retirement and vesting, credited service shall accrue from each original member's date of hire. Benefits provided to members in the agreement dated August 31, 2006, shall accrue based on all credited service granted and earned in accordance with this section.

Section 306. Payment of Obligations

Payment for any obligation established by the adoption of this ordinance and the agreement between the Board and Cass Township shall be made by the Township in accordance with the Pennsylvania Municipal Retirement Law and Act 205 of 1984, the Municipal Pension Plan Funding Standard and Recovery Act.

Section 307. Acceptance of Agreement With Pennsylvania Municipal Retirement System

As part of this ordinance, the Township agrees that the System shall provide the benefits set forth in the agreement between the Board and Cass Township, dated August 31, 2006. The passage and adoption of this ordinance by the Township is an official acceptance of said agreement and the financial obligations resulting from the administration of said benefit package.

Section 308. Authorization

Cass Township intends this ordinance to be the complete authorization of the Township's municipal pension plan.

Section 309. Filing

A duly certified copy of this ordinance and the referenced agreement shall be filed with the Pennsylvania Municipal Retirement System of the Commonwealth of Pennsylvania. Membership for the municipal employees of Cass Township in the Pennsylvania Municipal Retirement System shall be effective the first day of July, 2006.

(Ordinance No. 806-1, Adopted August 31, 2006)



TITLE II. ROADS, STREETS, SIDEWALKS, BRIDGES AND HIGHWAYS

CHAPTER 1. RIGHT-OF-WAY ORDINANCE

Section 101. Title

This Ordinance shall be known as the "Cass Township Right-of-Way Use Ordinance".

Section 102. Citation

This ordinance may be cited as 2 Cass Code §101, et seq.

Section 103. Permit Required

It shall be unlawful for any person, firm or corporation to make any opening or excavation in or under any street, alley, thoroughfare or Right-of-Way within the limits of the Township unless and until a permit therefore is secured from the proper Township official for each separate undertaking, such permit to be in a form prescribed by the Township.

Section 104. Definitions

ROAD OPENING AND/OR EXCAVATIONS – The digging of any trench or excavation through or under the Township Right-of-Way.

RIGHT-OF-WAY – Legal property of the Township, including paved and unpaved roadway, shoulders, or alleys.

EMERGENCY – A serious situation or occurrence that happens unexpectedly and demands immediate action. Instances of emergencies include water main breaks sewer line breaks and power failures that endanger the health and welfare of Township residents.

Section 105. Permit Fees; Required Details

Section 105.1. The charge for said permit shall, for each separate undertaking, be one hundred dollars (\$100.00), plus cost for inspection and a deposit guaranteeing proper restoration (See Figure 1).

Section 105.2. Every such permit shall specify where said opening or excavation may be made, together with the probable length, width and depth thereof, and such further information as the official may require; and any additional surface to be disturbed may be endorsed on the permit by said official, provided that emergency breaks or leaks may be repaired and a permit therefore secured within forty-eight (48) hours thereafter.

Section 105.3. A completed application for right-of-way opening permit (see Figure 2) and corresponding fee according to the fee schedule must accompany the application.

Section 105.4. These permit fees and inspection fees may be adjusted from time to time by the Board of Supervisors by resolution.

Section 106. Safety Precautions; Liability for Damage

Section 106.1. It shall be the duty of any person or persons, firm or corporation to whom a permit is issued or by whom any opening or excavation is made as aforesaid to provide and maintain proper vehicular and pedestrian traffic control including adequate guards, barriers and lights to prevent accidents, and they shall assume all risks and be liable for all damages by reason of the openings and excavations or any failure to properly fill the hole or trench and maintain the disturbed surface in a safe condition.

Section 106.2. Township roads shall not be closed unless requested, in writing, and approved by the Road Foreman. Applicants must submit a detour plan, signing plan and any additional information required by the Road Foreman along with a road closure request. Roadways to be closed shall be conspicuously posted along the roadway to be closed a minimum of forty-eight (48) hours in advance of the proposed closure. The posting shall be visible and easily read from vehicles utilizing the roadway and shall indicate the dates and times the roadway is to be closed. Provisions shall be made by the applicant for detours around the proposed road closure. All detour signs and additional traffic control shall be at the expense of the applicant. In all instances, emergency vehicles must be provided access to areas of the road closure. The applicant must submit a copy of the road closure request to the police department and Fire Chief in the district that is affected by the closure.

Section 107. Standard Procedures

Section 107.1. Damage to underground utility lines. Prior to the excavating of any opening, the applicant shall contact all utilities having underground installations in the Township in accordance with Pennsylvania Act 187 (PA ONE CALL – 1-800-242-1776), Prevention of Damage to Underground Utility Lines by Excavation or Demolition. Any person obtaining a permit for a street opening shall accept full responsibility for any damage caused in any way whatsoever to underground installations other than their own and shall make complete restitution for their repair or replacement. The PA ONE CALL serial number shall be provided to the Township listing all utilities notified.

Section 107.2. Excavation. Excavation within existing cartways of the Township shall be done with hand-operated pneumatic tools and hydraulically operated equipment or by such other methods as will furnish a clean cut in the pavement and base without undue disturbance to subgrade or fragmentation of surrounding street or roadway. All material excavated shall be the responsibility of the person, firm, corporation, bureau or utility for proper disposal.

Section 107.3. Backfilling. Backfill within the cartway area shall consist of No. 2A subbase acceptable by the Engineer and/or Road Foreman, compacted to 97% proctor density in layers not to exceed eight (8) inches in depth up to the road surface. A buried metallic utility line marker must be placed twelve (12) inches below the proposed base course. The applicant is responsible to provide one compaction test by qualified individual per excavation or every 100 linear feet at the Township's discretion.

Section 107.4. Method of opening. When an opening is made in an existing paved street, the pavement shall be sawn. A one (1) foot wide "cut-back" around the entire perimeter of the excavation shall be made prior to final restoration. There shall be no irregular saw cut lines and all saw cut lines shall be neat. (See Figure 3)

Section 107.5. Restoration

- (1) Temporary restoration.
 - (a) Temporary restoration consisting of bituminous patching material may be placed and properly compacted within the trench area.
 - (b) Responsibility: All temporary restoration shall be maintained by the person, firm, corporation or bureau or utility until weather conditions permit permanent restoration or as otherwise directed by the Township Engineer and/or Road Foreman. During this period, any sinking or other deterioration of the trench shall be repaired. Temporary restoration must be placed within five (5) days after completion of work or when weather conditions permit in accordance with PENNDOT Publication 408 in its latest edition.
- (2) Permanent restoration. Restoration is to match the existing pavement type.
 - (a) Method I – Bituminous Roadway. All temporary restoration shall be removed from the trench area and additional material immediately adjacent thereto for a minimum distance of twelve (12) inches and a minimum depth of thirteen and one-half (13 ½) inches in order to accommodate permanent restoration. The entire area shall then be properly rolled and compacted. Upon the compacted subbase and/or subgrade shall be constructed an eight (8) inch thick No. 2A subbase course meeting the requirements of Section 350 of PENNDOT Publication 408, latest revision, followed by a four (4) inch thick Superpave Asphalt Mixture Design, HMA Base Course,

PG 64-22, < 0.3 Million ESALs 25.0 mm, 4" depth as per Section 305 of PENNDOT Publication 408 and a one and one-half (1 ½) inch Superpave Asphalt Mixture Design, HMA Wearing Course, PG 64-22, < 0.3 million ESALs 9.5 mm mix, 1.5 inch depth, SRL-L.

- (b) As per Section 420 of the PENNDOT Publication 408. Upon completion of permanent restoration, the jointure of the existing cartway and new construction shall be sealed with hot bituminous material of the class and type designed for the surface course for a distance of six (6) inches on both sides thereof (see Figure 3 for details).
- (c) Responsibility. The person, firm, corporation, bureau or utility responsible for permanent restoration shall maintain and repair said restoration for a period of one (1) year following completion of permanent restoration to the satisfaction of the Township.
- (d) All existing pavement markings must be replaced in kind.
- (e) Pavement restoration shall be inspected by the Township. In the event the Township is unable to inspect the restoration, it shall be the responsibility of the permit applicant to photo document the following steps of restoration: *initial excavation* (photograph tape measure showing depth of excavation); *placement of stone subbase* (photograph tape measure showing depth of remaining pavement; *placement of wearing course and sealing*. For excavation lengths greater than 25 feet, photo documentation should occur on a 25-foot interval. Two (2) copies of color photographs shall be submitted to the Township for review.

Section 107.6. Guidelines and plan. All work shall be in accordance with Pennsylvania Department of Transportation (PENNDOT) Publication 408, latest revision, and as shown on the details prepared by alfred benesch & company, Township Engineer, being Figures 3, attached hereto and made a part hereof.

Section 107.7. Miscellaneous. All excavation and restoration within rights-of-way and/or easements other than ordained streets or roadways of the Township shall be subject to replacement in kind acceptable to the Engineer/Road Foreman and in compliance with Township ordinances. Areas disturbed outside of the paved cartway, shall be repaired in kind with minimum 6" topsoil, seeding and soil supplements. Any items disturbed such as paved swales, bituminous roll curb must also be replaced in kind. Minimum pavement depths are shown in Figure 3.

Section 107.8. State and Township forms and regulations. Should the forms, specifications and/or regulations of the Commonwealth of Pennsylvania or the Township, which are incorporated by reference in this Article, be subsequently amended, replaced or in any other way changed, this Article shall be automatically amended to incorporate herein the subsequent, similar forms, specifications and/or regulations of the Commonwealth of Pennsylvania and the Township. It is the intent of this Article to achieve a strong degree of uniformity therewith.

Section 107.9. Any damage to a Township Road, signage, etc. must be repaired or improved in kind at no cost to the Township.

Section 107.10. Crossing of construction equipment on Township roads may require an overweight permit. The road must be protected from damage via boards, tires, earth, etc.

Section 108. Notice to Repair; Time Limit; Performance of Work by Township

If the work in filling or maintaining the surface shall not be promptly or shall be unskillfully or improperly or incompletely done, the Township Engineer and/or the Road Foreman may cause the same to be done in the manner he deems proper after at least ten (10) days' written notice to the permittee that the same be done; and the expense thereof, including any overhead expense, shall be charged to the permittee, together with ten percent (10%) additional as penalty. No permit shall be issued to any person, firm or corporation in default under this section until the costs and penalty herein provided are paid, and no further permit shall be granted to any person, firm or corporation, bureau or utility unless and until the openings or excavation already caused by him or it have been properly filled and the surface maintained as aforesaid, in safe condition and at the proper grade, of which said Engineer and/or Road Foreman shall be the judge.

Section 109. Excavation to be Responsibility of Permittee

In no case shall any opening or excavation made by any person, firm, corporation, bureau or utility be considered in the charge or case of the Township or any officer or person employed by the Township, and no officer or employee is authorized to in any way take or assume any jurisdiction over such opening or excavation. However, if the person, firm, corporation, bureau or utility causing the opening to be made deems it to its advantage to employ the same workmen as do similar work for the Township, it may do so.

In the event an applicant requests a waiver from payments required prior to the excavation, a performance bond in an amount equal to one hundred twenty percent (120%) of the estimated resurfacing cost shall be filed with the Township. The estimated restoration cost shall be approved by the Township Engineer and/or Road Foreman.

Section 110. Restoration Deposit Required

In addition to all permits now or hereafter required and all permit fees required to be paid therefore, all persons, firms, corporations, bureaus or utilities or their agents shall deposit in cash the sum of five dollars (\$5.00) per square foot of excavation for bituminous pavements with the proper Township official before digging or excavating within any street within the Township or removing or destroying the paving thereof (see Figure 1).

Section 111. Responsibility for Costs

If the Township shall restore the right-of-way area affected to grade or repave same, and if the cost of said regrading and paving said street area and maintaining the same for a period of one (1) year thereafter shall be in excess of restoration deposit, then the person, firm, corporation, bureau or utility digging or excavating said street area or removing or destroying said paving shall pay the excess of said cost over restoration deposit to the Township upon the completion of said regrading or repaving, and in the case of maintenance, upon and at the times said maintenance is required.

Section 112. Refund of Deposit

Section 112.1. If the Township should restore the street area affected to grade or repave the same, and if the cost of said regrading and repaving said street area and maintaining the same for one (1) year after said regrading and repaving are completed is less than restoration deposit, then the Township shall at the end of one (1) year after said regrading and repaving are completed, refund said excess to the person, firm, corporation, bureau or utility paying said deposit.

Section 112.2. If the person, firm, corporation, bureau or utility who digs or excavates said street area or removed or destroys the paving thereof, at its own expense, restores said street area to grade and repaves the same in a manner satisfactory to the Township Engineer and/or Road Foreman and maintains said area for a period of one (1) year after said regrading or repaving, then the Township shall, at the end of one (1) year after said regrading or repaving are completed, refund restoration deposit to the person, firm, corporation, bureau or utility who paid the same.

Section 113. Violations and Penalties

Any person, partnership, corporation, bureau or utility, or the partners or officers thereof, who or which violates any of the provisions of this Article shall, upon conviction thereof in a summary proceeding or upon verdict in a civil enforcement proceeding, be sentenced to pay a fine in accordance with 1 Cass Code §107, Penalties.

Section 114. Public-Service Corporation, Authorities, Utilities, etc.

All public-service corporations, Authorities, Utilities, etc. desiring to disturb the right-of-way on any Township street shall adhere to all the foregoing provisions in the previous sections. All restoration work, including application of a wearing surface, shall be accomplished by the public-service corporation. In the event that the Road Foreman determines that a substantial area of a street or highway will be disturbed by excavation to be performed by the public-service corporation, the Township may require that the public-service corporation place a one and one-half (1 ½) inch bituminous Superpave overlay to cover the entire width of the street which will be disturbed. Any public-service corporation desiring to disturb the paving on any Township street may furnish a properly executed bond from an approved surety company conditioned for the faithful compliance with the ordinances of the Township of Cass relating to the making of excavation in the streets and highways and regulations made in pursuance thereof, in place of the cash deposit required under Section 110. The minimum bond amount shall be five thousand dollars (\$5,000.00). In the event any public-service corporation makes a number of openings each year, the amount of the bond shall be seventy-five percent (75%) of the previous year's permit, inspection and deposit fees, but in no case shall it be less than the particular project.

(Ordinance No. 406-1, Adopted April 27, 2006)

CHAPTER 2. DRIVEWAY ORDINANCE

Section 201. Title

This Ordinance shall be known as the "Cass Township Driveway Ordinance".

Section 202. Citation

This Ordinance may be cited as 2 Cass §201, et seq.

Section 203. Definitions

DRIVEWAY – Every entrance or exit used by vehicular traffic to or from properties abutting a roadway.

ROADWAY – Every public road or street including existing or proposed streets, lanes, alleys, courts and ways.

HIGH VOLUME DRIVEWAY – A driveway used or expected to be used by more than 1,500 vehicles per day.

MEDIUM VOLUME DRIVEWAY – A driveway used or expected to be used by more than 750 but less than 1,500 vehicles per day.

LOW VOLUME DRIVEWAY – A driveway used or expected to be used by more than 25 but less than 750 vehicles per day.

MINIMUM USE DRIVEWAY – A residential or other driveway which is used or expected to be used by not more than 25 vehicles per day.

Section 204. Activity Regulated

This Ordinance shall regulate all activity by any person or entity involving the construction, reconstruction, or modification (i.e. paving, repaving, resurfacing, grading, regrading) of driveways, alleyways, private or public road access as defined and enumerated in this Ordinance.

Section 205. Application Procedure

The application procedure to be followed including fees and escrow required shall be set and may be revised by the Supervisors through Resolution of the Board, from time to time, as required.

Section 206. Insurance Fee, Escrow and Deposit Requirements

The attached document entitled "SCHEDULE A; INSURANCE FEE, ESCROW AND DEPOSIT REQUIREMENTS" shall be incorporated herein and be made a part of this Ordinance and sets forth the particular fee schedule, escrow, inspection, security deposit and insurance requirements for activities within the purview of this Ordinance. Any changes, modifications, or alterations of Schedule A shall and may be revised by the Supervisors through Resolution of the Board, from time to time, as required.

Section 207. Minimum Use Driveway Construction Standards

The attached document entitled "SCHEDULE B; MINIMUM USE DRIVEWAY CONSTRUCTION STANDARDS" shall be incorporated herein and be made a part of this Ordinance and sets forth the construction standards to be followed and employed for all minimum use driveways in the Township, whether new construction, repair, repaving, regrading, resurfacing or relocating same. Any changes, modifications, or alterations of Schedule B shall and may be revised by the Supervisors through Resolution of the Board, from time to time, as required.

Section 208. Application for Driveway Permit

The attached documents entitled "APPLICATION FOR DRIVEWAY PERMIT" shall be incorporated herein and be made a part of this Ordinance and shall be used as the standard application form/permit for all activity enumerated and encompassed in this Ordinance. Any changes, modifications or alterations of these instructions shall and may be revised by the Supervisors through Resolution of the Board, from time to time, as required.

Section 209. Violations and Remedies

Any person, partnership, corporation, bureau or utility, or the partners or officers thereof, who or which violates any of the provisions of this Article shall, upon conviction thereof in a summary proceeding or upon verdict in a civil enforcement proceeding, be sentenced to pay a fine in accordance with 1 Cass Code §107, Penalties.

The Board of Supervisors may direct the removal, repair or alterations, which constitute a violation, as the case may be, to be done by the Township and to certify the costs thereof to the Township Solicitor, the cost of such removal, repairs, or alterations shall be a lien upon such premises from the time of such removal, repair, and alteration which date shall be determined by the certificate of the person doing such work, and filed with the Township Secretary.

The Township, by means of a complaint in equity, may compel the owner of the premises to comply with the terms of any notice of violation such as making required modifications, or seek any such other relief as any such court or competent jurisdiction is empowered to afford.

Section 210. Severability

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason, held to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

(Ordinance No. 406-2, Adopted April 27, 2006)

CHAPTER 3. PRIVATE ROADWAYS

Section 301. Title

This Ordinance shall be known as the "Cass Township Private Roadways Ordinance".

Section 302. Citation

This ordinance shall be cited as 2 Cass Code §301, et seq.

Section 303. Scope

The provisions of this Ordinance shall apply to any street, cartway, right-of-way, or any area of land used by the public as a street or thoroughfare by vehicular or pedestrian traffic, including any street, avenue, road, highway, freeway, boulevard, parkway, lane, alley, cul-de-sac or viaduct, as defined by the Cass Township SALDO or the Schuylkill County SALDO.

Section 304. Intent

The purpose of this Ordinance shall be to require all developers to remove snow and ice from roadways, as defined herein, if said roadways are used by the public for residential or commercial purposes.

Section 305. Definitions

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

ALLEY - A right-of-way providing secondary access to the side or rear of one or more properties.

CARTWAY - The portion of a street or highway right-of-way, paved or unpaved, designed for vehicular use.

COMMERCIAL DEVELOPMENT - Any development containing more than one hundred (100') feet of roadway and more than two (2) or more subdivided lots for commercial or industrial use in accordance with the Cass Township SALDO, Schuylkill County SALDO or any similar ordinance existing at all relevant times.

CUL-DE-SAC STREET - A local street which is permanently terminated at one end by a vehicular turnaround and intersects another street at the other end.

DEVELOPER - Any landowner, agent of such landowner or tenant with permission from a landowner, who makes or causes to be made a subdivision of land or land development pursuant to either the Cass Township SALDO or the Schuylkill County SALDO for commercial or residential purposes.

DEVELOPMENT - Any subdivision or residential development within Cass Township which contains more than one hundred (100') feet of roadway used by the public and more than two (2) or more individual lots for residential purposes.

LANDOWNER - The owner of a legal or equitable interest in land, including the holder of a written, signed and active an option or contract to purchase or a person leasing the property (if authorized under the lease to exercise the right of the landowner and if such lease is for a remaining period of at least twelve (12) months), or authorized officers of a partnership or corporation that is a "landowner" or other person having a proprietary interest in land. A person who has clearly received formal notarized powers of attorney relating to a landowner may act in the capacity of the landowner, if legally authorized.

LOT - Any parcel or tract of land regardless of size, intended as a unit of ownership, transfer of ownership, use, lease, rent, improvement or development. Contiguous nonconforming lots under common ownership shall be considered one lot. Lot shall also mean parcel, plot, site, or any similar term.

PERSON - Any individual, partnership, organization, association, trust, or corporation. When used in a penalty provision, "person" shall include the members of such partnership, the trustees of such trust, and the officers of such organization, association, or corporation.

PRIVATE ROADWAY - Any street, cartway, right-of-way, or any area of land used by the public as a street or thoroughfare by vehicular or pedestrian traffic, including any street, avenue, road, highway, freeway, boulevard, parkway, lane, alley, cul-de-sac or viaduct, as defined by the Cass Township SALDO or the Schuylkill County SALDO, which has not yet been formally accepted by Cass Township as part of its Township road system.

RIGHT-OF-WAY - Land reserved for the public or others for use as a street or other purpose. Unless otherwise stated, "right-of-way" shall mean the existing street right-of-way line.

SIDEWALK - Portion of a street between the curb lines, or the lateral lines of a cartway, and the adjacent property lines, intended for use by pedestrians.

STREET - Any public or private thoroughfare intended to be used by vehicular or pedestrian traffic; including street, avenue, road, highway, freeway, boulevard, parkway, lane, alley and viaduct.

Section 306. Responsibility for Removal of Snow and Ice From Privately Owned Roadways

Section 306.1. Every person or corporation in charge or control of any private roadway in any residential or commercial development within Cass Township, whether as owner, tenant, occupant, or lessee of said roadways, shall remove and clear away or cause to be removed or cleared away, snow and/or ice from said private roadways used by the public for residential or commercial purposes.

Section 306.1.1. Except as provided in subsection 306.1.2 hereof, snow and ice shall be removed from private roadways within three (3) hours after the cessation of any fall of snow, sleet or freezing rain.

Section 306.1.2. In the event snow and/or ice on a private roadway has become so hard that it cannot be removed without likelihood of damage to the private roadway, the person charged with its removal shall, within the time mentioned in subsection 1 hereof, cause enough sand or other abrasive to be put on the private roadway to make travel reasonably safe; and shall, as soon thereafter as weather permits, cause to be cleared the said private roadway or that portion of the street or highway which is used for vehicular travel.

Section 307. Depositing of Snow and Ice Restricted

No person or corporation shall deposit or cause to be deposited any snow or ice on or immediately next to a fire hydrant or on any sidewalk or on loading/unloading areas of a public transportation system, which includes school bus stops, except that snow and ice may be mounded by developers/owners, as defined herein, on private roadways incident to the cleaning thereof or mounded on curbs incident to the clearing of sidewalks.

Section 308. Violations

Any person, partnership, corporation, bureau or utility, or the partners or officers thereof, who or which violates any of the provisions of this Article shall, upon conviction thereof in a summary proceeding or upon verdict in a civil enforcement proceeding, be sentenced to pay a fine in accordance with 1 Cass Code §107, Penalties.

Section 309. Severability

The provisions of this ordinance are severable, and if any section, clause, sentence, part or provision thereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect, impair or invalidate any of the remaining sections, clauses, sentences, parts or provisions of this ordinance. It is hereby declared to be the intent of Cass Township Board of Supervisors that this ordinance would have been adopted if such illegal, invalid or unconstitutional section, clause, sentence, part or provision had not been included herein.

(Ordinance No. 1007-1, Adopted 25, 2007)

CHATER 4. ESTABLISHING WEIGHT LIMITS

Section 401. Title

This ordinance shall be known as the "Cass Township Weight Limit Ordinance".

Section 402. Citation

This ordinance shall be cited as 2 Cass Code §401, et seq.

Section 403. Maximum Weight

The maximum weight for all motor vehicles on township roads in Cass Township is hereby limited to 10 tons gross weight.

Section 404. Definition of Township Roads

For the purpose of this ordinance, township roads shall include all roads accepted or laid out by the Board of Supervisors of Cass Township but does not include any Federal or State highway within the township.

Section 405. Exemption for Local Pickup or Delivery

The provisions of this ordinance shall not apply to motor vehicles engaged in local pick-up or delivery.

Section 406. Construction Projects

Prior to the commencement of any construction project, including but not limited to, power lines, pipelines, mining or timber operations, the Supervisors of Cass Township shall be notified in writing so that a meeting can be set with all parties involved to determine the extent of use of Cass Township roads and by what type and weight of vehicles.

Section 407. Use of Township Rights-of-Way to Store Materials

Pursuant to any such project or in any event, no materials of any description, including but not limited to, poles or logs will be piled or stocked on any Cass Township right-of-way.

Section 408. Blocking Township Roads or Access Roads

No ditches along any Cass Township road or roads will be blocked, and any access road, stock pile area or log landing entering onto any Cass Township road will have the necessary drain pipe installed, and such road or landing will be stabilized in such a manner that no mud or dirt will be carried on to the Township Road.

Section 409. Runoff

Any right-of-way, access road or log landing on the uphill side of any Township road will have a runoff of same description installed, so no excess water and sediment will be carried into ditches along the Township roads. Within thirty (30) days after the right-of-way, access road or log landing is no longer utilized, it will be mulched and seeded for a reasonable distance from Township roads to insure sediment will not be carried onto Township roads and into ditches.

Section 410. Bond

As requested by the Cass Township Supervisors, a suitable bond or escrow account will be set up so that the Township will have sufficient surety from which to draw upon to repair the structural damage caused by using vehicles with excessive gross weight limits.

Section 411. Heavy Hauling Permits

Heavy hauling permits or other arrangements may be secured from the Township Supervisors. This permit will allow either per trip, per month or per road per year costs or alternative bonding procedures.

Section 412. Prohibited Cleats and Chains

No track type tractors with cleats, rubber tired tractors or log skidders with chains on will be allowed on any Township improved road. This prohibition does not pertain to any emergency vehicles.

Section 413. Violations

Any person, partnership, corporation, bureau or utility, or the partners or officers thereof, who or which violates any of the provisions of this Article shall, upon conviction thereof in a summary proceeding or upon verdict in a civil enforcement proceeding, be sentenced to pay a fine in accordance with 1 Cass Code §107, Penalties.

Section 414. Severability and Savings Clause

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.

(Ordinance No. 490, Adopted January 31, 1991)

CHAPTER 5. LIQUID FUELS MILEAGE

Section 501. Title

This ordinance shall be known as the "Cass Township Liquid Fuels Ordinance".

Section 502. Citation

This ordinance may be cited as 2 Cass Code §501, et seq.

Section 503. Request to Pennsylvania Department of Highways

The appropriate officials of the Pennsylvania Department of Highways be requested to add the following roads to the list of roads within the Township of Cass to be maintained with State Liquid Fuels Funds.

Section 504. Specific List of Liquid Fuel Roads

Section 504.1. T.R. 860 Beginning on T.R. 830 and extending easterly a distance of 421 feet. R/W 33 feet.

Section 504.2. T.R. 861 Beginning on T.R. 604 and extending in a Northerly direction a distance of 220 feet west 300 feet, thence in a southerly direction a distance of 150 feet to T.R. 604. R/W 33 feet.

Section 504.3. T.R. 862 Beginning on T.R. 559 extending in a southeasterly direction a distance of 100 feet, then in a southerly direction a distance of 150 feet. R/W 33 feet.

Section 504.4. T.R. 863 Beginning on the east side of T.R. 834 and extending east 362 feet. R/W 33 feet.

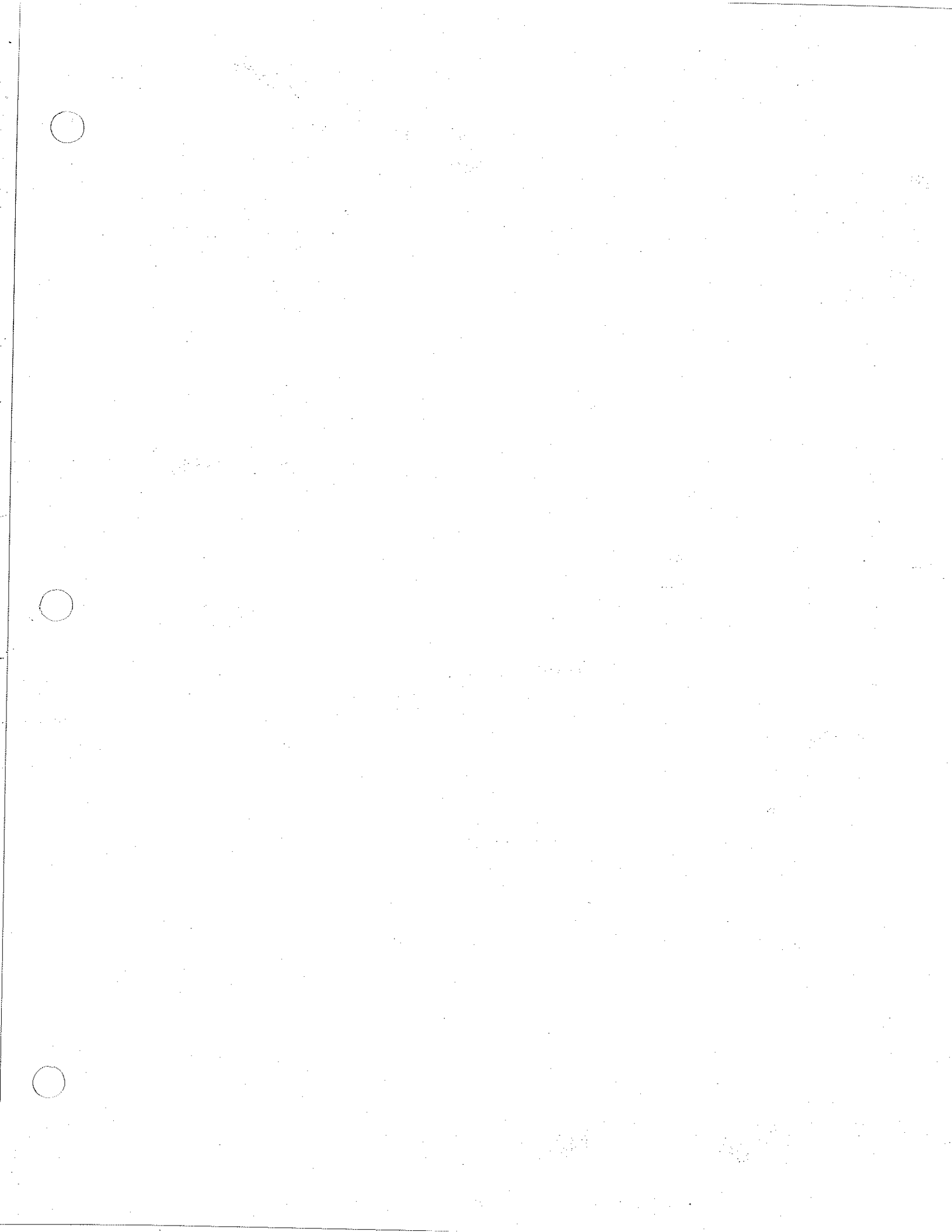
Section 505. Liquid Fuel Roads Map

The appropriate officials of the Township or the State of Pennsylvania may, from time to time, prepare and amend a map showing the specific list of liquid fuel roads noted herein.

(Ordinance No. 1 1969, Adopted June 20, 1969)

CHAPTER 6. SIDEWALK ORDINANCE

Reserved



TITLE III. SEWAGE TREATMENT

CHAPTER 1. BRANCH-CASS REGIONAL SEWER AUTHORITY

Reserved

CHAPTER 2. MANDATORY CONNECTION ORDINANCE

Section 201. Title

This ordinance shall be known as the "Cass Township Mandatory Connection Ordinance".

Section 202. Citation

This ordinance may be cited as 3 Cass Code §201, et seq.

Section 203. Definitions

Unless the context specifically and clearly indicates otherwise, the meaning of terms and phrases used in this Ordinance shall be as follows:

AUTHORITY - shall mean Branch-Cass Regional Sewer Authority, a Pennsylvania municipality organized and existing under the Pennsylvania Municipalities Act of 1945, as amended and supplemented.

BILLING UNIT - means and includes, as applicable, each of the following: a "Commercial Establishment", a "Residential Establishment", or an "Industrial Establishment".

BUILDING SEWER - means the pipe and other connections leading from the sewage drainage system of any structure to the Service Lateral or a Collection Sewer.

COLLECTION SEWER - shall mean the Authority's collection sanitary sewers located under highways, roads, streets, rights-of-way and easements with branch Service Laterals that collect and convey Sanitary Sewage or Industrial Wastes or a combination of both to a pumping or treatment facility.

COMMERCIAL ESTABLISHMENT - means any room, group of rooms, building or enclosure containing plumbing and used or intended for use in the operation of one business enterprise for the sale or distribution of any product, commodity, article or service or used or intended for use for any social, amusement, religious, educational, charitable or public purpose. "Commercial Establishment" includes institutional dormitories, but does not include personal care boarding homes licensed by the Commonwealth, with fewer than 4 residents at which no commercial, administrative or management activities occur. "Commercial Establishment" includes any residential establishment in or upon which any such commercial uses are carried on, including but not limited to a beauty shop, auto repair or auto-body garage or tanning salon.

CONNECTION UNIT - shall mean each individual building or portion of a building (factory, apartment house or office building) which is designed or adaptable to separate ownership. Other multiple unit structures whose individual apartments or units are connected to a common internal sewage system and are not subject to separate ownership shall be considered as one Connection Unit.

DOMESTIC WASTES or DOMESTIC WASTEWATER - means that wastes produced from noncommercial or nonindustrial activities, and which result from normal human living processes, which are of substantially similar origin and strength to those typically produced in residential establishments, including wastes from sanitary conveniences.

IMPROVED PROPERTY - means any property upon which there is erected a structure intended for continuous or periodic habitation (including season use properties), occupancy or use by human beings or animals and from which Sanitary Sewage and/or Industrial Wastes shall be or may be discharged.

INDUSTRIAL ESTABLISHMENT - means any room, group of rooms, building or other enclosure used or intended for use, in whole or in part, in the operation of a business enterprise for manufacturing, fabricating, processing, cleaning, servicing, laundering or assembling any product, commodity, or article or from which any industrial waste, as distinct from Sanitary Sewage, shall be discharged.

INDUSTRIAL USER - an Industrial Establishment or any user which discharges Industrial Wastes.

INDUSTRIAL WASTES - means any solid, liquid or gaseous substance or waterborne wastes or forms of energy rejected or escaping from any industrial, manufacturing, trade or business process or the development, recovery or processing of any natural resources, as distinct fro Sanitary Sewage.

NONRESIDENTIAL ESTABLISHMENT - means a Commercial or Industrial establishment.

OWNER - means any person vested with ownership, legal or equitable, sole or partial, of any Improved Property.

PERSON - means any individual, partnership, company, association, society, corporation or other group or entity, including a municipal authority and municipality.

RESIDENTIAL ESTABLISHMENT - means any room, group of rooms, building or other enclosure occupied or intended for occupancy as separate living quarters by a family or other group of Persons living together or by a Person living alone, excluding institutional dormitories, but including personal care boarding homes licensed by the Commonwealth or group homes with fewer than 4 residents at which no commercial, administrative or management activities occur.

SANITARY SEWAGE - shall mean normal water-carried household and toilet wastes from any Improved Property.

SERVICE LATERAL - means that part of the Sewer System extending from a Collection Sewer to the curb line, right-of-way line or, if there is no curb or right-of-way line, to the property line.

SEWER - shall mean any pipe or conduit constituting a part of the Sewer System used or usable for Sewage collection purposes.

SEWER SYSTEM or SYSTEM - means all facilities and property owned by the Authority as of any particular time, including but not limited to, facilities for collecting, pumping, conveying, and treating Sanitary Sewage and Industrial Wastes.

TOWNSHIP - shall mean the Township of Cass, Schuylkill County, Pennsylvania, acting by and through its Board of Supervisors or, in appropriate cases, by and through its authorized representatives.

TREATMENT SYSTEM - means all facilities, structures, and equipment owned and operated by the Authority for the collecting, transporting, treatment, recycling, and reclamation of wastewater including any works that are an integral part of the treatment process.

WASTEWATER - shall mean Sanitary Sewage or Industrial Wastes or any combination thereof.

Section 204. Use of Public Sewers Required

Section 204.1. General. The Owner of any Improved Property located in this Township and whose principal building is within 150 feet from the Sewer System, shall connect such Improved Property to the Sewer System, in such manner as this Township or the Authority may require, within 60 days after notice to such Owner from this Township or the Authority to make such connection, for the purpose of discharge of all Wastewater from such Improved Property, subject to such limitations and restrictions as shall be established herein or otherwise shall be established by this Township or the Authority, from time to time, including but not limited to the Rates, Rules and Regulations that will be adopted by the Authority, and as may be amended by the Authority from time to time (the "Rates, Rules and Regulations").

Section 204.2. All Wastewater from any Improved Property, after connection of such Improved Property with a Sewer shall be required under Section 204.1, shall be conducted into a Sewer, subject to and in accordance with such limitations and restrictions as shall be established herein or otherwise shall be established by this Township or the Authority from time to time, including but not limited to the Rates, Rules and Regulations.

Section 204.3. No person shall place or deposit or permit to be placed or deposited upon public or private property within this Township any Wastewater in violation of Section 204.1 or 204.2, except where suitable treatment has been provided which is satisfactory to this Township or the Authority.

Section 204.4. No privy vault, cesspool, sinkhole, septic tank or similar receptacle shall be used and maintained at any time upon any Improved Property which has been connected to a Sewer or which shall be required under Section 204.1 to be connected to a Sewer.

Every such privy vault, cesspool, sinkhole, septic tank or similar receptacle in existence shall be abandoned and, at the discretion of this Township or Authority, shall be cleansed and filled under the direction and supervision of this Township or Authority; and any such privy vault, cesspool, sinkhole, septic tank or similar receptacle not so abandoned and, if required by this Township or Authority, cleansed and filled, shall constitute a nuisance and such nuisance may be abated as provided by law, at the expense of the Owner of such Improved Property.

Section 204.5. No privy vault, cesspool, sinkhole, septic tank or similar receptacle at any time shall be connected with a Sewer.

Section 204.6. The notice by this Township or Authority to make a connection to a Sewer, referred to in Section 204.1, shall consist of a written or printed document requiring such connection in accordance with the provisions of this Ordinance and specifying that such connection shall be made 60 days from the date such notice is given. Such notice may be given at any time after a Sewer is in place or will be in place within such 60 day period which can receive and convey Sanitary Sewage and Industrial Wastes for treatment and disposal from the particular Improved Property. Such notice shall be served upon the Owner either by personal service or by certified mail or by such other method as at the time may be provided by law.

Section 205. Building Sewers and Connections

Section 205.1. Except as otherwise provided in this Section 301.1, each Improved Property and each Connection Unit shall be connected separately and independently with a Sewer through a Building Sewer. Grouping of more than one Improved Property on one Building Sewer shall not be permitted, except under special circumstances as permitted by the Authority under the Rates, Rules and Regulations.

Section 205.2. All costs and expenses of construction of a Building Sewer and all costs and expenses of connection of a Building Sewer to a Sewer shall be borne by the Owner of the Improved Property to be connected as provided in the Rates, Rules and Regulations: and such owner shall indemnify and save harmless this Township and the Authority from all loss or damage that may be occasioned, directly or indirectly, as a result of construction of a Building Sewer or of connection of a Building Sewer to a Sewer.

Section 205.3. A Building Sewer shall be connected to a sewer at the place designated by the Authority and where the Service Lateral is provided. The Building Sewer and the connection to the Service Lateral shall be constructed in accordance with the Rates, Rules and Regulations and the Exhibits thereto, as adopted by the Authority.

Section 205.4. If the Owner of any Improved Property located in this Township and whose principal building is within 150 feet from the Sewer System, after 60 days' notice from the Authority, in accordance with Section 204, shall fail to connect such Improved Property, as required, the Authority may make such connection and may collect from such Owner the costs and expenses thereof. In such case, this Authority shall forthwith, upon completion of the work, send an itemized bill of the cost of the construction of such connection to the Owner of the Improved Property to which connection has been so made, which bill shall be payable forthwith. In case of neglect or refusal by the Owner of such Improved Property to pay said bill, this Authority shall file a municipal lien for said construction within 6 months (or thereafter) of the date of the completion of the construction of said connection, the same to be subject in all respects to the general law providing for the filing and recovery of municipal liens.

Section 206. Rules and Regulations Governing Building Sewers and Connections to Sewers

Section 206.1. Where an Improved Property, at the time connection to a Sewer is required, shall be served by its own sewage disposal system or device, the existing house sewer line shall be broken on the structure side of such sewage disposal system or device and attachment shall be made, with proper fittings, to continue such house sewer line, as a Building Sewer. The Building Sewer shall be modified, installed and connected as provided in the Rates, Rules and Regulations as adopted from time to time by the Authority.

Section 206.2. No Building Sewer shall be covered until it has been inspected and approved by the Authority. If any part of a Building Sewer is covered before so being inspected and approved, it shall be covered for inspection at the cost and expense of the Owner of the Improved Property to be connected to a Sewer.

Section 206.3. Every Building Sewer of any Improved Property shall be maintained in a sanitary and safe operating condition by the Owner of such Improved Property.

Section 206.4. Every excavation for a Building Sewer shall be guarded adequately with barricades and lights to protect all Persons from damage and injury. Streets, sidewalks and other public property disturbed in the course of installation of a Building Sewer shall be restored, at the cost and expense of the Owner of the Improved Property being connected, in a manner satisfactory to this Township or Authority.

Section 206.5. If any Person shall fail or refuse, upon receipt of a notice of this Township or the Authority, in writing, to remedy and unsatisfactory condition with respect to a Building Sewer, within 60 days of receipt of such notice, this Township or the Authority may refuse to permit such Person to discharge Sanitary Sewage and Industrial Wastes into the Sewer System until such unsatisfactory condition shall have been remedied to the satisfaction of the Authority.

Section 206.6. This Township or Authority reserves the right to adopt, from time to time, additional rules and regulations, including but not limited to the Rates, Rules and Regulations that will initially be adopted by the Authority, as they shall deem necessary and proper relating to connections with a Sewer and the Sewer System, which additional rules and regulations, to the extent appropriate shall be and shall be construed as part of this Ordinance.

Section 207. Penalties and Enforcement

Section 207.1. Any person, partnership, corporation, bureau or utility, or the partners or officers thereof, who or which violates any of the provisions of this Article shall, upon conviction thereof in a summary proceeding or upon verdict in a civil enforcement proceeding, be sentenced to pay a fine in accordance with 1 Cass Code §107, Penalties. After a notice of violation has been given to a violator, subsequent notices of continuing violations may be combined in a single notice specifying the dates that the separate violations have continued to occur each day that a violation continues shall constitute a separate violation.

Section 207.2. Fines and costs imposed under provisions of this Ordinance shall be enforceable and recoverable in the manner at the time provided by applicable law.

In addition to the fines, penalties and costs provided herein, the Authority shall also have the power to enforce the provisions of this Ordinance or the Rates, Rules and Regulations by other legal actions as specifically provided in the ordinance or otherwise available at law under enforcement proceedings.

Section 208. Severability

In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or part of this Ordinance, it being the intent of this Township that such remainder shall be and shall remain in full force and effect.

Section 209. Declaration of Purpose

It is declared that enactment of this Ordinance is necessary for the protection, benefit and preservation of the health, safety and welfare of inhabitants of this Township.

(Ordinance No. 2002-302, Adopted March 28, 2002)

CHAPTER 3. HOLDING TANK ORDINANCE

Section 301. Title

This ordinance shall be known as the "Cass Township Holding Tank Ordinance".

Section 302. Citation

This ordinance may be cited as 3 Cass Code §301, et seq.

Section 303. Purpose

The purpose of this Ordinance is to establish procedures for the use and maintenance of existing and new holding tanks designed to receive and retain sewage, whether from residential or commercial uses, and it is hereby declared that the enactment of this Ordinance is necessary for the protection, benefit and preservation of the health, safety and welfare of the inhabitants of this municipality.

Section 304. Definitions

Unless the context specifically and clearly indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

GOVERNING BODY – shall mean the Board of Supervisors of Cass Township, Schuylkill County, Pennsylvania.

HOLDING TANK – means a watertight receptacle which receives and retains sewage conveyed by a water carrying system and is designed and constructed to facilitate the ultimate disposal of the sewage at another site.

IMPROVED PROPERTY – shall mean any property within the Township upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human being and from which structure sewage shall or may be discharged.

OWNER – shall mean any person vested with ownership, legal or equitable, sole or partial, of any property located in the Township.

PERSON – shall mean any individual, partnership, company, association, corporation or other group or entity.

SEWAGE – shall mean any substance that contains any of the waste products or excrement or other discharge from the bodies of human beings and any noxious or deleterious substance which is harmful or inimical to the public health, or to animal or aquatic life or to the use of water for domestic water supply or for recreation.

MUNICIPALITY or TOWNSHIP – shall mean Cass Township, Schuylkill County, Pennsylvania.

Section 305. Rights and Privileges Granted

The Governing Body is hereby authorized and empowered to undertake within the Township the control and methods of holding tank use, sewage disposal and sewage collection and transportation thereof.

Section 306. Rules and Regulations

The Governing Body is hereby authorized and empowered to adopt such rules and regulations concerning sewage which it may deem necessary from time to time to affect the purposes of this Ordinance.

Section 307. Rules and Regulations to Be in Conformity with Applicable Law

All rules and regulations adopted by the Governing Body pursuant to this Ordinance shall be in conformity with the provisions hereof, all other ordinances of the Township, all applicable laws and all applicable rules and regulations of this Commonwealth of Pennsylvania and its departments and agencies.

Section 308. Rates and Charges

The Governing Body shall have the right and power to fix, alter, charge and collect rates, assessments, and other charges in the area served by its facilities at reasonable and uniform rates as authorized by applicable laws and regulations.

Section 309. Exclusiveness of Rights and Privileges

Section 309.1. The collection and transportation of all sewage from any improved property utilizing a holding tank shall be done solely by or under the direction and control of the Governing Body, in compliance with the regulations of the Pennsylvania Department of Environmental Resources (“DER”) set forth in 25 Pa. Code, Section 71.63, as amended from time to time.

Section 309.2. The disposal of sewage from holding tanks shall be made only at sites which have been approved by the Department of Environmental Resources for that purpose.

Section 309.3. All permits for the utilization of holding tanks within the Township for the collection of sewage issued after the effective date hereof shall expire one (1) year from the date of issuance and shall not be renewable except at the discretion of the Governing Body, upon their review, for such additional period of time as shall be deemed appropriate by the Governing Body.

Section 309.4. The Sewage Enforcement Officer of the Governing Body will receive, review and retain pumping receipts for each permitted holding tank.

Section 309.5. The Governing Body directly and through its Sewage Enforcement Officer will complete and retain annual inspection reports for each permitted tank.

Section 310. Duties of Improved Property Owner

The owner of an improved property that utilizes a holding tank shall:

- A. Maintain the holding tank in conformance with this and all other applicable ordinances of the Township, the provisions of any applicable law, and the rules and regulations of the Governing Body, of DER and of any other administrative agency of the Commonwealth of Pennsylvania.
- B. Permit only the Governing Body or its agent to inspect the holding tank on an annual basis.
- C. Permit only a licensed hauler to collect, transport, and dispose of the contents of the holding tank at a licensed permanent dumping site.
- D. Require the licensed hauler to maintain and submit to the Township on a regular basis or as requested by the Board of Supervisors or its sewage enforcement officer a written report/receipt clearly identifying the quantity of sewage pumped on each occasion.
- E. Provide proof to the Governing Body that the hauler and dumping site are both licensed by DER or other appropriate governmental agency.
- F. Provide the Governing Body through its Sewage Enforcement Officer with receipts indicating that the holding tank has been pumped on a regular basis.
- G. Discontinue the use of such holding tank, if a permit for its use has been issued pursuant to this Ordinance and rules and regulations adopted hereunder, within one (1) year from the date of issuance of the permit, and begin using a sewage collection and disposal system which has been approved for permanent use in place of such holding tank, unless the permit has been renewed by the Governing Body pursuant to this ordinance.
- H. Fill any holding tank which has remained unused for a period of four (4) consecutive years, with dirt or similar material.

Section 311. Term of Permit

Any permit for the use of a holding tank in the Township issued by authority of the Governing Body pursuant to this Ordinance or any rules and regulations adopted hereunder, shall be valid for only one (1) year and shall not be renewable, except as set forth herein. Any person

who sells, transfers or conveys an improved property in the Township which utilizes a permitted holding tank for collection and disposal of sewage shall give written notice to the purchaser or transferee thereof that the permit for the holding tank shall expire one (1) year from the date of issuance thereof and shall not be renewable and shall furnish a true and accurate copy of the holding tank permit to the new owner.

Section 312. Grounds for Issuance

No permit for the use of a holding tank in Cass Township shall be issued, whether pursuant to this Ordinance, any rules and regulations adopted hereunder, or otherwise, unless all other possible means of collecting and disposing of sewage at the property in question have been considered and found to be unusable.

Section 313. Violations

Any person, partnership, corporation, bureau or utility, or the partners or officers thereof, who or which violates any of the provisions of this Article shall, upon conviction thereof in a summary proceeding or upon verdict in a civil enforcement proceeding, be sentenced to pay a fine in accordance with 1 Cass Code §107, Penalties.

Section 314. Abatement of Nuisances

In addition to any by other remedies provided in this Ordinance, any violation of the rules and regulations under Section 306 or the duties imposed under Section 310 shall constitute a nuisance and shall be abated by the Municipality by either seeking mitigation of the nuisance or appropriate equitable or legal relief from a court of competent jurisdiction.

Section 315. Repeal

All ordinances or resolutions or parts of ordinances or resolutions which are inconsistent herewith are hereby repealed.

Section 316. Severability

If any sentence, clause, section or part 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, sections, or parts of this Ordinance. It is hereby declared to be the intent of the Board of Supervisors of Cass Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included therein.

(Ordinance No. 196, Adopted January 25, 1996)



TITLE IV. BUILDING/CONSTRUCTION CODE

CHAPTER 1. ELECTION TO ENFORCE AND ADMINISTER THE UNIFORM CONSTRUCTION CODE PURSUANT TO THE PENNSYLVANIA CONSTRUCTION CODE ACT AND ADOPTION BY REFERENCE OF THE UNIFORM CONSTRUCTION CODE AS CASS TOWNSHIP BUILDING CODE

Section 101. Title

This ordinance shall be known as the "Cass Township Building Code Ordinance".

Section 102. Citation

This ordinance may be cited as 4 Cass Code §101, et seq.

Section 103. Election to Administer

Cass Township hereby elects to administer and enforce the provisions of the Pennsylvania Construction Code Act, Act 45 of 1999, 35 P.S. §§ 7210.101-7210.1103, as amended from time to time, and its regulations.

Section 104. Adoption of the Uniform Construction Code as the Cass Township Building Code

The Uniform Construction Code, contained in 34 Pa. Code, Chapters 401-405, as amended from time to time, is hereby adopted and incorporated herein by reference as the Municipal Building Code of Cass Township.

Section 105. Administration and Enforcement of the Code

Administration and enforcement of the Code within Cass Township shall be undertaken in any of the following ways as determined by the governing body of Cass Township from time to time by resolution:

Section 105.1. By the designation of an employee of Cass Township to serve as the municipal code official to act on behalf of Cass Township;

Section 105.2. By the retention of one or more construction code officials or third-party agencies to act on behalf of Cass Township;

Section 105.3. By agreement with one or more other municipalities for the joint administration and enforcement of this Act through an intermunicipal agreement;

Section 105.4. By entering into a contract with another municipality for the administration and enforcement of this Act on behalf of Cass Township;

Section 105.5. By entering into an agreement with the Pennsylvania Department of Labor and Industry for plan review, inspections and enforcement of structures other than one-family or two-family dwelling units and utility and miscellaneous use structures.

Section 106. Board of Appeals

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

Section 107. Repealer and Savings Clause

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

Section 108. Fees

Fees assessable by Cass Township for the administration and enforcement undertaken pursuant to this Ordinance and the Code shall be established by the governing body by resolution from time to time.

Section 109. Savings Clause

If any section, subsection, sentence or clause of this Ordinance is held, for any reason, to be invalid, such decision or decisions shall not affect the validity of the remaining portions of this Ordinance.

CHAPTER 2. AMENDMENTS TO CERTAIN ADMINISTRATIVE PROVISIONS OF THE CASS TOWNSHIP BUILDING CODE

Section 201. Title

The amended Code shall continue to be called the "Cass Township Building Code Ordinance".

Section 202. Citation

This ordinance may be cited as 4 Cass Code §201, et seq.

Section 203. Substantive Changes

The following sections of the Uniform or International Building Code (hereinafter "IBC"), which was previously adopted by reference as the Cass Township Building Code are hereby changed as follows:

Section 203.1. Title

Section 101.1, Title of IBC, shall be amended by inserting "Cass Township, Schuylkill County". (Permitted modification pursuant to Section 503(a) of the Pennsylvania Uniform Construction Code)

Section 203.2. Appointment

Section 103.2, Appointment of IBC, shall be amended to read as follows:

The building official shall be appointed by the Township Board of Supervisors.

Section 203.3. Deputies

Section 103.3. Deputies of IBC, shall be amended to read as follows:

The Board of Supervisors may appoint a deputy building official, related technical officers, inspectors, plan examiners or other employees as needed for the proper enforcement of this building code.

Section 203.4. Applications and Permits

Section 104.2. Applications and permits of IBC, is amended to read as follows:

The Township Secretary shall receive applications and forward same to the building code official or other appropriate Township

official who in turn shall review construction documents and issue permits for the erection, and alteration, demolition and moving of buildings and structures, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

Section 203.5. Department Records

Section 104.7, Department records of IBC, is amended to read as follows:

The Township Secretary shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records of Cass Township for the period required for retention of public records.

Section 203.6. Action on Application

Section 105.3.1, Action on application of IBC, is amended to read as follows:

The building official shall examine or caused to be examined applications for permits and amendments thereto within the time periods mandated by the Pennsylvania Law and Regulations, which are currently contained in 35 P.S. §7210.502. Issuance or denial of the said permit shall be in accordance with the Pennsylvania Construction Code Act and the regulations promulgated by the State of Pennsylvania under said statute.

Section 203.7. Construction Documents

Section 106, Construction documents of IBC, is amended by addition of a new Subsection 106.6 to read as follows:

Section 106.6, Special review and inspection services of IBC:
Whenever the nature of the building involves construction which is determined by the Building Official to require a review by an expert and/or specialized consultants to assist him in conducting reviews of permit applications and inspections, the Building Official may engage such experts and/or consultants. The costs thereof shall be paid to the Township by the applicant prior to the issuance of any permit if these and other costs of review exceed the permit fee. (Permitted modification pursuant to Section 503(a) of the Pennsylvania Uniform Construction Code)

Section 106, Construction documents of IBC, is amended by addition of a new Subsection 106.7 to read as follows:

Section 106.7, State approval required of IBC: Evidence of approval by the Pennsylvania Department of Labor and Industry, when required, shall accompany all applications.

Section 203.8. General

Section 109.1, General of IBC, is amended to read as follows:

Construction or work for which a permit is required shall be subject to inspection by the building official or other Township official or third party organization retained by the Township and such construction or work shall remain accessible and exposed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the building official nor the Township shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

Section 204. Savings Clause

If any section, subsection, sentence, or clause of this Ordinance is held, for any reason, to be invalid, such decision or decisions shall not affect the validity of the remaining portions of this Ordinance.

(Ordinance No. 1005, Adopted October 27, 2005)



TITLE V. PROPERTY MAINTENANCE CODE

CHAPTER 1. ADMINISTRATION

SECTION 101. GENERAL

Section 101.1. Title

These regulations shall be known as the Property Maintenance Code of Cass Township, hereinafter referred to as "this code".

Section 101.2. Citation

This ordinance may be cited as 5 Cass Code §101, et seq.

Section 101.3. Scope

The provisions of this code shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties. In addition, the provisions of this code shall apply to all leasehold interests or improvements with lessor, lessee and any property owner jointly and severally liable for violations of this Code.

Section 101.4. Intent

This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein. Repairs, alterations, additions to and change of occupancy in existing buildings shall comply with the Cass Township Building Code.

Section 101.5. Severability

If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

SECTION 102. APPLICABILITY

Section 102.1. General

The provisions of this code shall apply to all matters affecting or relating to structures and premises, as set forth in Section 101. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern.

Section 102.2. Maintenance

Equipment, systems, devices and safeguards required by this code or a previous regulation or code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order. No owner, operator or occupant shall cause any service, facility, equipment or utility which is required under this section to be removed from or shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner, as defined in this ordinance to include lessors and lessees, or the owner's designated agent shall be responsible for the maintenance of buildings, structures and premises even if said buildings, structures or premises are leasehold interests or leasehold improvements.

Section 102.3. Application of Other Codes

Repairs, additions or alterations to a structure, or change of occupancy, shall be done in accordance with the procedures and provisions of the Cass Township Building Code, *International Fuel Gas Code*, *International Mechanical Code* and the *ICC Electrical Code*. Nothing in this code shall be construed to cancel, modify or set aside any provision of the Cass Township Zoning Ordinance.

Section 102.4. Existing Remedies

The provisions in this code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure which is dangerous, unsafe and unsanitary.

Section 102.5. Workmanship

Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this code shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer's installation instructions.

Section 102.6. Historic Buildings

The provisions of this code shall not be mandatory for existing buildings or structures designated as historic buildings when such buildings or structures are judged by the code official to be safe and in the public interest of health, safety and welfare.

Section 102.7. Referenced Codes and Standards

The codes and standards referenced in this code shall be those that are listed in Chapter 8 and considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply.

Section 102.8. Requirements Not Covered by Code

Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the code official.

SECTION 103. DEPARTMENT OF PROPERTY MAINTENANCE INSPECTION

Section 103.1. General

Cass Township Board of Supervisors hereby reserves the right to delegate the responsibilities to enforce and implement this ordinance to a Township employee including, but not limited to, a code enforcement official, police officer, engineering firm or attorney, depending on the need. This delegation shall be done by motion of the Board on an as needed basis. Anyone charged with said responsibility shall be known throughout this ordinance as the code official. As such, that individual or organization can and will be referred to as "the Cass Township Maintenance Code Official" or simply "code official" throughout this ordinance.

Section 103.2. Appointment

The code official shall be appointed by the Board of Supervisors as noted herein.

Section 103.3. Deputies

The Board of Supervisors may appoint a deputy code official, related technical officers, inspectors, examiners or other employees as need for the proper enforcement of this maintenance code.

Section 103.4. Liability

The code official, officer or employee charged with the enforcement of this code, 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 an act required or permitted in the discharge of official duties.

Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code 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 an action, suit or proceeding that is instituted in pursuance of the provisions of this code; and any officer of the department of property maintenance inspection, 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.

Section 103.5. Fees

The fees for activities and services performed for the administration and enforcement undertaken pursuant to this ordinance and the Cass Township Property Maintenance Code shall be established by the Township Supervisors by resolution from time to time.

SECTION 104. DUTIES AND POWERS OF THE CODE OFFICIAL

Section 104.1. General

The Board of Supervisors shall enforce provisions of this code with the understanding that the Board may delegate such responsibilities as noted herein.

Section 104.2. Rule-Making Authority

The Board of Supervisors shall have authority as necessary in the interest of public health, safety and general welfare, to adopt and promulgate rules and procedures; to interpret and implement the provisions of this code; to secure the intent thereof; and to designate requirements applicable because of local climatic or other conditions. Such rules shall not have the effect of waiving structural or fire performance requirements specifically provided for in this code, or of violating accepted engineering methods involving public safety.

Section 104.3. Inspections

The code official shall make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the

responsible individual. The code official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

Section 104.4. Right of Entry

The code official is authorized to enter the structure or premises at reasonable times to inspect subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the code official is authorized to pursue recourse as provided by law.

Section 104.5. Identification

The code official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

Section 104.6. Notices and Orders

The code official shall issue all necessary notices or orders to ensure compliance with this code.

Section 104.7. Department Records

The Township Secretary shall keep official records of all business and activities of the Township specified in the provisions of this code. Such records shall be retained in the official records as long as the building or structure to which such records relate remains in existence, unless otherwise provided for by other regulations.

SECTION 105. APPROVAL

Section 105.1. Modifications

Whenever there are practical difficulties involved in carrying out the provisions of this code, the Township Supervisors shall have the authority to grant modifications for individual cases, provided the code official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the department files.

Sections 105.2. Alternative Materials, Methods and Equipment

The provisions of this code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material or method of construction shall be approved where the Board of Supervisors finds that the proposed design is satisfactory and complies with the intent of the provisions of this

code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.

Section 105.3. Required Testing

Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the Board of Supervisors shall have the authority to require tests to be made as evidence of compliance at no expense to the Township.

Section 105.3.1. Test Methods

Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the code official shall be permitted to approve appropriate testing procedures performed by an approved agency.

Section 105.3.2. Test Reports

Reports of tests shall be retained by the code official for the period required for retention of public records.

Section 105.4. Material and Equipment Reuse

Materials, equipment and devices shall not be reused unless such elements are in good repair or have been reconditioned and tested when necessary, placed in good and proper working condition and approved.

SECTION 106. VIOLATIONS

Section 106.1. Unlawful Acts

It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this code.

Section 106.2. Notice of Violations

The code official shall serve a notice of violation or order in accordance with Section 107.

Section 106.3. Prosecution of Violation

Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed guilty of a misdemeanor or civil infraction as determined by the local municipality, and the violation shall be deemed a strict

liability offense. If the notice of violation is not complied with, the code official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

Section 106.4. Violation Penalties

Any person, partnership, corporation, bureau or utility, or the partners or officers thereof, who or which violates any of the provisions of this Article shall, upon conviction thereof in a summary proceeding or upon verdict in a civil enforcement proceeding, be sentenced to pay a fine in accordance with 1 Cass Code §107, Penalties.

Section 106.5. Abatement of Violation

The imposition of the penalties herein prescribed shall not preclude the legal officer of the Township from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.

SECTION 107. NOTICES AND ORDERS

Section 107.1. Notice to Person Responsible

Whenever the code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Sections 107.2 and 107.3 to the person responsible for the violation as specified in this code. Notices for condemnation procedures shall also comply with Section 108.3.

Section 107.2. Form

Such notice prescribed in Section 107.1 shall be in accordance with all of the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.

4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code.
5. Inform the property owner of the right to appeal.
6. Include a statement of the right to file a lien in accordance with Section 106.3.

Section 107.3. Method of Service

Such notice shall be deemed to be properly served if a copy thereof is:

1. Delivered personally;
2. Sent by certified or first-class mail addressed to the last known address; or
3. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.

Section 107.4. Penalties

Penalties for noncompliance with orders and notices shall be as set forth in Section 106.4.

Section 107.5. Transfer of ownership

It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

SECTION 108. UNSAFE STRUCTURES AND EQUIPMENT

Section 108.1. General

When a structure or equipment is found by the code official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this code.

Section 108.1.1. Unsafe Structures

An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

Section 108.1.2. Unsafe Equipment

Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

Section 108.1.3. Structure Unfit for Human Occupancy

A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

Section 108.1.4. Unlawful Structure

An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to law.

Section 108.2. Closing of Vacant Structures

If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the code official is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an

attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the code official shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any other legal resource.

Section 108.3. Notice

Whenever the code official has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner, as defined in this statute, which includes lessors and lessees both jointly and severally, or the person or persons responsible for the structure or equipment in accordance with Section 107.3. If the notice pertains to equipment, it shall also be placed on the condemned equipment. The notice shall be in the form prescribed in Section 107.2

Section 108.4. Placarding

Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the code official shall post on the premises or on defective equipment a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

Section 108.4.1. Placard Removal

The code official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the code official shall be subject to the penalties provided by this code.

Section 108.5. Prohibited Occupancy

Any occupied structure condemned and placarded by the code official shall be vacated as ordered by the code official. Any person who shall occupy a placarded premises or shall operate placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment shall be liable for the penalties provided by this code.

SECTION 109. EMERGENCY MEASURES

Section 109.1. Imminent Danger

When, in the opinion of the Township, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a

structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The code official shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Code Official". It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

Section 109.2. Temporary Safeguards

Notwithstanding other provisions of this code, whenever, in the opinion of the code official, there is imminent danger due to an unsafe condition, the code official shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the code official deems necessary to meet such emergency.

Section 109.3. Closing Streets

When necessary for public safety, the code official shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

Section 109.4. Emergency Repairs

For the purposes of this section, the code official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

Section 109.5. Costs of Emergency Repairs

Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.

Section 109.6. Hearing

Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the Cass Township Building Code Appeals Board, be afforded a hearing as described in this code.

SECTION 110. DEMOLITION

Section 110.1. General

The Township Supervisors shall order the owner, as defined in this Ordinance, to include both lessors and lessees jointly and severally liable, of any premises upon which is located any structure, which in the code official's judgment is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, to demolish and remove such structure.

Section 110.2. Notices and Orders

All notices and orders shall comply with Section 107.

Section 110.3. Failure to Comply

If the owner, as defined in this Ordinance, to include both lessors and lessees jointly and severally liable of a premises, fails to comply with a demolition order within the time prescribed, the code official shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

Section 110.4. Salvage Materials

When any structure has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

SECTION 111. MEANS OF APPEAL

Section 111.1. Application for Appeal

Any person directly affected by a decision of the code official, or supervisors or council, or a notice or order issued under this code shall have the right to appeal to the Cass Township Building Code Appeals Board, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

Section 111.2. Membership of Board

The Cass Township Building Code Appeals Board shall be appointed by the Board of Supervisors pursuant to Section 111.2 of the Cass Township Property Maintenance Code, 6 Cass Code §111.2.

Section 111.2.1. Alternate Members

The Township shall appoint two or more alternate members who shall be called by the board chairman to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for board membership.

Section 111.2.2. Chairman

The Board shall annually select one of its members to serve as chairman.

Section 111.2.3. Disqualification of Member

A member shall not hear an appeal in which that member has a personal, professional or financial interest.

Section 111.2.4. Secretary

The Township shall designate a qualified person to serve as secretary to the Board. The secretary shall file a detailed record of all proceedings in the office of the Township.

Section 111.2.5. Compensation of Members.

Compensation of members shall be determined by law. Notwithstanding any provisions contained herein, the Board of Supervisors may establish

compensation of the members by resolution, in accordance with existing case law and statutory provisions.

Section 111.3. Notice of Meeting

The Board shall meet upon notice from the chairman, within 30 days of the filing of an appeal, or at stated periodic meetings.

Section 111.4. Open Hearing

All hearings before the Board shall be open to the public. The appellant, the appellant's representative, the code official and any person whose interests are affected shall be given an opportunity to be heard. A quorum shall consist of not less than two-thirds of the Board membership.

Section 111.5. Postponed Hearing

When the full Board is not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

Section 111.6. Board Decision

The Board shall modify or reverse the decision of the code official only by a concurring vote of a majority of the total number of appointed Board members.

Section 111.6.1. Records and Copies

The decision of the Board shall be recorded. Copies shall be furnished to the appellant and to the code official.

Section 111.6.2. Administration

The code official shall take immediate action in accordance with the decision of the Board.

Section 111.7. Court Review

Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision in the office of the Township.

Section 111.8. Stays of Enforcement

Appeals of notice and orders (other than Imminent Danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the Cass Township Building Code Appeals Board.

CHAPTER 2. DEFINITIONS

SECTION 201. GENERAL

Section 201.1. Scope

Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings shown in this chapter.

Section 201.2. Interchangeability

Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

Section 201.3. Terms Defined in Other Codes

Where terms are not defined in this code and are defined in the *International Building Code*, *International Fire Code*, *International Zoning Code*, *International Plumbing Code*, *International Mechanical Code*, or the *ICC Electrical Code*, such terms shall have the meanings ascribed to them as stated in those codes.

Section 201.4. Terms Not Defined

Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

Section 201.5. Parts

Whenever the words "dwelling unit", "dwelling", "premises", "building", "rooming house", "rooming unit", "housekeeping unit" or "story" are stated in this code, they shall be construed as though they were followed by the words "or any part thereof".

SECTION 202. GENERAL DEFINITIONS

APPROVED - Approved by the code official.

BASEMENT - That portion of a building which is partly or completely below grade.

BATHROOM - A room containing plumbing fixtures including a bathtub or shower.

BEDROOM - Any room or space used or intended to be used for sleeping purposes in either a dwelling or sleeping unit.

CODE OFFICIAL - The official who is charged with the administration and enforcement of this code, or any duly authorized representative.

CONDEMN - To adjudge unfit for occupancy.

DWELLING UNIT - A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

EASEMENT - That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be for use under, on or above a said lot or lots.

EXTERIOR PROPERTY - The open space on the premises and on adjoining property under the control of owners or operators of such premises.

EXTERMINATION - The control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poison spraying, fumigating, trapping or by any other approved pest elimination methods.

GARBAGE - The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

GUARD - A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

HABITABLE SPACE - Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

HOUSEKEEPING UNIT - A room or group of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

IMMINENT DANGER - A condition which could cause serious or life-threatening injury or death at any time.

INFESTATION - The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.

INOPERABLE MOTOR VEHICLE - A vehicle which cannot be driven upon the public streets for reason including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

LABELED - Devices, equipment, appliances, or materials to which has been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and by whose label the manufacturer attests to compliance with applicable nationally recognized standards.

LET FOR OCCUPANCY OR LET - To permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

OCCUPANCY - The purpose for which a building or portion thereof is utilized or occupied.

OCCUPANT - Any individual living or sleeping in a building, or having possession of a space within a building.

OPENABLE AREA - That part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.

OPERATOR - Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

OWNER - Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court. Owner shall also include the lessor or lessee of any leasehold, leasehold improvement or leasehold interest.

PERSON - An individual, corporation, partnership or any other group acting as a unit.

PREMISES - A lot, plot or parcel of land, easement or public way, including any structures thereon.

PUBLIC WAY - Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

ROOMING HOUSE - A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

ROOMING UNIT - Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

RUBBISH - Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

SLEEPING UNIT - A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

STRICT LIABILITY OFFENSE - An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.

STRUCTURE - That which is built or constructed or a portion thereof.

TENANT - A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

TOILET ROOM - A room containing a water closet or urinal but not a bathtub or shower.

VENTILATION - The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

WORKMANLIKE - Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

YARD - An open space on the same lot with a structure.

CHAPTER 3. GENERAL REQUIREMENTS

SECTION 301. GENERAL

Section 301.1. Scope

The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.

Section 301.2. Responsibility

The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter. Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control.

Section 301.3. Vacant Structures and Land

All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

SECTION 302. EXTERIOR PROPERTY AREAS

Section 302.1. Sanitation

All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

Section 302.2. Grading and Drainage

All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

Exception: Approved retention areas and reservoirs.

Section 302.3. Sidewalks and Driveways

All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

Section 302.4. Weeds

All premises and exterior property shall be maintained free from weeds or plant growth in excess of six (6") inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.

Section 302.5. Rodent Harborage

All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

Section 302.6. Exhaust Vents

Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

Section 302.7. Accessory Structures

All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

Section 302.8. Motor Vehicles

Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

Section 302.9. Defacement of Property

No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti.

It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

SECTION 303. SWIMMING POOLS, SPAS AND HOT TUBS

Section 303.1. Swimming Pools

Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

Section 303.2. Enclosures

Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier at least 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

Exception: Spas or hot tubs with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section.

SECTION 304. EXTERIOR STRUCTURE

Section 304.1. General

The exterior of a structure shall be maintained in a good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

Section 304.2. Protective Treatment

All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

Section 304.3. Premises identification

Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm).

Section 304.4. Structural Members

All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

Section 304.5. Foundation Walls

All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

Section 304.6. Exterior Walls

All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

Section 304.7. Roofs and Drainage

The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

Section 304.8. Decorative Features

All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

Section 304.9. Overhang Extensions

All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

Section 304.10. Stairways, Decks, Porches and Balconies

Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

Section 304.11. Chimneys and Towers

All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

Section 304.12. Handrails and Guards

Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

Section 304.13. Window, Skylight and Door Frames

Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

Section 304.13.1. Glazing

All glazing materials shall be maintained free from cracks and holes.

Section 304.13.2. Openable Windows

Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

Section 304.14. Insect Screens

During the period from May 1st to September 30th, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm) and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

Section 304.15. Doors

All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.

Section 304.16. Basement Hatchways

Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

Section 304.17. Guards for Basement Windows

Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents.

Section 304.18. Building Security

Doors, windows or hatchways for dwelling units, room units or housekeeping units shall be provided with devices designed to provide security for the occupants and property within.

Section 304.18.1. Doors

Doors providing access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a deadbolt lock designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a lock throw of not less

than 1 inch (25 mm). Such deadbolt locks shall be installed according to the manufacturer's specifications and maintained in good working order. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.

Section 304.18.2. Windows

Operable windows located in whole or in part within 6 feet (1828 mm) above ground level or a walking surface below that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a window sash locking device.

Section 304.18.3. Basement Hatchways

Basement hatchways that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with devices that secure the units from unauthorized entry.

SECTION 305. INTERIOR STRUCTURE

Section 305.1. General

The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

Section 305.2. Structural Members

All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

Section 305.3. Interior Surfaces

All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

Section 305.4. Stairs and Walking Surfaces

Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

Section 305.5. Handrails and Guards

Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

Section 305.6. Interior Doors

Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

SECTION 306. HANDRAILS AND GUARDRAILS

Section 306.1. General

Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches (762 mm) above the floor or grade below shall have guards. Handrails shall not be less than 30 inches (762 mm) high or more than 42 inches (1067 mm) high measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than 30 inches (762 mm) high above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

Exception: Guards shall not be required where exempted by the adopted building code.

SECTION 307. RUBBISH AND GARBAGE

Section 307.1. Accumulation of Rubbish or Garbage

All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.

Section 307.2. Disposal of Rubbish

Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.

Section 307.2.1. Rubbish Storage Facilities

The owner of every occupied premises shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish.

Section 307.2.2. Refrigerators

Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on premises without first removing the doors.

Section 307.3. Disposal of Garbage

Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.

Section 307.3.1. Garbage Facilities

The owner of every dwelling shall supply one of the following: an approved mechanical food waste grinder in each dwelling unit; an approved incinerator unit in the structure available to the occupants in each dwelling unit; or an approved leakproof, covered, outside garbage container.

Section 307.3.2. Containers

The operator of every establishment producing garbage shall provide, and at all times cause to be utilized, approved leakproof containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal.

SECTION 308. EXTERMINATION

Section 308.1. Infestation

All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

Section 308.2. Owner

The owner of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure.

Section 308.3. Single Occupant

The occupant of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for extermination on the premises.

Section 308.4. Multiple Occupancy

The owner of a structure containing two or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure shall be responsible for extermination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant shall be responsible for extermination.

Section 308.5. Occupant

The occupant of any structure shall be responsible for the continued rodent and pest-free condition of the structure.

Exception: Where the infestations are caused by defects in the structure, the owner shall be responsible for extermination.

CHAPTER 4. LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS

SECTION 401. GENERAL

Section 401.1. Scope

The provisions of this chapter shall govern the minimum conditions and standards for light, ventilation and space for occupying a structure.

Section 401.2. Responsibility

The owner of the structure shall provide and maintain light, ventilation and space conditions in compliance with these requirements. A person shall not occupy as owner-occupant, or permit another person to occupy, any premises that do not comply with the requirements of this chapter.

Section 401.3. Alternative Devices

In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the Cass Township Building Code shall be permitted.

SECTION 402. LIGHT

Section 402.1. Habitable Spaces

Every habitable space shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total glazed area for every habitable space shall be 8 percent of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than 3 feet (914 mm) from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

Exception: Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m²). The exterior glazing area shall be based on the total floor area being served.

Section 402.2. Common Halls and Stairways

Every common hall and stairway in residential occupancies, other than in one- and two-family dwellings, shall be lighted at all times with at least a 60-watt standard incandescent light bulb for each 200 square feet (19 m²) of floor area or equivalent

illumination, provided that the spacing between lights shall not be greater than 30 feet (9144 mm). In other than residential occupancies, means of egress, including exterior means of egress stairways shall be illuminated at all times the building space served by the means of egress is occupied with a minimum of 1 foot candle (11 lux) at floors, landings and treads.

Section 402.3. Other Spaces

All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of the appliances, equipment and fixtures.

SECTION 403. VENTILATION

Section 403.1. Habitable Spaces

Every habitable space shall have at least one openable window. The total openable area of the window in every room shall be equal to at least 45 percent of the minimum glazed area required in Section 402.1.

Exception: Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m²). The ventilation openings to the outdoors shall be based on a total floor area being ventilated.

Section 403.2. Bathrooms and Toilet Rooms

Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by Section 403.1, except that a window shall not be required in such spaces equipped with a mechanical ventilation system. Air exhausted by a mechanical ventilation system from a bathroom or toilet room shall discharge to the outdoors and shall not be recirculated.

Section 403.3. Cooking Facilities

Unless approved through the certificate of occupancy, cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in a rooming unit or dormitory unit.

Exceptions:

1. Where specifically approved in writing by the code official.
2. Devices such as coffee pots and microwave ovens shall not be considered cooking appliances.

Section 403.4. Process Ventilation

Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust ventilation system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be recirculated to any space.

Section 403.5. Clothes Dryer Exhaust

Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted in accordance with the manufacturer's instructions.

SECTION 404. OCCUPANCY LIMITATIONS

Section 404.1. Privacy

Dwelling units, hotel units, housekeeping units, rooming units and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.

Section 404.2. Minimum Room Widths

A habitable room, other than a kitchen, shall not be less than 7 feet (2134 mm) in any plan dimension. Kitchens shall have a clear passageway of not less than 3 feet (914 mm) between counterfronts and appliances or counterfronts and walls.

Section 404.3. Minimum Ceiling Heights

Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a clear ceiling height of not less than 7 feet (2134 mm).

Exceptions:

1. In one- and two-family dwellings, beams or girders spaced not less than 4 feet (1219 mm) on center and projecting not more than 6 inches (152 mm) below the required ceiling height.
2. Basement rooms in one- and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a ceiling height of not less than 6 feet 8 inches (2033 mm) with not less than 6 feet 4 inches (1932 mm) of clear height under beams, girders, ducts and similar obstructions.
3. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least 7 feet (2134 mm) over not

less than one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a clear ceiling height of 5 feet (1524 mm) or more shall be included.

Section 404.4. Bedroom and Living Room Requirements

Every bedroom and living room shall comply with the requirements of Sections 404.4.1 through 404.4.5.

Section 404.4.1. Room Area

Every living room shall contain at least 120 square feet (11.2²) and every bedroom shall contain at least 70 square feet (6.5 m²).

Section 404.4.2. Access From Bedrooms

Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces.

Exception: Units that contain fewer than two bedrooms.

Section 404.4.3. Water Closet Accessibility

Every bedroom shall have access to at least one water closet and one lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to at least one water closet and lavatory located in the same story as the bedroom or an adjacent story.

Section 404.4.4. Prohibited Occupancy

Kitchens and nonhabitable spaces shall not be used for sleeping purposes.

Section 404.4.5. Other Requirements

Bedrooms shall comply with the applicable provisions of this code including, but not limited to, the light, ventilation, room area, ceiling height and room width requirements of this chapter; the plumbing facilities and water-heating facilities requirements of Chapter 5; the heating facilities and electrical receptacle requirements of Chapter 6; and the smoke detector and emergency escape requirements of Chapter 7.

Section 404.5. Overcrowding

The number of persons occupying a dwelling unit shall not create conditions that, in the opinion of the code official, endanger the life, health, safety or welfare of the occupants.

Section 404.6. Efficiency Unit

Nothing in this section shall prohibit an efficiency living unit from meeting the following requirements:

1. A unit occupied by not more than two occupants shall have a clear floor area of not less than 220 square feet (20.4 m²). A unit occupied by three occupants shall have a clear floor area of not less than 320 square feet (29.7 m²). These required areas shall be exclusive of the areas required by Items 2 and 3.
2. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches (762 mm) in front. Light and ventilation conforming to this code shall be provided.
3. The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.
4. The maximum number of occupants shall be three.

Section 404.7. Food Preparation

All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.

CHAPTER 5. PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

SECTION 501. GENERAL

Section 501.1. Scope

The provisions of this chapter shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided.

Section 501.2. Responsibility

The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any structure or premises which does not comply with the requirements of this chapter.

SECTION 502. REQUIRED FACILITIES

Section 502.1. Dwelling Units

Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.

Section 502.2. Rooming Houses

At least one water closet, lavatory and bathtub or shower shall be supplied for each four rooming units.

Section 502.3. Hotels

Where private water closets, lavatories and baths are not provided, one water closet, one lavatory and one bathtub or shower having access from a public hallway shall be provided for each ten occupants.

Section 502.4. Employees' Facilities

A minimum of one water closet, one lavatory and one drinking facility shall be available to employees.

Section 502.4.1. Drinking Facilities

Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in toilet rooms or bathrooms.

SECTION 503. TOILET ROOMS

Section 503.1. Privacy

Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared bathrooms and toilet rooms in a multiple dwelling.

Section 503.2. Location

Toilet rooms and bathrooms serving hotel units, rooming units or dormitory units or housekeeping units, shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway.

Section 503.3. Location of Employee Toilet Facilities

Toilet facilities shall have access from within the employees' working area. The required toilet facilities shall be located not more than one story above or below the employees' working area and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m). Employee facilities shall either be separate facilities or combined employee and public facilities.

Exception: Facilities that are required for employees in storage structures or kiosks, which are located in adjacent structures, under the same ownership, lease or control, shall not exceed a travel distance of 500 feet (152 m) from the employees' regular working area to the facilities.

Section 503.4. Floor Surface

In other than dwelling units, every toilet room floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition.

SECTION 504. PLUMBING SYSTEMS AND FIXTURES

Section 504.1. General

All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing

the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

Section 504.2. Fixture Clearances

Plumbing fixtures shall have adequate clearances for usage and cleaning.

Section 504.3. Plumbing System Hazards

Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, backsiphonage, improper installation, deterioration or damage or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

SECTION 505. WATER SYSTEM

Section 505.1. General

Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the *International Plumbing Code*.

Section 505.2. Contamination

The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.

Section 505.3. Supply

The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

Section 505.4. Water Heating Facilities

Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 110°F (43°C). A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided.

An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

SECTION 506. SANITARY DRAINAGE SYSTEM

Section 506.1. General

All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.

Section 506.2. Maintenance

Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

SECTION 507. STORM DRAINAGE

Section 507.1. General

Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance.

CHAPTER 6. MECHANICAL AND ELECTRICAL REQUIREMENTS

SECTION 601. GENERAL

Section 601.1. Scope

The provisions of this chapter shall govern the minimum mechanical and electrical facilities and equipment to be provided.

Section 601.2. Responsibility

The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises which does not comply with the requirements of this chapter.

SECTION 602. HEATING FACILITIES

Section 602.1. Facilities Required

Heating facilities shall be provided in structures as required by this section.

Section 602.2. Residential Occupancies

Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature for the locality indicated in Appendix D of the *International Plumbing Code*. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.

Exception: In areas where the average monthly temperature is above 30°F (-1°C), a minimum temperature of 65°F (18°C) shall be maintained.

Section 602.3. Heat Supply

Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from September 30th to May 31st to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, bathrooms, and toilet rooms.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system

is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the *International Plumbing Code*.

2. In areas where the average monthly temperature is above 30°F (-1°C) a minimum temperature of 65°F (18°C) shall be maintained.

Section 602.4. Occupiable Work Spaces

Indoor occupiable work spaces shall be supplied with heat during the period from September 30th to May 31st to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

Section 602.5. Room Temperature Measurement

The required room temperatures shall be measured 3 feet (914 mm) above the floor near the center of the room and 2 feet (610 mm) inward from the center of each exterior wall.

SECTION 603. MECHANICAL EQUIPMENT

Section 603.1. Mechanical Appliances

All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

Section 603.2. Removal of Combustion Products

All fuel-burning equipment and appliances shall be connected to an approved chimney or vent.

Exception: Fuel-burning equipment and appliances which are labeled for unvented operation.

Section 603.3. Clearances

All required clearances to combustible materials shall be maintained.

Section 603.4. Safety Controls

All safety controls for fuel-burning equipment shall be maintained in effective operation.

Section 603.5. Combustion Air

A supply of air for complete combustion of the fuel and for ventilation of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.

Section 603.6. Energy Conservation Devices

Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping therefrom, shall not be installed unless labeled for such purpose and the installation is specifically approved.

SECTION 604. ELECTRICAL FACILITIES

Section 604.1. Facilities Required

Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Section 605.

Section 604.2. Service

The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the *ICC Electrical Code*. Dwelling units shall be served by a three-wire, 120/240 volt, single-phase electrical service having a rating of not less than 60 amperes.

Section 604.3. Electrical System Hazards

Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

SECTION 605. ELECTRICAL EQUIPMENT

Section 605.1. Installation

All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.

Section 605.2. Receptacles

Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain at least one receptacle. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection.

Section 605.3. Luminaries

Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain at least one electric luminaire.

SECTION 606. ELEVATORS, ESCALATORS AND DUMBWAITERS

Section 606.1. General

Elevators, dumbwaiters and escalators shall be maintained in compliance with ASME A17.1. The most current certification of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter, or the certificate shall be available for public inspection in the office of the building operator. The inspection and tests shall be performed at not less than the periodical intervals listed in ASME A17.1, Appendix N, except where otherwise specified by the authority having jurisdiction.

Section 606.2. Elevators

In buildings equipped with passenger elevators, at least one elevator shall be maintained in operation at all times when the building is occupied.

Exception: Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

SECTION 607. DUCT SYSTEMS

Section 607.1. General

Duct systems shall be maintained free of obstructions and shall be capable of performing the required function.

CHAPTER 7. FIRE SAFETY REQUIREMENTS

SECTION 701. GENERAL

Section 701.1. Scope

The provisions of this chapter shall govern the minimum conditions and standards for fire safety relating to structures and exterior premises, including fire safety facilities and equipment to be provided.

Section 701.2. Responsibility

The owner of the premises shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises that do not comply with the requirements of this chapter.

SECTION 702. MEANS OF EGRESS

Section 702.1. General

A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the *International Fire Code*.

Section 702.2. Aisles

The required width of aisles in accordance with the *International Fire Code* shall be unobstructed.

Section 702.3. Locked Doors

All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the Cass Township Building Code.

Section 702.4. Emergency Escape Openings

Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction, and the following. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.

SECTION 703. FIRE-RESISTANCE RATINGS

Section 703.1. Fire-Resistance-Rated Assemblies

The required fire-resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained.

Section 703.2. Opening Protectives

Required opening protectives shall be maintained in an operative condition. All fire and smokestop doors shall be maintained in operable condition. Fire doors and smoke barrier doors shall not be blocked or obstructed or otherwise made inoperable.

SECTION 704. FIRE PROTECTION SYSTEMS

Section 704.1. General

All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the *International Fire Code*.

Section 704.2. Smoke Alarms

Single or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and in dwellings not regulated in Group R occupancies, regardless of occupant load at all of the following locations:

1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.
2. In each room used for sleeping purposes.
3. In each story within a dwelling unit, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

Single or multiple-station smoke alarms shall be installed in other groups in accordance with the *International Fire Code*.

Section 704.3. Power Source

In Group R occupancies and in dwellings not regulated as Group R occupancies, single-station smoke alarms shall receive their primary power from the building wiring

provided that such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for overcurrent protection.

Exception: Smoke alarms are permitted to be solely battery operated in buildings where no construction is taking place, buildings that are not served from a commercial power source and in existing areas of buildings undergoing alterations or repairs that do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for building wiring without the removal of interior finishes.

Section 704.4. Interconnection

Where more than one smoke alarm is required to be installed within an individual dwelling unit in Group R-2, R-3, R-4 and in dwellings not regulated as Group R occupancies, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the other alarms in the individual unit. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.

Exceptions:

1. Interconnection is not required in buildings which are not undergoing alterations, repairs, or construction of any kind.
2. Smoke alarms in existing areas are not required to be interconnected where alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for interconnection without the removal of interior finishes.

CHAPTER 8. REFERENCED STANDARDS

This chapter lists the standards that are referenced in various sections of this document. The standards are listed herein by the promulgating agency of the standard, the standard identification, the effective date and title and the section or sections of this document that reference the standard. The application of the referenced standards shall be as specified in Section 102.7.

ASME American Society of Mechanical Engineers
 Three Park Avenue
 New York, NY 10016-5990

Standard reference number	Title	Referenced in code section number
A17.1—2000	Safety Code for Elevators and Escalators with A17.1a 2002 Addenda.....	606.1

ASTM ASTM International
 100 Barr Harbor Drive
 West Conshohocken, PA 19428-2959

Standard reference number	Title	Referenced in code section number
F1346—91 (2003)	Performance Specifications for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot Tubs.....	303.2

ICC International Code Council
 5203 Leesburg Pike, Suite 600
 Falls Church, VA 22041

Standard reference number	Title	Referenced in code section number
ICC EC—06	ICC Electrical Code® — Administrative Provisions.....	102.3, 201.3, 604.2
IBC—06	International Building Code®.....	201.3
IFC—06	International Fire Code®.....	201.3, 702.1, 702.2, 704.1, 704.2
IFGC—06	International Fuel Gas Code®.....	102.3
IMC—06	International Mechanical Code®.....	102.3, 201.3
IPC—06	International Plumbing Code®.....	201.3, 505.1, 602.2, 602.3
IZC—06	International Zoning Code®.....	201.3



TITLE VI. PUBLIC SAFETY

CHAPTER 1. DRUG TASK FORCE

Section 101. Title

This ordinance shall be known as the "Cass Township Drug Task Force Ordinance".

Section 102. Citation

This ordinance may be cited as 6 Cass Code §101, et seq.

Section 103. Intent to Participate

The Township of Cass has evidenced its intent to participate in the Drug Task Force activities in cooperation with the Schuylkill County District Attorney's Office designed to interdict the illegal and trafficking of narcotics and other illegal drugs within its municipal boundaries as well as within the boundaries of nearby communities.

Section 104. Intergovernmental Cooperation

This Agreement may include intergovernmental cooperation activities with adjacent and nearby municipal governments as part of a regional effort to interdict illegal drug activities.

Section 105. Use of Police Force

The Township of Cass shall utilize the services of its police force, full-time and part-time, under the conditions set forth in the Agreement and in compliance with the Municipal Police Jurisdiction Act, 42 Pa.C.S.A. § 8953.

Section 106. Agreement with Schuylkill County District Attorney's Office

The Township of Cass shall establish, pursuant to the terms of any Agreement with the Schuylkill County District Attorney appropriate procedures to comply with all relevant provisions of the Agreement and relevant regulations, direction, and guidance from the Schuylkill County District Attorney's Office.

Section 107. Term of Agreement

The term of the Agreement shall commence upon the effective date of the ordinance and may be terminated at any time upon thirty (30) days written notice.

Section 108. Purpose

The purpose and objectives of the Agreement include region-wide coordination of municipal police activities in an effort to combat illegal narcotics and drug trafficking.

Section 109. Financing of Task Force

The Agreement shall be financed with the assistance of funds supplied by the Office of the Attorney General of the Commonwealth of Pennsylvania and the Schuylkill County District Attorney's Office.

Section 110. Organizational Structure

The organizational structure necessary to implement the terms of this Agreement shall be covered by directives, procedures, and guidance from the Schuylkill County District Attorney's Office.

Section 111. Property Disposal

All property, real or personal, acquired, managed, or disposed of pursuant to this Agreement shall be in accordance with both the terms of the Agreement as well as the directives, procedures, and guidance of the Schuylkill County District Attorney's Office.

Section 112. Management of Employees

The municipality shall retain responsibility for the management, control and direction of its employees with assistance, financial or otherwise, from the Schuylkill County District Attorney's Office.

(Ordinance No. 507-3, Adopted May 31, 2007)

CHAPTER 2. ATV ORDINANCE

Section 201. Title

This ordinance shall be known as the "Cass Township ATV Ordinance".

Section 202. Citation

This ordinance may be cited as 6 Cass Code §201, et seq.

Section 203. Definitions

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

ALL-TERRAIN VEHICLE OR "ATV" – A motorized off-road vehicle traveling on two, three, four or more tires. This term does not include snowmobiles, golf carts, construction machines, home utility/lawn mowing machines (when used for that stated purpose), military, fire, emergency and law enforcement vehicles, implements of husbandry, multi-purpose agricultural vehicles or off-road vehicles not generally used for outdoor recreation.

PENNSYLVANIA VEHICLE LAWS – The body of laws, regulations and provisions, including but not limited to, the Pennsylvania Vehicle Code at Title 75 Purdons Annotated Code Section 101 through the end and the regulations/provisions promulgated by the Pennsylvania Department of Transportation as found in the Pennsylvania Code Volume 67, Chapter 1 through the end.

OPERATOR – Any person who operates or is in actual physical control of an all-terrain vehicle.

OWNER – Any person, partnership or business entity who holds the legal title or claims the right to possess an ATV.

PERSON – A natural person, firm, partnership, association, corporation or other legal entity.

ROAD – That portion of the entire width between the boundary lines of every way publicly owned and/or maintained right-of-way when any party of it is open to the use of the public for purposes of vehicular travel. The term also includes the sidewalk, berm or shoulder of the way.

Section 204. Regulations

No person shall operate and no owner shall permit the operation of an all-terrain vehicle under the following circumstances at the following locations:

Section 204.1. No person shall park or store, nor shall any property owner permit to be parked or stored on any roadway, sidewalk or public ground within the Township of Cass any all-terrain vehicle.

Section 204.2. Upon a public highway or road, and used as farm or play areas, or street, or on a public or private parking lot not specifically designated for the use of all-terrain vehicles, except under the following situations:

Section 204.2.1. The supervisors, any police officer or law enforcement officer may authorize and limit the use of an all-terrain vehicle on a public highway or street when the need arises such as an emergency for transportation due to snow or other highway or special conditions.

Section 204.3. On private property not owned, leased or under the control of the operator unless the operator has the express consent of the owner, lessee or other person in control of the real property, except in the case of any emergency when other means of travel are not feasible or possible.

Section 204.4. At a speed greater than is reasonable and proper, having due regard for conditions then existing.

Section 204.5. During the hours from one-half hour after sunset to one-half hour before sunrise without displaying a lighted headlight and lighted tail lights.

Section 204.6. Unless such all-terrain vehicle equipped with a muffler or baffle in good working order and in constant operation so noise emission at 50 feet at right angles from the vehicle path under full throttle does not exceed 86 DBA (decibels on the "A" scale).

Section 204.7. Within 100 feet of a dwelling between 12:00 midnight and 6:00 a.m. at a speed greater than minimum required to maintain forward movement of the vehicle.

Section 204.8. In any areas on which public hunting is permitted during the season open to the taking deer with firearms from 7:00 a.m. to 11:00 a.m. and from 2:00 p.m. to 5:00 p.m., except during an emergency or lawful enforcement purpose, to go to and from a permanent residence or hunting camp otherwise inaccessible by conventional wheeled vehicle or for the conduct of necessary work functions involving land and timber survey, communication and transmission line patrol and timber harvest operations, or on the operator's own property or as an invited guest of any owner or person in control of that property.

Section 204.9. While transporting a bow, unless unstrung, or a firearm, unless disassembled and securely encased or equipped with an made inoperative by a key locked trigger housing mechanism.

Section 204.10. On or across a cemetery or burial ground.

Section 204.11. On a railroad right-of-way, except for railroad, public utility or law enforcement personnel while in the performance of their duties.

Section 204.12. Unless it has at least one headlight, one tail light and adequate brakes capable of stopping the vehicle.

Section 205. Enforcement

In addition to any authority contained in the Pennsylvania Vehicle Laws, any police officer of the Township or other appropriate law enforcement officer is authorized to issue a citation for each violation of this ordinance in the same manner provided for the enforcement of summary offenses before a District Justice under the Pennsylvania Rules of Criminal Procedure Pursuant to 53 P.S. §66601.

Section 206. Penalty

Any person, partnership, corporation, bureau or utility, or the partners or officers thereof, who or which violates any of the provisions of this Article shall, upon conviction thereof in a summary proceeding or upon verdict in a civil enforcement proceeding, be sentenced to pay a fine in accordance with 1 Cass Code §107, Penalties.

Section 207. Impounding/Storage

In addition to the penalties assessed in Section 204, an ATV used in violation of this ordinance may be impounded and placed in storage with all towing and storage costs to be paid by the offender/owner of the ATV. The Township will only return an ATV that was impounded to the proven owner once all outstanding fines, assessments and costs have been verified as paid.

Section 208. Savings Clause

The provisions of this ordinance are hereby declared to be severable. If any clause, sentence, paragraphs, section or subsection is declared void or inoperable for any reason by any Court, it shall not affect any other part of portion than the part declared void or inoperable.

(Ordinance No. 703, Adopted July 31, 2003)

CHAPTER 3. OUTDOOR BURNING

Section 301. Title

This ordinance shall be known as the "Cass Township Outdoor Burning Ordinance".

Section 302. Citation

This ordinance may be cited as 6 Cass Code §301, et seq.

Section 303. Prohibition of Fires on Public Lands

No person or persons shall set or maintain any fire upon any of the streets, sidewalks, alleys or public grounds in the Township of Cass, or burn or cause to be burned thereon any paper, rubbish, leaves, or other material or substance of any kind.

Section 304. Fires on Private Property

Out-of-Door fires shall be permitted upon private property provided that each fire shall be built in and confined to a noncombustible container, covered with a screen of one-half inch or smaller mesh. No fire may be permitted within twenty-five (25) feet of any home or other structure. No fire shall be allowed to burn upon any day, except between the hours of sunrise through sunset. These fires are permitted seven days a week within the prescribed hours.

Section 305. Garbage Burning Forbidden

No person or persons shall burn any garbage or other substance, the burning of which will cause disagreeable or offensive odors, at any place within the Township limits.

Section 306. Brush or Grass Fires

The burning of brush or grass on an open field or lot is permitted, provided permission is first secured from the Fire Chief.

Section 307. Penalties

Any person, partnership, corporation, bureau or utility, or the partners or officers thereof, who or which violates any of the provisions of this Article shall, upon conviction thereof in a summary proceeding or upon verdict in a civil enforcement proceeding, be sentenced to pay a fine in accordance with 1 Cass Code §107, Penalties.

Section 308. Repealer

All Ordinances or Resolutions or parts of Ordinances or Resolutions insofar as they are consistent herewith are hereby repealed.

Section 309. Severability Clause

If any section, or part of a section of this Ordinance shall be declared invalid, such invalidity shall not affect the remaining parts or sections of this Ordinance. It is hereby declared to be legislative intent that this Ordinance would have been enacted if such invalid section or portion thereof had not been included therein.

(Ordinance No. 491, Adopted April 25, 1991)

**CHAPTER 4. REGULATING THE KEEPING OF CERTAIN ANIMALS INCLUDING
HOUSEHOLD PETS**

Section 401. Title

This ordinance shall be known as the "Cass Township Animal Ordinance".

Section 402. Citation

This ordinance may be cited as 6 Cass Code §401, et seq.

Section 403. Definitions

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

OWNER – any person having a right of property in or having custody of any dog, cat or other domestic animal or fowl or any person who harbors or permits a dog, cat, or other domestic animal or fowl to remain on or around his or her property.

RUNNING AT LARGE – being upon any public highway, street, alley, park, or any other public land, or upon property of another person other than the owner, and not being accompanied by or under the control of the owner or any other person having custody of said animal or fowl.

Section 404. Running at Large

Section 404.1. No person, being the owner of or having charge of fowl or animals, shall permit them to run at large upon any public places or upon any unenclosed lands within the Township of Cass.

Section 404.2. No person, being the owner of or having charge of any dog or cat, whether licensed or unlicensed, shall permit it to run at large upon any public place or upon any unenclosed lands within the Township of Cass. No person while walking, training, or exercising his dog shall permit it to run at large but have it curbed at all times.

Section 404.3. The running at large of any such animal in or upon any of the places mentioned in this Part is prima facie evidence that it is running at large in violation of this Part.

Section 404.4. It shall be unlawful for any owner to allow a dog, cat or other domestic animal or fowl to molest passersby, to chase vehicles and/or attack other domestic animals or fowl.

Section 404.5. No person, being the owner of or having charge of a Pitbull, shall permit the Pitbull to run at large upon any public places or upon any unenclosed lands within the Township of Cass. When outside, the said Pitbull shall be contained within an opaque fence at least six feet (6') high which is locked at all times.

Section 405. Impounding and Disposition

Section 405.1. Seizing of Dogs and Cats. Any police officer or constable may seize any dog or cat found at large in the Township. Such dogs or cats are to be impounded in a licensed kennel.

Section 405.2. Licensed Dogs. The Police Constable or Township official shall notify the owner of a licensed dog or cat by registered or certified mail, with return receipt, that the dog or cat is impounded and will be disposed of in ten days if not claimed. Ten days after the return receipt has been received, if the dog has not been claimed, the dog may be sold or destroyed in accordance with the 1982 Dog Law.

Section 405.3. Unlicensed Dogs. Unlicensed dogs that are seized shall be held in such kennel for 48 hours and if not claimed may be destroyed in accordance with the 1982 Dog Law.

Section 405.4. Cats. Cats that are seized shall be held in such kennel for 48 hours and if not claimed may be destroyed in accordance with standards generally followed by the Humane Society.

Section 406. Barking or Howling Dogs

Section 406.1. No person shall keep or harbor any dog within the Township which, by frequent and habitual barking or yelping, creates unreasonably loud and disturbing noises of such character, intensity and duration to disturb the peace, quiet and good order of the Township of Cass. Any person who shall allow any dog habitually to remain, be lodged or fed within any dwelling, building, yard or enclosure, which he occupies or owns, shall be considered as harboring such dog.

Section 407. Sanitation

Section 407.1. All persons owning or keeping a dog or other domestic animal or fowl are hereby prohibited from allowing said dog or other domestic animal or fowl from defecating in any public place or on private property not owned by said owner or keeper, unless said dog owner or animal or fowl owner immediately removes the excrement from the place where it was deposited by his/her animal.

Section 407.2. No person being the owner of or having charge of any fowl or animals, shall permit the area where they are restrained to become a health hazard by the accumulation of animal or fowl waste or other debris.

Section 407.3. In the event of joint ownership of a dog or other domestic animal or fowl, either or both owners of said dog or animal are responsible for removing the excrement deposited by said dog or other animal in a place prohibited under the terms of this Ordinance.

Section 408. Penalties

Any person, partnership, corporation, bureau or utility, or the partners or officers thereof, who or which violates any of the provisions of this Article shall, upon conviction thereof in a summary proceeding or upon verdict in a civil enforcement proceeding, be sentenced to pay a fine in accordance with 1 Cass Code §107, Penalties.

(Part of Ordinance No. 3291, Adopted March 29, 2000)

CHAPTER 5. HAZARDOUS ACCIDENTS CLEANUP

Section 501. Title

This ordinance shall be known as the "Cass Township Hazardous Accidents Cleanup Ordinance".

Section 502. Citation

This ordinance may be cited as 6 Cass Code §501, et seq.

Section 503. Definitions

BUSINESS – any person, corporation, partnership or other entity engaged in the buying, selling, storing, transferring, or transporting or manufacturing or processing of properties, merchandise, chemicals, fuels, waste products or any other goods or services for compensation.

DANGEROUS INCIDENT – any incident which creates a dangerous condition requiring immediate and emergency action in order to prevent injury to persons or damage to property, and necessitates either or both of the following responses.

- A. The intervention of the Police Department or any of the emergency agencies or services which may service the Township of Cass including, but not limited to, fire companies or rescue squads operating in the Township of Cass.
- B. The need for clean-up or abatement measures to be performed by Township employees, or the need of any responsible action resulting in expense to the Township.

HAZARDOUS ACCIDENT – any incident that occurs from the storage, transportation, use or manufacturing, processing or discharging of any substance potentially dangerous or that match the definition of hazardous waste as provided under state and federal law which necessitates either or both of the following responses:

- A. The intervention of any Police Department or any of the emergency agencies or services which may assist the Township of Cass including, but not limited to, the fire companies or rescue squads operating in the Township of Cass.
- B. The need for clean-up or abatement measures to be performed by Township employees or the need for any responsible action resulting in expense to the Township.

PUBLIC THOROUGHFARE – bridges, State highways, County roads, Township streets, any navigable waterways or other roadways or watercourses owned by a governmental unit or a privately owned street, parking lot or accessway to which the public has access.

Section 504. Cost of Abatement of Hazardous Accidents

Section 504.1. The business which owns or leases the premises on which a hazardous accident occurs shall be responsible for all costs that occur as a direct or consequential result of a hazardous accident. In the event a hazardous accident occurs during transportation on a public thoroughfare or in delivery to an entity other than a business defined in Section 503, hereinabove, the entity who owns or has custody or control of the vehicle, or substance involved, in the hazardous accident shall be responsible for all costs that occur as a direct or consequential result of such accident. Nothing contained herein shall prevent such business or entity from recovering any costs from a third party whose negligence may have caused such hazardous accident.

Section 504.2. In the event that any person undertakes, either voluntarily or upon order of an official of the Township of Cass, to clean-up or abate the effects of any hazardous accident, the Township may take such action as deemed necessary to supervise or verify the adequacy of the clean-up or abatement. The business or entity described in subsection 504.1 hereinabove shall be liable to the Township for all costs incurred as a result of such supervision or verification.

Section 504.3. For the purpose of this Part, costs of a hazardous accident shall include, but are not limited to, the following:

- A. Expenses incurred by the police, fire or emergency medical services;
- B. Actual labor costs of Township personnel, including benefits and administrative overhead;
- C. Costs of consultants or others preparing reports concerning the hazardous accident;
- D. Costs of equipment operations;
- E. Costs of materials obtained directly by the Township;
- F. Costs of any contractual labor and materials for clean-up or abatement;
- G. Costs of the Township Solicitor and Township Engineer connected with the hazardous accident;
- H. Costs to replace or repair any damage caused to equipment utilized by the Township or any other service agency which responded to the accident.

Section 504.4. The costs resulting from the hazardous accident shall be paid directly to the Township within 30 days from the date on which the Township issues an invoice or other appropriate demand for such costs. Interest shall accrue on any unpaid invoice at the statutorily allowable rate of 6% per month commencing after the expiration of the 30-day grace period.

Section 504.5. In cases of hardship, or where circumstances are such that a full remittance cannot be made to the Township within the thirty (30) day period, the Township hereby authorizes the Township Solicitor to enter into negotiations with the party or entity owing the expense for payments to be made over a period of time not to exceed twelve (12) months from the date of the incident for which the costs, etc. were incurred.

Section 504.6. All monies received under the provisions of this article shall be placed into the general Fund and reimbursement made to all public, volunteer and private entities which had submitted the extraordinary expenses and services statements as outlined herein. In the event full payment is not received, the reimbursement of all public sector departments or agencies shall be made in full first then reimbursement shall be made to all volunteer agencies before payment is made to the private sector. In the event full payment is not received for any class which incurred costs for expense or service-public, volunteer or private, the funds shall be distributed to the members of the class proportionately according to the percentage the expense incurred by each member is to the total expense of the class.

Section 505. Cost of Emergency Response to Dangerous Incidents

Section 505.1. Any entity which owns or has custody or has control of any motor vehicle or other instrumentality that creates a dangerous incident as defined by this Part, or any entity which owns or leases any real property upon which a dangerous incident takes place, shall be responsible for all costs of any emergency response that arises as a direct or consequential result of such incident. Nothing contained herein shall prevent such entity from recovering any costs from a third party whose negligence may have caused such dangerous incident.

Section 505.2. In the event that any person undertakes, either voluntarily or upon order of any official of the Township of Cass, to clean-up or abate the effects of any dangerous incident, the Township may take such action as deemed necessary to supervise or verify the adequacy of the clean-up or abatement. The entity described in subsection 505.1 hereinabove, shall be liable to the Township for all costs incurred as a result of such supervision or verification.

Section 505.3. For the purpose of this Part, costs of a dangerous incident shall include, but are not limited to, the following:

- A. Expenses incurred by the police, fire or emergency medical services.
- B. Actual labor costs of Township personnel, including benefits and administrative overhead.
- C. Costs of consultants or others preparing reports concerning the dangerous incident.
- D. Costs of equipment operations.
- E. Costs of material obtained directly by the Township.
- F. Costs of any contractual labor and materials for clean-up or abatement.

- G. Costs of the Township Solicitor and Township Engineer connected with the dangerous incident.
- H. Costs to replace or repair any damage caused to equipment utilized by the Township or any other service agency which responded to the incident.

Section 505.4. The costs resulting from the dangerous incident shall be sent directly to the Township within 30 days from the date on which the Township issues an invoice or other appropriate demand for such costs. Interest shall accrue on any unpaid invoice at the statutorily allowable rate of 6% per month commencing after the expiration of the 30-day grace period.

Section 505.5. In cases of hardship, or where circumstances are such that a full remittance cannot be made to the Township within the thirty (30) day period, the Township hereby authorizes the Township Solicitor to enter into negotiations with the party or entity owing the expense for payments to be made over a period of time not to exceed twelve (12) months from the date of the incident for which the costs, etc. were incurred.

Section 505.6. All monies received under the provisions of this article shall be placed into the general Fund and reimbursement made to all public, volunteer, and private entities which had submitted the extraordinary expenses and services statements as outlined herein. In the event full payment is not received, the reimbursement of all public sector departments or agencies shall be made in full first, the reimbursement shall be made to all volunteer agencies before payment is made to the public sector. In the event full payment is not received for any class which incurred costs for expense or service-public, volunteer or private, the funds shall be distributed to the members of the class proportionately according to the percentage the expense incurred by each member is to the total expense of the class.

Section 506. Litigation

The Township may enforce this ordinance by civil action in a court of competent jurisdiction for the collection of any amounts due with interest due on said extraordinary expenses and services at the statutorily allowable rate beginning as of the date the costs and services were incurred, plus attorney fees incurred in collecting such sums for any other relief that may be appropriate.

Section 507. Emergency Services

Nothing in this article shall authorize any township agency, bureau, department, personnel or employee to refuse or delay an emergency service to any person, firm, organization or corporation that has not reimbursed the Township for extraordinary expenses and services. Furthermore, nothing in this section shall be construed to authorize reimbursement to the Township for those municipal services that are normally provided to Township residents and others as a matter of the Township's general operating procedure and for which the levying of taxes is made and the demand for reimbursement is not normally made.

Section 508. Third Party Billing

Nothing in this ordinance shall prevent a public, volunteer or private sector party or entity such as a firehouse or volunteer ambulance from seeking recovery of their costs, etc. referred to herein by any other legal means.

Section 509. Remedies Not Mutually Exclusive

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

Section 510. Repealer

All ordinances or parts of ordinances, which are inconsistent herewith, are hereby repealed.

Section 511. Severability

If any sentence, clause, section or part 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, sections or parts of this ordinance. It is hereby declared as the intent of the Township of Cass that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

(Part of Ordinance No. 3291, Adopted March 29, 2000)

CHAPTER 6. REGULATION OF OUTDOOR FURNACES

Section 601. Title

This ordinance shall be known as the "Cass Township Outdoor Furnaces Ordinance".

Section 602. Citation

This ordinance may be cited as 6 Cass Code §601, et seq.

Section 603. Purpose and Scope

Section 603.1. Residences and commercial establishments situated within the Township are entitled to clean air and environmental circumstances free of unreasonable dust, obnoxious odors, noxious fumes and smells, as well as an environment free of stored debris and storage of combustible fuels in adjacent or exposed exterior areas within populated areas of the Township.

Section 603.2. This regulation shall provide for the requirements and limitations of the installation of any exterior furnace or exterior burning device, the primary purpose of which is to convert combustible fuel into a heat or energy source for interior spaces.

Section 603.3. This ordinance does not apply to grilling or cooking using charcoal, wood, propane, or natural gas in cooking or grilling appliances.

Section 603.4. This ordinance does not apply to burning in a stove, furnace, fireplace, or other heating device within a building or structure used for human or animal habitation.

Section 603.5. This ordinance does not apply to the use of propane, acetylene, natural gas, gasoline, or kerosene in a device intended for heating temporary construction or maintenance activities.

Section 604. Definitions

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

FIREWOOD – Trunks and branches of trees and bushes, but does not include leaves, needles, vines or brush smaller than three inches (3") in diameter.

OUTDOOR FURNACE – Any equipment, device, structure, or apparatus, or any part thereof, which is installed, affixed, or situated outdoors for the primary purpose of combustion of fuel to produce heat or energy used as a supplementary component of a heating system providing heat for any interior space.

STACK or CHIMNEY – Any vertical structure enclosing a flue or flues that carry off smoke or exhaust from a fuel-fired heating device or structure or outdoor furnace, including that part of the structure extending above a roof.

UNTREATED LUMBER – Dry wood which has been milled and dried but which has not been treated or combined with any petroleum product, chemical, preservative, glue, adhesive, stain, paint, or other substance.

Section 605. Permit Required; Fee; Inspections

Section 605.1. It shall be unlawful for any person, firm, or corporation to install an outdoor furnace without first securing a permit from the Cass Township Code Enforcement officer or other appointed official. Application for permit shall be made to the Code Enforcement Officer or other appointed official on the forms provided.

Section 605.2. The permit application fees will be established from time to time by Resolution of the Township Supervisors which will be the minimum amount of **\$200.00 per unit.**

Section 605.3. Before a permit can be issued hereunder, an inspection of the proposed installation shall be required. In addition, a site plan is required showing the location of the proposed outdoor furnace on the property, location and height of all existing structures on the property, and distances from the outdoor furnace to existing structures on the property. The site plan shall also include the location and height of and distance to any existing structure or trees on nearby properties within 300 feet of the unit. The manufacturer's specifications and instructions shall also be furnished to the Township before a permit can be issued.

Section 606. Specific Requirements

Section 606.1. Permitted Zoning Districts. Outdoor furnaces shall be permitted only in the **Industrial, Conservation Mining, and R-3 Multi-Family Residential** Zoning Districts.

Section 606.2. Serving Multiple Structures. Serving multiple structures from the same outdoor furnace is permitted provided the structures served are located on the same lot as the furnace.

Section 606.3. Minimum Lot Size. Outdoor furnaces shall be permitted only on lots of **one half (1/2)** acre or more.

Section 606.4. Setbacks. Outdoor furnaces or parts thereof shall be set back not less than **50 feet** from any lot line.

Section 606.5. Installation Surface. Outdoor furnaces must be placed on a level, stable surface and according to manufacturer's specifications.

Section 606.6. Stack Location. The stack is not permitted to be located within **50 feet** of any residence or occupied structure not served by the furnace.

Section 606.7. Stack Height

- (1) If located more than 50 feet but no more than 100 feet to any residence or occupied structure not served by the furnace, the stack must be at least **five feet** higher than the eave of that residence or structure.
- (2) If located more than 100 feet but no more than 150 feet to any residence or occupied structure not served by the furnace, the stack must be at least **75%** of the height of the eave line of that residence or structure, plus an additional **five feet**.
- (3) If located more than 150 feet but no more than 200 feet to any residence or occupied structure not served by the furnace, the stack must be at least **50%** of the height of the eave line of that residence or structure, plus an additional **two feet**.
- (4) In all cases, the stack must be a minimum of **20 feet** in height measured from the ground on which the device is located or per the manufacturer's recommendations, whichever is greater.
- (5) In all cases, the stack shall have a spark arrestor installed on top.

Section 606.8. Permitted Fuel. The only fuels allowed shall be those listed fuels recommended by the manufacturer and to those fuels not listed above and 606.9 below

Section 606.9. Materials That May Not be Burned. Unless specific written approval has been obtained from the Pennsylvania Department of Environmental Protection (PADEP), the following materials may not be used as fuel under any circumstances:

- (1) Rubbish or garbage including but not limited to food wastes, food wraps, packaging, animal carcasses, animal wastes, paint or painted materials, furniture, composite shingles, demolition debris, or other household or business wastes.
- (2) Waste oil or other oily wastes except used oil burned in a heating device for energy recovery subject to applicable PADEP regulations.
- (3) Asphalt and products containing asphalt.

- (4) Treated or painted wood including but not limited to plywood, composite wood products, railroad ties, pressure-treated wood, or other wood products that are painted, varnished, or treated with preservatives.
- (5) Any plastic material including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, films and containers.
- (6) Rubber, including tires and synthetic rubber-like products.
- (7) Leaves, yard waste, or brush smaller than **three inches (3")** in diameter.
- (8) Paper products and cardboard.
- (9) Any material that is not recommended for burning by the manufacturer of the outdoor furnace.

Section 606.10. Months of Operation. Outdoor furnaces shall be operated only **between October 1 and April 30.**

Section 606.11. All outdoor furnaces shall comply with emissions standards as required for outdoor furnaces, as promulgated by the Environmental Protection Agency (EPA). For purposes of this Ordinance, all emission and standards currently required by the EPA are hereby adopted by reference as well as any amendments or modifications made to them hereafter.

Section 606.12. All outdoor furnaces shall be installed, operated, and maintained in strict compliance with the manufacturer's instructions and guidelines for the said outdoor furnace. In the event that a conflict arises between the manufacturer's instructions and regulations and the regulations contained in this Ordinance, the stricter instructions or regulations shall apply.

Section 606.13. Any large accumulation of ashes or waste must be disposed of in a manner approved by Cass Township and/or the Pennsylvania Department of Environmental Protection.

Section 606.14. All outdoor furnaces shall be used for the sole purpose of furnishing supplemental heat and/or hot water to a dwelling or other structure pursuant to a permit issued hereunder, including residential swimming pools.

Section 606.15. No homemade or self manufactured outdoor furnaces are permitted. Every furnace used in the Township must be manufactured or inspected in accordance with all applicable federal, state and local laws or regulations.

Section 606.16. Fuel Storage. All storage of materials to be consumed by the outdoor furnace shall be neatly stacked and/or stored under cover and free from insects or any type of disease carrying rodents. Storage of materials is not permitted within **four feet** of any lot line.

Section 607. Compliance With Other Laws, Regulations and Ordinances

Section 607.1. Any outdoor furnace must also comply with any other county, state, or federal guidelines for the same.

Section 607.2. Any outdoor furnace must conform to other Township regulations including building code and zoning requirements. As such, additional permits and their related fees might be required.

Section 607.3. Both a zoning and building permit are required for any permanent structure.

Section 608. Regulations for Existing Outdoor Furnaces and Nonconforming Uses

Section 608.1. Except as hereinafter provided, the lawful use of any outdoor furnace existing at the time of the adoption of this article may be continued.

Section 608.2. All owners/operators of existing outdoor furnaces shall apply for a permit for the furnace in accordance with the permit requirements contained in Section 605, hereof within sixty (60) days of the adoption of this Ordinance. Any and all existing outdoor furnaces that do not comply with any provision of this Ordinance other than Sections 606.7, 606.8, 606.9, 606.10, 606.11, 606.13, 606.14 and 606.15, shall be registered as a nonconforming furnace.

Section 608.3. Any and all existing outdoor furnaces shall be brought into full compliance with Section 606.7 (Stack Height) of this Ordinance within ninety (90) days from the effective date of this Ordinance and Section 606.8 (Permitted Fuel), Section 606.9 (Materials That May Not Be Burned), Section 606.10 (Months of Operation), and Section 606.16 (Fuel Storage) upon the effective date of this Ordinance.

Section 608.4. No outdoor furnace existing at the time of the adoption of this article shall thereafter be extended or enlarged without first receiving a permit in accordance with this Ordinance.

Section 608.5. Any existing outdoor furnace which does not conform to this Ordinance and is abandoned or discontinued for a period of **seven consecutive months** shall not be permitted to be reestablished as a nonconforming use and must be immediately removed by the property owner from the subject premises.

Section 608.5.1. If the property owner fails to remove the outdoor furnace by the end of said seven-consecutive-month period, the Township Code Enforcement Officer or other Township Official shall give written notice by certified mail or personal service to the owner of the property upon which the outdoor furnace is located. Such notice shall provide that said owner shall remove the outdoor furnace within fifteen (15) days of the date the notice is either postmarked or personally served upon the owner.

Section 608.5.2. Should the outdoor furnace not be removed within the time specified, the Code Enforcement Officer shall take reasonable steps to effect its removal.

Section 608.5.3. The costs incurred by the Township to effect said removal (including any attorneys fees incurred by the Township to effect the removal), plus said costs of removal, shall be charged to the owner of said premises. Said expense shall be paid by the owner of the property so affected within thirty (30) days from the date said costs are presented to the owner. If said expense is not paid within the time frame, then an equivalent lien may be levied against the property.

Section 608.6. No existing outdoor furnace which has been damaged by any reason to the extent of more than 75% of its value shall be repaired or rebuilt without first receiving a permit in accordance with Section 605.

Section 609. Enforcement

Section 609.1. A permit issued pursuant to this Ordinance may be suspended as the Fire Chief, Code Enforcement Officer, Health Officer, or member of the Police Department may determine to be necessary to protect the public health, safety, and welfare of the Township residents if any of the following conditions occur:

- (1) Malodorous air contaminants from the outdoor furnace are detectable outside the property of the person on whose land the outdoor furnace is located;
- (2) The emissions from the outdoor furnace interfere with the reasonable enjoyment of life or property;
- (3) The emissions from the outdoor furnace cause damage to vegetation or property; or
- (4) The emissions from the outdoor furnace are or may be harmful to human or animal health.

Section 609.2. Any authorized officer, agent, employee or representative of the Township, including but not limited to the Zoning Officer, Township Code Enforcement Officer, Fire Chief, or member of the Police Department who presents credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this Ordinance or any other applicable Township Ordinance. If access is denied, access shall be obtained pursuant to applicable laws of the Commonwealth of Pennsylvania.

Section 609.3. A suspended permit may be reinstated once the condition which resulted in suspension is remedied and reasonable assurances are given that such condition will not recur. Recurrence of a condition which has previously resulted in suspension of a permit shall be considered a violation of this chapter subject to the penalties provided in Section 611 hereof.

Section 610. Liability

A person utilizing or maintaining an outdoor furnace shall be responsible for all fire suppression costs and any other liability resulting from damage caused by a fire associated with the outdoor furnace.

Section 611. Violation and Penalties

Any person, partnership, corporation, bureau or utility, or the partners or officers thereof, who or which violates any of the provisions of this Article shall, upon conviction thereof in a summary proceeding or upon verdict in a civil enforcement proceeding, be sentenced to pay a fine in accordance with 1 Cass Code §107, Penalties.

CHAPTER 7. COMMERCIAL ALARM SYSTEM

Section 701. Title.

This Ordinance shall be known as the "Cass Township Commercial Alarm System Ordinance".

Section 702. Citation.

This Ordinance may be cited as 6 Cass Code §701, et seq.

Section 703. Purpose and Scope.

Commercial establishments situated within the Township, which install alarm systems, shall be subject to the requirements of this Ordinance. This Ordinance does not apply to residential alarm systems.

Section 704. Definitions.

ALARM SYSTEM – All systems, devices and equipment to detect a fire or burglary, actuate an alarm or suppress or control a fire or any combination thereof.

FALSE ALARM – Anytime a commercial alarm system dispatches or causes to be dispatched, directly or indirectly, the volunteer fire companies, police or ambulance services within Cass Township which results in a finding by the person in command at the response site to conclude that there is no emergency situation be it fire or burglary, or if the alarm system malfunctions in any way, causing said volunteer firefighters, police or ambulance to be dispatched.

EMERGENCY DEPARTMENT – Police, fire, ambulance and any other emergency protection agency.

OWNER - Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

Section 705. Registration.

Section 705.1. Required Registration. It shall be unlawful for a property owner, lessor or lessee of a property or a person otherwise occupying any commercial establishment within the Township to put an automatic dialing device or audible alarm system into operation on his premises or to allow an automatic dialing device or audible alarm system to be put into operation on his premises without first registering such

equipment with the Township and obtaining written approval to use the automatic dialing device or audible alarm system.

Section 705.2. Existing Systems. Within thirty (30) days after the effective date of this Ordinance, every owner, lessor or lessee of a property or a person otherwise occupying any commercial establishment within the Township, shall register each alarm system being operated within the Township.

Section 705.3. Information Required. The property owner, lessor or lessee of a property or a person otherwise occupying any commercial establishment within the Township registering as required shall complete the registration form provided by the Township, which shall include the name of the owner, lessor or lessee of a property or a person otherwise occupying any commercial establishment within the Township; name, the address of the business or businesses in or upon which the alarm system has or will be installed; all relevant facts concerning the design and layout of the premises to be protected; the telephone number for the owner, lessor or lessee of a property or a person otherwise occupying any commercial establishment within the Township; the type of alarm system; the alarm equipment supplier who is selling, installing, monitoring, inspecting, responding to and/or maintaining the alarm system; the central station protective system utilized, if any; and the name and telephone number of at least two (2) other persons who can be reached at any time and who are authorized to respond to an alarm system and who can open the premises in which the alarm is installed. The owner, lessor or lessee of a property or a person otherwise occupying any commercial establishment within the Township, shall inform the Township of any change in the information required by this subsection as soon as practicable.

Section 706. False Alarm Administration Fee.

Should the officer in charge for any fire, burglar or emergency system determine that a false alarm has occurred, the property owner, lessor or lessee of a property or a person otherwise occupying any commercial establishment within the Township, shall be subject to the following fee. Should more than three (3) false alarms occur, such property owner, lessor or lessee of a property or a person otherwise occupying any commercial establishment within the Township, will be charged an administrative fee to be set by resolution of the Board for the 4th false alarm during a 12-month period, which fee shall increase incrementally for each successive false alarm during such 12-month period. This fee is intended to cover the costs incurred by fire, police or ambulance services because of any response to a false alarm after three (3) false alarms occur.

Section 707. Inspections and Testing.

For the purpose of enforcing this Ordinance and as a condition to installing and maintaining an alarm system, the property owner, lessor or lessee of a property or a person otherwise occupying any commercial establishment within the Township, shall execute a consent, in such form as may be prescribed by the Township, which will authorize the Township to enter upon the property owner's, lessor's or lessee's of a property or a person otherwise

occupying any commercial establishment within the Township, at reasonable times and upon reasonable notice, to inspect the installation and operation of said alarm system.

When an owner is doing any type of testing on an alarm system, owner shall contact the Schuylkill County 911 Center and so advise of the dates and times of testing to avoid false alarms. Owner shall also advise the Township Supervisors, the Township police department and the Township fire departments of the dates and times of testing to avoid false alarms.

Section 708. Disconnections.

When an officer in charge of fire, police or other emergency services responds to a false alarm and determines that the false alarm was caused by malfunctioning devices and further concludes that the alarm system sending messages to the Schuylkill County 911 Center, directly or indirectly, should be disconnected in order to relieve the particular emergency department of the burden of responding to false alarms, he is authorized to demand that the property owner, lessor or lessee of a property or a person otherwise occupying any commercial establishment within the Township, disconnect the device until it is fully functional and made to comply with the operational requirements. If disconnection of the device is not accomplished promptly and the head of the department concerned determines that the malfunctioning device is repeatedly sending false alarms without any intermittent valid alarms, he may then take any steps necessary to disconnect the defective automatic protection device.

Section 709. Repealer.

All ordinances or resolutions or parts of ordinances or resolutions which are inconsistent herewith are hereby repealed. However, it is specifically noted that the fire protection system as noted in the Property Maintenance Code of Cass Township, Title V, Section 704, et seq. are not repealed by this Ordinance. It is specifically understood that the requirements of said Property Maintenance Code continue in full force and effect.

Section 710. Severability.

The provisions of this ordinance are severable, and if any section, clause, sentence, part or provision thereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect, impair or invalidate any of the remaining sections, clauses, sentences, parts or provisions of this ordinance. It is hereby declared to be the intent of Cass Township Board of Supervisors that this ordinance would have been adopted if such illegal, invalid or unconstitutional section, clause, sentence, part or provision had not been included herein.

Section 711. Violation and Penalties.

Section 711.1. Any property owner, lessor or lessee of a property or a person otherwise occupying any commercial establishment within the Township, who fails to obtain written approval for their alarm system by registering same and providing the disclosure information required by this Ordinance shall be in violation of this Ordinance

and subject to the fines and/or penalties contained in the Township Code under Title I, Chapter 1, Section 107. Any property owner, lessor or lessee of a property or a person otherwise occupying any commercial establishment within the Township, who fails to maintain such registration by annually renewing it and updating/confirming disclosure information required by such registration shall violate this Ordinance and be subject to the fines and/or penalties contained in the Township Code under Title I, Chapter 1, Section 107.

Section 711.2. Any property owner, lessor or lessee of a property or a person otherwise occupying any commercial establishment within the Township, whose alarm system activates causing three (3) false alarm(s) to occur in a consecutive twelve-month period, may not cause or permit a subsequent false alarm to occur in the same consecutive twelve-month period. Each false alarm subsequent to three (3) false alarms in the same consecutive twelve-month period shall constitute a separate summary offense, and the property owner, lessor or lessee of a property or a person otherwise occupying any commercial establishment, upon conviction, shall be penalized in accordance with the Township Code Title I, Chapter 1, Section 107, in addition to the assessment of an administrative fee.

Section 711.3. Any property owner, lessor or lessee of a property or a person otherwise occupying any commercial establishment within the Township, who has installed or has committed to be installed any alarm system in violation of any provision of this Ordinance shall be liable, upon conviction, to a fine or penalty in accordance with the Township Code, Title I, Chapter 1, Section 107.

(Ordinance No. 82610-1, Adopted August 26, 2010)

**TITLE VII
BENEFICIAL USE**

TITLE VII. MONITORING OF BENEFICIAL USE ACTIVITIES

CHAPTER 1. ADMINISTRATION

Section 101. Title

This Ordinance shall be known as the "Cass Township Beneficial Use Monitoring Ordinance".

Section 102. Citation

This ordinance may be cited as 7 Cass Code §101, et seq.

Section 103. Scope

The provisions of this ordinance shall apply to beneficial use activities involving municipal waste and residual waste as defined in state and federal laws and regulations, as currently in effect and as may be amended in the future.

Section 104. Intent

The purpose of this ordinance shall be to provide information concerning the beneficial use of municipal and residual waste within Cass Township. It is not the purpose of this ordinance to conflict with any state or federal law or regulation concerning the beneficial use of municipal waste or residual waste. It is the purpose of this ordinance to promote and protect the health, safety and general welfare of the citizens of Cass Township by:

- A. requiring registration of the beneficial use of municipal and residual waste in the Township to assist the Township in its monitoring of same so that such use does not violate federal or state regulations and laws, constitute unlawful disposal or constitute a nuisance or other improper use;
- B. ensuring that the beneficial use activities are operated as required by DEP, EPA or their successors;
- C. providing oversight of the beneficial use of municipal and residual waste in Cass Township as allowed by state and federal law;
- D. assuring that the Township will receive copies of all DEP and/or EPA applications, permits, notices, test results and annual reports so that the Township may review same and provide appropriate comments;
- E. facilitating the Township's ability to report or forward compliance issues to the appropriate state or federal regulatory agencies;

F. facilitating any enforcement action, as allowed by any federal, state or local law or regulation, by Cass Township itself;

G. ensuring compliance with the Cass Township Zoning Ordinance as well as the Cass Township Subdivision and Land Development Ordinance;

H. protecting Township property values and aesthetics;

I. preventing nuisance or unlawful activity which is contrary to the best interest and welfare of the residents of Cass Township.

Section 105. Fees

Cass Township shall not charge or impose any fee not authorized by federal or state laws or regulations for purposes of this ordinance. Where this ordinance requires production of certain documents including, but not limited to, reports or test results submitted to state or federal agencies, which are not generally required, by law or regulation, to be given to the Township by any operator, the Township shall pay a fair and reasonable cost for the photocopying or reproduction of said documents or data. To the extent that any fees are authorized or authorized in the future by state or federal law, Cass Township will establish such fees by resolution from time to time.

Section 106. Township Officials

In order to enforce this ordinance, the Township hereby authorizes the creation of a Cass Township Municipal and Residual Waste Inspector, on a full or part-time basis, as determined in the sole discretion of the supervisors, for purposes of overseeing and monitoring the beneficial use as noted herein. If, in the sole discretion of the Board of Supervisors, it is determined that any other expert or professional advice is required to monitor Land Application sites, the Township shall retain same in accordance with the laws of the State of Pennsylvania.

Section 107. Waiver

The Township may grant a waiver to an operator upon a showing that non-compliance with the requirements of this ordinance, or any rules or regulations promulgated pursuant thereto, would not endanger the public health, safety and welfare, and that the best interests of the residents of the Township would be served by granting the waiver.

Section 108. Appeal Procedure

Any operator adversely affected by an action taken by a Township official pursuant to the provisions of this ordinance or any of the rules and regulations promulgated thereto, may appeal from that action to the Township Supervisors within thirty (30) days from the date of the action appealed. Further appeals from the decision of the Board of Supervisors shall be in accordance with the laws of Pennsylvania.

Section 109. Rule Making

Section 109.1. After the effective date of this ordinance, the Township may promulgate and thereafter revise as appropriate, rules and regulations necessary to carry out the purposes and provisions of this ordinance.

Section 109.2. Copies of any rules and regulations referred to by this Section shall be available to the general public and to any operator located within the Township.

Section 109.3. No rule or regulation shall provide or require greater geological engineering standards than those promulgated by DEP or EPA.

CHAPTER 2. DEFINITIONS

The following terms shall have the meanings defined in this section wherever they are used in this Ordinance.

ADJACENT AREAS - Lands that abut the boundaries of the property on which the site is located.

BENEFICIAL USE - Use or reuse of municipal or residual waste or residual material derived from municipal or residual waste for commercial, industrial or governmental purposes where the use does not harm or threaten public health, safety, welfare or the environment, or the use or reuse of processed municipal or residual waste for any purpose, where the use does not harm or threaten public health, safety, welfare or the environment in accordance with any applicable law or regulation of the state or federal government, as amended.

BIOSOLIDS - Sewage sludge as defined by Title 25 Pa. Code §271.1 that meets, at a minimum, the pollutant quality standards listed in Title 25 Pa. Code §271.914(b)(1), one of the Class B pathogen reduction alternatives listed in §271.932(b), and one of the vector attraction reduction options listed in §§271.933(b)(1)-(10).

DEP - Pennsylvania Department of Environmental Protection or its successors or assigns.

DISPOSAL - The deposition, injection, dumping, spilling, leaking or placing of solid waste into or on the land or water in a manner that the solid waste or a constituent of the solid waste enters the environment, is emitted into the air or is discharged to the waters of this Commonwealth.

EPA - United States Environmental Protection Agency or its successors or assigns.

LAND APPLICATION - The spraying, spreading or application of municipal, industrial or residual waste, which shall include, but not be limited to, industrial residuals, water residuals, biosolids and food processing residuals onto a land surface for beneficial use; the injection of same below the land surface for beneficial use; or the incorporation of same into the soil for beneficial use so that said municipal, industrial or residual waste can either condition the soil or fertilize vegetation grown in the soil.

MUNICIPAL WASTE - Any garbage, refuse, industrial lunchroom or office waste and other material, including solid, liquid, semisolid or contained gaseous material, resulting from operation of residential, municipal, commercial or institutional establishments and from community activities and any sludge not meeting the definition of residual or hazardous waste in the Solid Waste Management Act from a municipal, commercial, or institutional water supply treatment plant, waste water treatment plant or air pollution control facility. The term does not include source-separated recyclable materials.

OPERATOR - A person engaged in beneficial use activities involving municipal waste and residual waste. Where more than one person is so engaged in a single operation, all persons shall be deemed jointly and severally responsible for compliance with the provisions of this ordinance. The definition of operator also includes a person who owns, leases or controls land under a current DEP mining permit or the owner of a reclamation site, either of whom intends to amend or seek any permit to allow land application or who enters into a contract with another operator to accomplish land application.

PERSON - Any individual, corporation, partnership, association, municipality, political subdivision, or any instrumentality of state, federal, or local government, or any agent or employee thereof; or any other legal entity.

PROCESSING/PROCESSED - Any technology used for the purpose of reducing the volume or bulk of municipal or residual waste or any technology used to convert part or all of such waste materials for beneficial use.

RECLAMATION SITE - Drastically disturbed land that is or is to be reclaimed using biosolids. This includes, but is not limited to, active and abandoned coal and non-coal surface mines and construction sites.

RESIDUAL WASTE - Any garbage, refuse, other discarded material or other waste, including solid, liquid, semisolid or contained gaseous materials resulting from industrial, mining and agricultural operations and any sludge from an industrial, mining or agricultural water supply treatment facility, waste water treatment facility or air pollution control facility, or biosolids, provided that it is not hazardous. The term shall not include coal refuse as defined in the act of September 24, 1968 (P.L. 1040, No. 318), known as the Coal Refuse Disposal Control Act. The term shall not include treatment sludges from coal mine drainage treatment plants, disposal of which is being carried on pursuant to and in compliance with a valid permit issued pursuant to the act of June 22, 1937 (P.L. 1987, No. 394), known as The Clean Streams Law.

SITE - The actual tract of land, including, but not limited to, any reclamation site, upon which municipal or residual waste is to be used for Land Application pursuant to an approval, a permit or any other method regulating such use by DEP or EPA.

SOLID WASTE - Any waste including, but not limited to, municipal, residual or hazardous wastes, including solid, liquid, semisolid or contained gaseous materials. The term does not include coal ash or drill cuttings.

SOLID WASTE MANAGEMENT ACT (HEREINAFTER "SWMA") - The act of July 7, 1980 (P.L. 380, No. 97). 35 P.S. § 6018.101, et seq.

SOURCE - A person who generates municipal or residual waste or any processed byproduct of municipal or residual waste which is eventually applied to the site by Land Application as defined by state and federal laws. This includes, but is not limited to, any person who holds a general permit from DEP for beneficial use of municipal or residual waste by Land Application; or any person who issues a notice of intent for coverage under a general permit for beneficial use of municipal or residual waste.

CHAPTER 3. REGISTRATION

Section 301. General

Any person or authorized agent who intends to engage in beneficial use activities involving municipal waste and residual waste shall register with the Township all sites, sources and waste transportation vehicles by submitting forms, as prepared by the Township, approved or revised from time to time by resolution, together with information required herein.

Section 302. Site Registration

Any person or authorized agent who intends to engage in beneficial use activities involving municipal waste and residual waste shall register the site by submitting a form, as prepared by the Township together with information required herein.

Section 303. Site Registration Information Requirements

The Site Registration form shall be submitted to the Township and accompanied by a copy of any DEP application, permit or approval, and any and all amendments thereto as approved by DEP, for the Land Application of municipal waste or residual waste on the site including, but not limited to, proof of consent of the landowner of the property to be used as the site with tax map and parcel number. This registration shall also be accompanied by any map or maps submitted to DEP showing the site location along with any necessary narrative descriptions for lands and data including:

- A. Boundaries and names of present owners of record of land, both surface and subsurface, including easements, rights-of-way and any other property interests, for any site, DEP permit area or DEP approval area.
- B. Boundaries of the site where municipal waste or residual waste will be applied, including all setbacks as required by Federal EPA and State DEP regulations as amended together with a description of all adjacent areas.
- C. Operator responsible for complying with DEP and EPA laws and regulations concerning Land Application.
- D. Any written plan of operation delineating procedures to be carried out for the daily operations, types of wastes to be accepted, and procedures for handling wastes in the event of emergencies or shutdowns. This information shall include, but not be limited to, a narrative explaining:
 - (1) the proposed daily operation methodology of the proposed site or facility;
 - (2) the nature of the solid wastes, by source and type of material, that will be accepted at the site or facility;

- (3) the expected life of the facility, and the proposed ultimate disposition of the site or facility;
- (4) the anticipated environmental effects of the facility on the physical characteristics of the site and the adjacent areas;
- (5) a description of the technology underlying the operational methodology, together with a comprehensive history of the use of the technology, its effectiveness, its efficiency, and its potential long term impact.

E. In order to monitor and enforce the Cass Township Subdivision and Land Development Ordinance, the Cass Township Zoning Ordinance and other relevant ordinances, the Site Registration shall include Information on topographical maps which shall include, at a minimum, any information pertaining to an area within one (1) mile of the proposed site listing the following:

- (1) the location of public and private water lines, supplies, wells, springs, streams, swamps, rivers and other bodies of water, and public and private sewer lines and septic systems;
- (2) the location of underground and surface mines showing the extent of deep mine workings, elevation of the mine pool, and location of mine pool discharge;
- (3) the location of gas and oil wells;
- (4) the location of high-tension power line rights-of-way;
- (5) the location of pipeline rights-of-way;
- (6) the location of geologic and hydrologic features;
- (7) the flood plain and location of the site or facility within that flood plain, water runoff from the flood plain, and storm water runoffs;
- (8) the location of public and private recreational areas;
- (9) a soils, geologic and groundwater report of the characteristics of the area where the proposed site or facility will be located.

Section 304. Source Registration

Any person or authorized agent who intends to engage in beneficial use activities involving municipal waste and residual waste shall register the source of the municipal or residual waste to be applied to the site by Land Application by submitting a form, as prepared by the Township, together with the information required herein.

Section 305. Source Registration Information Requirements

The Source Registration form shall be submitted to the Township and accompanied by a copy of any DEP application, permit or approval, and any and all amendments thereto as approved by DEP, for beneficial use of any municipal or residual waste including, but not limited to, any general permit for beneficial use issued by DEP, any notice of intent for coverage under a general permit issued by DEP, notification of first Land Application, reporting and occupant notification forms, and contractual consent of landowner forms. Any operator who intends to engage in beneficial use activities involving municipal waste and residual waste shall provide the Township with a compliance history, as defined by DEP, for any source of municipal waste or residual waste.

Section 306. Waste Transportation Safety Vehicle Registration

At the time of the initial Site Registration and Source Registration, any operator shall provide information concerning the waste transportation vehicles to be used to deliver the waste to the site by submitting a form, as prepared by the Township, together with the information required herein.

Section 307. Waste Transportation Safety Vehicle Registration Requirements

The information required under this Section shall include, but not be limited to, the name and address of any person who owns, leases or controls said transportation vehicles together with any information to confirm that a valid authorization sticker has been issued by DEP and any other information the Township deems appropriate to facilitate the enforcement of said Pennsylvania Waste Transportation Safety Act. This requirement that information be produced concerning the waste transportation vehicles is a continuing obligation which must be supplemented from time to time as said vehicles are changed or replaced.

Section 308. Certifications

Any operator who intends to engage in beneficial use activities involving municipal waste and residual waste shall certify by letter to the Township that the site, source and waste transportation vehicles comply with all appropriate rules, requirements and regulations of state and federal law. This certification shall be attached to the registrations noted above.

Section 309. Purpose of Registration

The Township will issue Site and Source Registrations which will be a written recognition that any operator has provided the Township with all relevant data and information to fulfill the purposes of this ordinance by establishing baselines against which future test samples can be compared to ensure that operations are conducted within appropriate federal and state parameters. Once this registration and information are provided in accordance with this ordinance, Site and Source Registrations shall be issued by the Township. While conducting or reviewing tests mandated by federal or state law or by this ordinance, or by follow-up tests, if the Township discovers any deviation from state mandated parameters or any other violation of law, the Township may either inform the state or federal authorities of said violations or information or seek an injunction based on the violation of the Solid Waste Management Act or DEP regulations. Cass Township shall not refuse to issue a Site or Source Registration or invalidate an existing Site or Source Registration based on test results that deviate from and therefore violate state or federal regulations.

The information provided by Site Registration concerning Township ordinances, such as the Subdivision and Land Development Ordinance or the Zoning Ordinance, will be used for informational purposes to monitor compliance with said ordinances. While reviewing the information provided pursuant to this ordinance, if the Township discovers any violation of other ordinances such as the Subdivision and Land Development Ordinance or the Zoning Ordinance, the Township may pursue any enforcement or violation provisions of the respective ordinance. Cass Township shall not refuse to issue a Site or Source Registration or invalidate an existing Site or Source Registration based on a violation or non-compliance of other Township ordinances such as the Subdivision and Land Development Ordinance.

The Township will issue a waste transportation safety vehicle(s) registration which will simply be a written recognition that the operator has provided relevant data and information to fulfill the purposes of this ordinance by providing the Township with information necessary to facilitate the enforcement of the Pennsylvania Waste Transportation Safety Act. While enforcing said Act, if the Township discovers violations of the Pennsylvania Waste Transportation Safety Act, the Township may take any appropriate enforcement action in accordance with state or federal law or the Pennsylvania Motor Vehicle Code. Cass Township shall not refuse to issue a motor vehicle registration or invalidate an existing motor vehicle registration based on violations of said laws.

CHAPTER 4. INFORMATION AND INSPECTIONS

Section 401. General

The information and inspections noted herein are of a continuing obligation and nature. As information or data is changed, amended or upgraded, this new information shall be forwarded to the Township.

Section 402. Documents and Correspondence with State and Federal Authorities

State and federal laws and regulations routinely require numerous reports, lab results and data to be forwarded to the appropriate offices as part of the beneficial use activities involving municipal waste and residual waste. Any operator shall submit duplicate copies of any documents, data, lab results, or correspondence with federal or state authorities to Cass Township for purposes of monitoring said reports, data and correspondence. This information includes, but is not limited to, continuing analysis of any municipal waste or residual waste, record keeping forms, annual operation reports and water quality monitoring. This information also includes, but is not limited to, permit requirements pursuant to a general permit issued to the source.

In addition to the actual documents noted above, the Township shall have access to any and all records required to be kept by state or federal laws or regulations at the site including, but not limited to, the daily operational records, the state or federal permits or approvals, information concerning the waste transportation vehicles or companies providing same and any source information.

Section 403. Inspection

A. **RIGHT TO ENTER** - The Township shall have the right to enter any site in order to perform any soil analysis or the taking of any air samples or samples of beneficial municipal waste or residual waste for purposes of monitoring compliance with state, federal and local laws and regulations. The Township shall have the further right to enter, without delay, said site and any structure situate thereon, at all reasonable times and in a reasonable manner to:

- (1) to inspect said site or facility and obtain samples or any materials or substances stored, treated, processed or disposed at such site or facility; or
- (2) to inspect and copy the records, reports, information or test results relating to the purposes of this ordinance. Each such inspection shall be commenced and completed with reasonable promptness; and
- (3) to perform any duty imposed by state or federal law upon said Township or its officials.

B. RANDOM INSPECTION - The Township may randomly inspect the site to ensure compliance with all provisions of the federal, state and local laws without prior notice. Samples of the municipal or residual waste may be collected at random by the Township and shall be analyzed utilizing DEP or EPA approved procedures.

C. DUTY TO COOPERATE - Operators shall cooperate with the Township with regard to any inspection described herein as well as any inspection of waste transportation vehicles by the Cass Township Police Department.

Section 404. Public Notice Requirements

Any public notice required by state or federal rules or regulations shall include notice to the Township. If this notice to the Township is specifically required by any state or federal law or regulation, there shall be no reimbursement by the Township for the cost of same. However, if said notice is not specifically required by state or federal law or regulations, the Township shall provide reimbursement for photocopies at a reasonable rate for the notice and documents required herein.

This public notice requirement includes, but is not limited to, the amendment of or application for a mining permit or any permit involving a reclamation site as defined by federal and state law.

Section 405. DEP or EPA Notice of Violations

Any notice of violations issued to an operator by any state or federal enforcement office such as DEP or EPA including, but not limited to, field orders or cease and desist orders shall be provided to the Township immediately upon receipt of same.

CHAPTER 5. SAFETY AND FIRE PROVISIONS

Section 501. Fire Prevention and Safety Rules and Regulations

Any notice of violations issued to an operator by any state or federal enforcement office such as DEP or EPA including, but not limited to, field orders or cease and desist orders shall be provided to the Township immediately upon receipt of same.

Section 502. Safety and Fire Prevention Requirements

Operator shall take necessary measures to prevent and extinguish fires. These measures shall include, but not be limited to, the following:

- A. Water of adequate volume and pressure, as determined by the Township Engineer after consultation with the Township Fire Chief, to supply water hose streams, or foam producing equipment or water spray systems, as well as necessary equipment, compatible with local fire department equipment, such as hoses, nozzles and pumps for minimizing fire hazards, shall be available at the site. All equipment and buildings shall be equipped with functional fire extinguishers. At least three (3) functioning Scott Air Packs shall be housed at the site. All employees shall, prior to commencing work at the site, undergo a training program, in cooperation with the local fire department, designed to teach basic fire fighting techniques.
- B. Telephone or radio communication shall be located at the site or shall be readily available or accessible to it. Furthermore, a list of all emergency numbers shall be provided for the operator. The Township shall be provided with information noting the names, addresses, and phone numbers of the appropriate officials to be contacted in case of an emergency. Operator shall, upon request by the Township, provide access keys to the site for emergency personnel.
- C. All sites shall have on site during all operating hours at least one (1) person certified in First Aid Cardio-Pulmonary Resuscitation by the American Red Cross, or the equivalent.

CHAPTER 6. VIOLATIONS

Section 601. General

Any person who violates provisions of this ordinance or fails to comply with any of the requirements thereof, shall be subject to penalties as prescribed by state and federal law, including, but not limited to, equitable or injunctive relief as well as civil penalties, fees and costs as provided by state or federal law. Notwithstanding the provisions of this ordinance, the Township reserves the right to prohibit unlawful accumulations of ash, garbage, solid waste and other refuse materials upon private property in accordance with the Township Code, 53 P.S. 67101, in a manner authorized by the Solid Waste Management Act.

Any person, partnership, corporation, bureau or utility, or the partners or officers thereof, who fail to comply with any of the requirements or provisions of any ordinance contained in the Cass Code or the rules and regulations promulgated pursuant thereto, shall be subject to a fine of not less than Three Hundred (\$300.00) Dollars and not more than One Thousand (\$1,000.00) Dollars pursuant to 53 P.S. §66601(c.1), as amended from time to time; and in default of payment, to imprisonment of not more than thirty (30) days. Each day's violation of any provision of the Cass Code shall constitute a separate offense, and the violation of each section hereof shall constitute a separate offense. In addition to these penalties, all other remedies are hereby reserved including an action in equity for the proper enforcement of any ordinance or law of the State of Pennsylvania. The imposition of a fine or penalty for any violation of, or non-compliance with, the Cass Code shall not excuse the violation or non-compliance or permit it to continue, and all such persons, partnerships, corporations, bureaus or utilities, or the partners or officers thereof, shall be required to correct or remedy such violations and non-compliances within a reasonable time.

CHAPTER 7. VALIDITY, REPEALER AND EFFECTIVE DATE

Section 701. Effect Upon the Requirements of the Commonwealth of Pennsylvania

To the extent that the requirements hereof differ from those established or to be established by state law, by regulation of DEP, or by any other Commonwealth agency, both the Commonwealth requirements and the requirements of this ordinance shall be deemed to be applicable. It is not the intent of this ordinance to impose requirements more stringent than those applied by DEP relative to the beneficial use of municipal or residual waste including, but not limited to, any engineering or geological standards. However, for other areas of the ordinance, such as fire protection and safety, enforcement of the Subdivision and Land Development Ordinance, the Zoning Ordinance or other ordinances, it is the intent of this ordinance to impose requirements which may be more stringent than those applied by the Commonwealth of Pennsylvania. Should any requirements hereof be determined to be incompatible and conflict with state laws or regulations and deemed to have been preempted by the courts of this Commonwealth, those provisions hereof shall be deemed null and void and to no effect only to the extent of the incompatibility or conflict.

Section 702. Severability

The provisions of this ordinance are severable, and if any section, clause, sentence, part or provision thereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect, impair or invalidate any of the remaining sections, clauses, sentences, parts or provisions of this ordinance. It is hereby declared to be the intent of Cass Township Board of Supervisors that this ordinance would have been adopted if such illegal, invalid or unconstitutional section, clause, sentence, part or provision had not been included herein.

Section 703. Repealer

The provisions of any prior ordinance which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

(Ordinance No. 1007-3, Adopted October 27, 2007)

SCHEMATIC

TITLE VIII. TAXATION AND FINANCE

CHAPTER 1. LOCAL SERVICES TAX

Section 101. Title

This ordinance shall be known as the "Cass Township Local Services Tax Ordinance".

Section 102. Citation

This ordinance may be cited as 8 Cass Code §101, et seq.

Section 103. Definitions

The following words and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context or language clearly indicates or requires a different meaning:

TOWNSHIP – The area within the corporate limits of the Township of Cass.

MUNICIPAL TAX COLLECTOR – The Tax Collector so designated by resolution of the Township.

EMPLOYER – Any individual, partnership, association, corporation, governmental body, agency or other entity employing one or more persons on a salary, wage, commission or other compensation basis, including a self-employed person.

CALENDAR YEAR – The twelve-month period beginning January 1 and ending December 31.

HE, HIS or HIM – Indicates the single and plural number as well as male, female and neuter gender.

INDIVIDUAL – Any person, male or female, engaged in an occupation, trade or profession within the corporate limits of the Township.

OCCUPATION – Any trade, profession, business or undertaking of any type, kind or character, including services, domestic or other, carried on or performed within the corporate limits of the Township for which compensation is charged or received, whether by means of salary, wages or fees or commissions for services rendered.

LOCAL SERVICES TAX – The Local Services Tax formerly known as the occupational privilege tax in the amount of \$52.00 levied by this article.

Section 104. Levy of Tax

The Township hereby levies and imposes on each occupation engaged in by individuals within its corporate limits during the calendar year 2008, and each calendar year thereafter until repealed, a Local Services Tax. This tax is in addition to all other taxes of any kind or nature heretofore levied by the Township. No less than twenty-five percent (25%) of the funds collected on any calendar year shall be used to fund the emergency services.

Section 105. Amount of Tax

Beginning with January 1, 2008, and every January 1 thereafter, each occupation, as heretofore defined, engaged in within the corporate limits of the Township shall be subject to a Local Services Tax in the amount of \$52.00 per year, to be paid by the individual so engaged.

Section 106. Exemptions

Section 106.1. Income Exemptions. Individuals earning \$12,000.00 or less are exempt from this ordinance. The type of income to be used to determine income exemption for tax shall be Earned Income and Net Profits only. The income for purposes of exemption does not include unearned income. The Tax Collector shall use a Low Income Exemption Certificate to be designed by the Department of Community and Economic Development ("DCED"), which allows an employee to state that he or she will make less than \$12,000.00 in earned income in that calendar year. Employer, upon receipt of the completed affidavit, is relieved from withholding the tax from employee, until such time that the employee claiming the income exemption may exceed the \$12,000.00 earned income threshold. Employee is required to attach a copy of the prior year final pay stub or copy of prior W-2 to the affidavit form when it is submitted to the employer. The employee must file his income exemption certificate with both the Township and the employer.

Section 106.2. Active Military. Any individual who is engaged in active military duty or has been called to active military duty at any time within the taxing calendar year is exempt from payment of this tax.

Section 106.3. Disabled or Injured Members of the Military. Any former or current member of the military who is a paraplegic, double and/or quadruple amputee or has any service related disability, as declared by the United States Veterans Administration or its successor, to be a total one hundred percent (100%) disability, is also exempt from the payment of any tax.

Section 106.4. Refunds. Tax Collector shall establish rules and regulations for the request of a refund from an individual. These rules shall address refunds due taxpayer based on employer's failure to allow the use of a Low Income Exemption Certificate/affidavit.

Section 107. Duty of Employers

Section 107.1. Each employer within the Township as well as those employers situated outside the Township but who engage in business within the Township is hereby charged with the duty of collecting from each of his employees, engaged by him and performing work within the Township, the tax of \$52.00 per year and making a return and payment thereof to the Municipal Tax Collector.

Section 107.2. Further, each employer is hereby authorized to deduct this tax from each employee, whether the employee is paid by salary, waged or commissions, and whether or not part or all of such services are performed within the Township.

Section 107.3. Employers shall be permitted to withhold the employee's Local Services Tax via multiple payroll deductions; but still remit the full amount within the proper timeframes as stated by this Ordinance.

Section 108. Returns

Section 108.1. Each employer shall prepare and file a return showing a computation of the tax on forms to be supplied by the office of the Municipal Tax Collector. Each employer, in filing this return and making payment of the tax withheld from his employees, shall be entitled to retain a commission calculated at the rate of .5% of the gross tax due payable, provided that such tax is collected and paid over by the employer on or before the dates hereinafter set forth.

Section 108.2. It is further provided that if the employer fails to file such return and pay such tax, whether or not he makes collection thereof from the salaries, wages or commissions paid by him to the employee, the employer shall be responsible for the payment of the tax in full without deducting a commission as though the tax had originally been levied against him.

Section 109. Dates for Determining Tax Liability and Payments

Section 109.1. Each employer shall use his employment record from January 1 through March 31, 2008, and from January 1 to March 31 of each year thereafter for determining the number of employees from whom such tax shall be deducted and paid over to the Municipal Tax Collector on or before April 30th of each year.

Section 109.2. Supplemental reports shall be made by each employer on July 31, October 31, and January 31 of new employees as reflected on his employment record for periods from April 1 to June 30, July 1 to September 30 and October 1 to December 31, respectively. Payments on these supplemental reports shall be made on July 31, October 31 and January 31, respectively, in each year.

Section 110. Individuals Engaged in More Than One Occupation

Section 110.1. Each individual who has more than one occupation within the Township shall be subject to the payment of this tax on his principal occupation and his principal employer shall deduct this tax and deliver to him evidence of the deduction on a form to be furnished to the employer by the Municipal Tax Collector, which form shall be evidence of deductions having been made and when presented to any other employer shall be authority for such employer to not deduct this tax from the employees' wages, but to include such employee in his return by setting forth his name and the account number of the employer who deducted this tax. In the event that a person is engaged in more than one occupation or an occupation which requires his working in more than one political subdivision during the calendar year, the priority of claim to collect such Local Services Tax shall be in the following order:

- (1) The political subdivision in which the person resides and works, if such tax is levied by the political subdivision; and
- (2) The political subdivision in which a person is employed and which imposes the tax nearest in miles to the person's home.

Section 110.2. The place of employment shall be determined as of the day the taxpayer first becomes subject to the tax during the calendar year. It is the intent of this provision that no person shall pay more than \$52.00 in any calendar year as a Local Services Tax, irrespective of the number of political subdivisions in which such person may be employed within any given calendar year. In the case of dispute, a tax receipt of the taxing authority for the calendar year declaring that the taxpayer has made prior payment which constitutes prima facie certification of payment to all other political subdivisions shall be submitted. Deduction or non-deductions and reporting by employers shall be in accordance with 110.1.

Section 111. Self-Employment Individuals

All self-employed individuals who perform services of any type or kind engaged in any occupation or profession within the Township shall be required to comply with this article and pay the tax to the Municipal Tax Collector on or before April 30, 2008, and on each April 30th thereafter or as soon thereafter as he is engaged in an occupation. In the event that a self-employed person is engaged in more than one occupation within or without the Township or an occupation which requires his working in more than one political subdivision during the year, reporting priority of claims and prima facie certification of payments shall be in accordance with 110.1. and 110.2.

Section 112. Employers and Self-Employed Individuals Residing Beyond the Corporate Limits

All employers and self-employed individuals residing or having their place of business outside the Township who perform service of any type or kind or engage in any occupation or profession within the Township do by virtue thereof agree to be bound by and subject themselves to the provisions, penalties and regulations promulgated under this article with the same force and effect as though they were residents of the Township. Further, any individual engaged in an occupation within the Township and an employee of any nonresident employer may, for the purposes of this article, be considered a self-employed person, and in the event that this tax is not paid, the Township shall have the option of proceeding against either the employer or employee for the collection of this tax.

Section 113. Administration

Section 113.1. It shall be the duty of the Municipal Tax Collector to accept, receive payments and to keep a record of this tax, showing the amount received by him from each employer or self-employed person, together with the date the tax was received.

Section 113.2. The Municipal Tax Collector is hereby charged with the administration and enforcement of this article and is charged and empowered to prescribe, adopt and promulgate rules and regulations relating to any matter pertaining to the administration and enforcement, including provisions for examination and correction of any return made in compliance with this article, any payments alleged or found to be incorrect or as to which overpayment is claimed or found to have occurred or any payment made by a taxpayer who is found to have derived in the aggregate less than \$12,000.00 per year gross income from an occupation or business or occupation and business as exempted by ordinance or resolution of the Township of Cass. Any person aggrieved by any decision of the Municipal Tax Collector shall have the right to appeal to the Court of Common Pleas of Schuylkill County as in other cases provided.

Section 113.3. The Municipal Tax Collector is hereby authorized to examine the books and payroll records of any employer in order to verify the accuracy of any return made by an employer or, if no return is made, to ascertain the tax due. Each employer is hereby directed and required to give the Municipal Tax Collector the means, facilities and opportunities for such examination.

Section 113.4. Any school districts that share in the Local Services Tax shall utilize the Municipal Tax Collector for its portion of said tax. The Municipal Tax Collector will remit taxes to the district as collected.

Section 113.5. The Municipal Tax Collector and/or Township shall provide a receipt of payment to a taxpayer upon request.

Section 114. Suit for Collection

Section 114.1. In the event that any tax under this article remains due or unpaid 30 days after the date above set forth, the Municipal Tax Collector may sue for the recovery of any tax due or unpaid under this article, together with interest and penalties.

Section 114.2. If for any reason the tax is not paid when due, interest at the rate of 6% on the amount of the tax shall be calculated beginning with the due date of such tax and a penalty of 5% shall be added to the flat rate of the tax for nonpayment thereof.

Section 114.3. Where suit is brought for the recovery of this tax, the individual liable therefore shall in addition be responsible and liable for the costs of collection.

Section 115. Jurisdiction and Validity

Section 115.1. Nothing contained in this article shall be construed to empower the Township to levy and collect the tax hereby imposed on any occupation not within the taxing power of the Township under the Constitution of the United States and the laws of the Commonwealth.

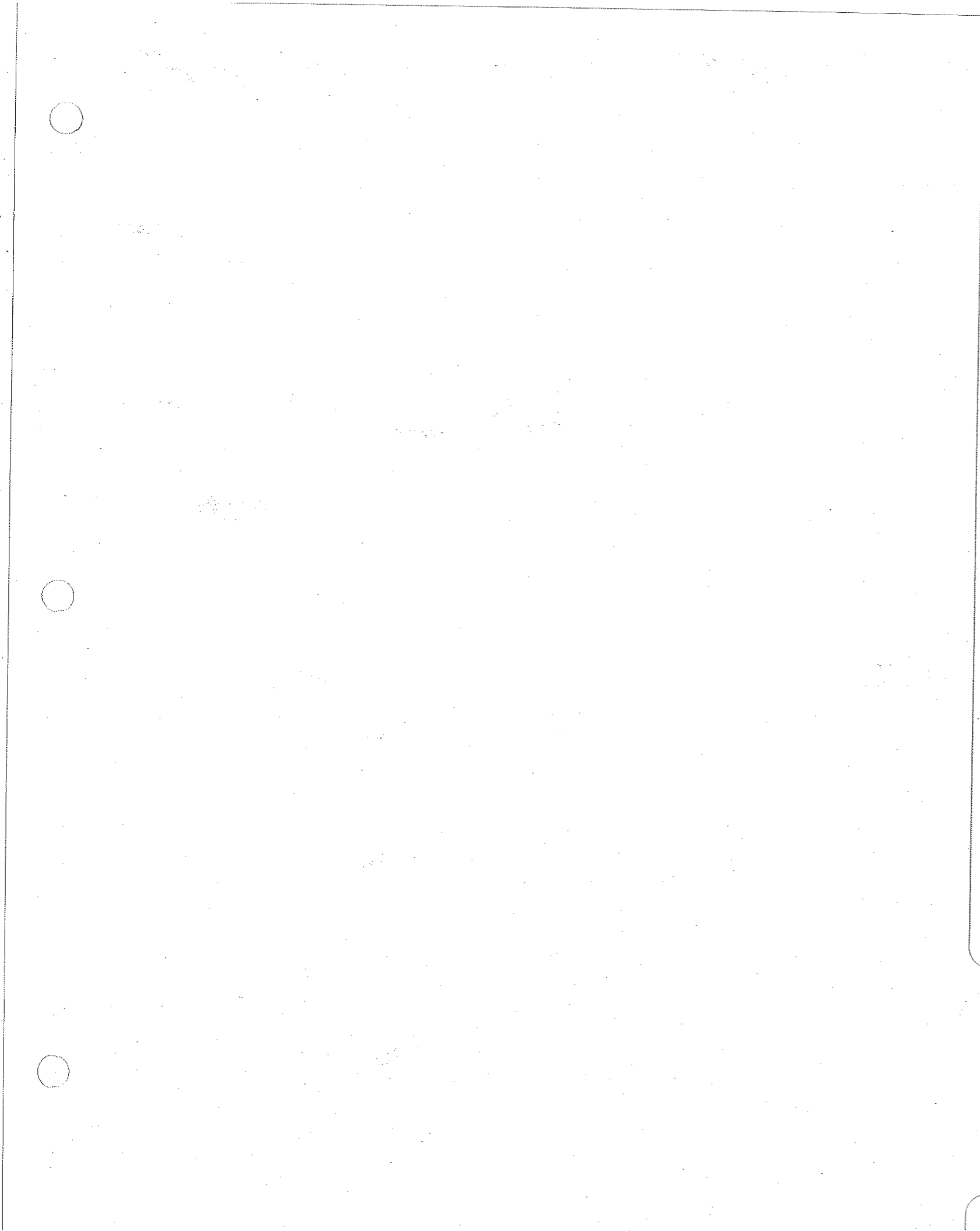
Section 115.2. If the tax hereby imposed under provisions of this article is held by any court of competent jurisdiction to be in violation of the Constitution of the United States or of the laws of the Commonwealth as to any individual, the decision of the court shall not affect or impair the right to impose or collect such tax or the validity of the tax imposed on other persons or individuals as hereinafter provided.

Section 116. Violations and Penalties

Any person, partnership, corporation, bureau or utility, or the partners or officers thereof, who or which violates any of the provisions of this Article shall, upon conviction thereof in a summary proceeding or upon verdict in a civil enforcement proceeding, be sentenced to pay a fine in accordance with 1 Cass Code §107, Penalties.

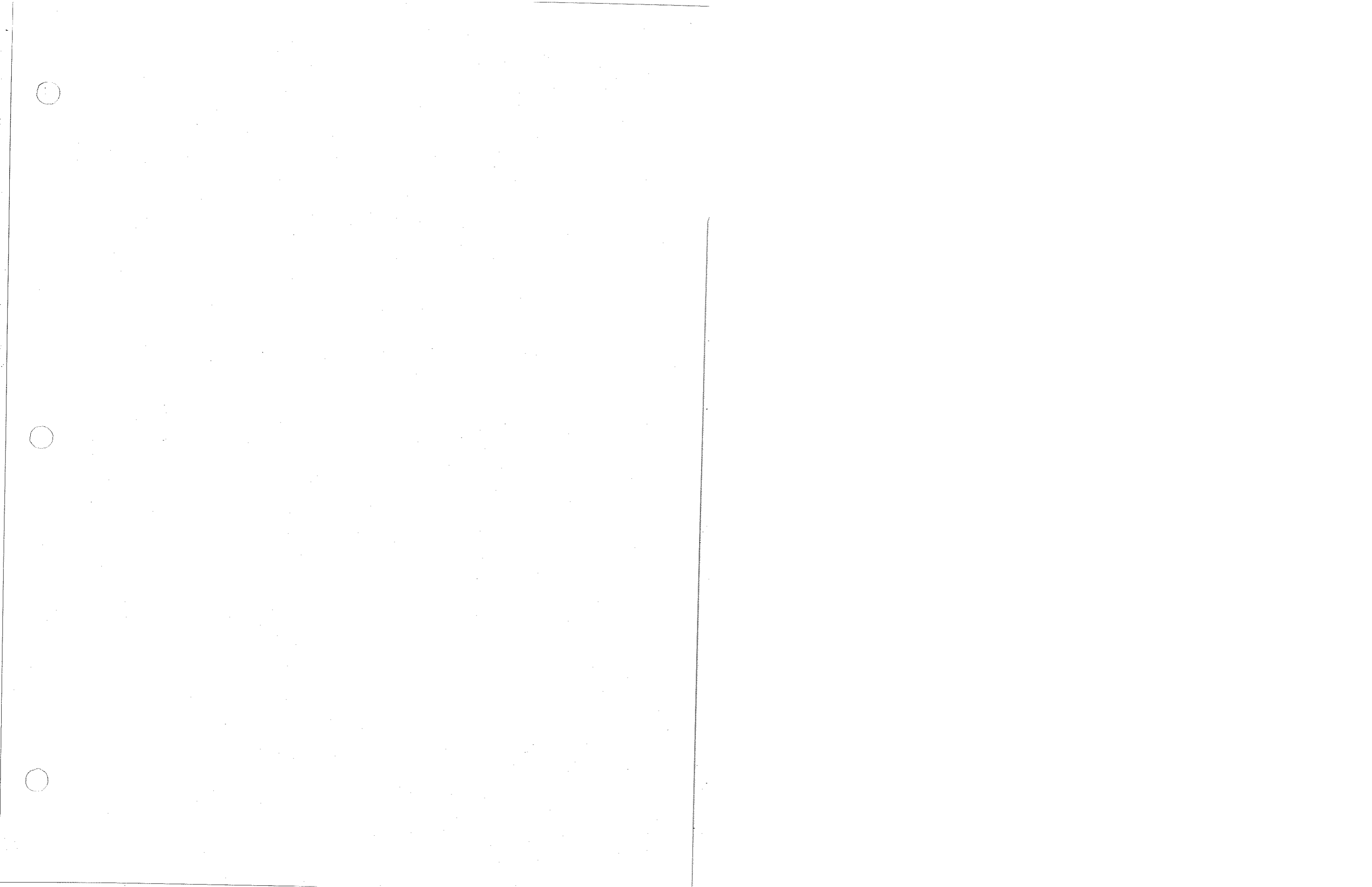


TITLE IX. ZONING
Reserved



TITLE X. SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

Reserved



APPENDIX

SCHEDULE "A"

INSURANCE FEE, ESCROW, AND DEPOSIT REQUIREMENTS
DRIVEWAY PERMIT APPLICATIONS

1. The following Application Fees shall apply:

Driveway Application Fee \$ 50.00

2. The following Engineering Review Escrow requirements apply:

If a review of the application or site or inspection of the work by the Township Engineer is deemed to be necessary by the Township, the fees for such work will be charged against a review and inspection escrow account in accordance with the Township's Schedule of Rates for Professional Engineering Services. If an escrow deposit is required, a minimum of \$250.00 for old construction and \$500.00 for new construction, shall be provided by the applicant to offset anticipated review or inspection fees. Unused escrow balance will be refunded to the applicant following satisfactory completion of the work.

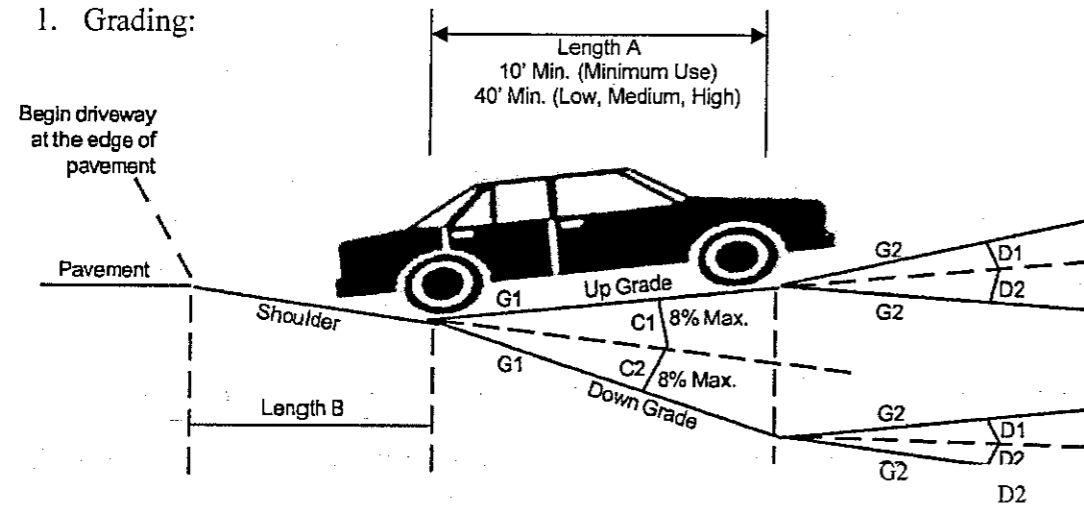
3. Contractors shall provide evidence of general liability coverage in an amount not less than \$1,000,000.00.
4. If the proposed occupancy is covered by an Improvements Agreement through the Subdivision and Land Development approval process, the escrow and security deposit are waived.

SCHEDULE "B"

MINIMUM USE DRIVEWAY CONSTRUCTION STANDARDS

A. Driveway design and construction shall comply with the following standards:

1. Grading:



The shoulder slope usually varies from 1/8"/ft. (2%) to 3/4"/ft. (6%). However, the shoulder slope should be maintained when constructing the driveway.

For grade changes greater than those shown in the above diagram, vertical curves at least 10 feet long shall be constructed and length "A" shall be increased.

Grades (G) shall be limited to 15% for minimum use driveways and from five percent to eight percent for low, medium or high volume driveways within the right-of-way.

	Maximum Grade Change {D}	
	Desirable	Maximum
High Volume Driveway	0%	+/- 3%
Medium Volume Driveway	+/-3%	+/- 6%
Low Volume Driveway (Minimum Use)	+/-6%	Controlled by Vehicle Clearance

2. Sight Distance:

Driveways shall be located at a point within the property frontage limits which provides at least the minimum sight distance listed in the following table for passenger cars and single unit trucks existing from driveways onto roadways:

<u>Posted Speed (mph)</u>	<u>Safe Sight Distance (Left)*</u> (feet)	<u>Safe Sight Distance (Right)*</u> (feet)
25	250	195
25	250	195
35	440	350
45	635	570
55	845	875

* - measured from a vehicle ten feet back from the pavement edge at height of driver.

Note: for additional vehicle lane configurations – see Pennsylvania Code, Title 67. Transportation, Chapter 441, Access to and Occupancy of Highways by Driveways and Local Roads.

Note: Obtaining the required sight distance may require clearing and or trimming of trees on applicant's property. Initial clearing and future maintenance shall be the responsibility of the property owner. No structures (permanent or temporary) may be installed if they obstruct the safe sight distance.

3. Driveways Adjacent to Intersections

- a. There shall be a minimum ten foot tangent distance between the intersecting roadway to the radius of the first permitted driveway.
- b. The distance from the edge of pavement of the intersecting roadway to the radius of the first permitted driveway shall be a minimum of 20 feet on curbed roadways and 30 feet on uncurbed highways.
- c. Sections 3a and 3b may be waived only if the intersecting highway radius extends along the property frontage to the extent that it is physically impossible.

B. The minimum driveway width for minimum use driveways is ten (10') feet. The driveway is to intersect the existing roadway at ninety degrees and have a minimum five (5') foot return radius on each side. Alternate configurations of less than ninety degrees will be reviewed on a case by case basis. All other accessway width shall be pursuant to Pennsylvania Code, Title 67. Transportation, Chapter 441, Access to and Occupancy of Highways by Driveways and Local Roads.

- C. The minimum use driveway shall be paved for the initial twenty (20') feet. The applicant/owner shall maintain the initial twenty (20') feet in a paved condition. The minimum pavement requirements consist of four (4") inches of 2A crushed aggregate and two (2") inches of superpave wearing course bituminous pavement. The joint between the paved driveway and existing Township Road pavement shall be sealed 6" on each side with PG 64-22. Additional paving of a 3" superpave bituminous base course is recommended but not required.
- D. A "C"-Swale/Gutter cross section must be provided across the proposed paved driveway. The cross section geometry shall be maintained so as to allow for unimpeded longitudinal stormwater flow. Minimum swale width shall be 4 feet wide. Swale requirement shall be greater than or equal to existing up and down stream swale adjacent to driveway or property..
- E. Altering drainage prohibited. Unless specifically authorized by the permit, the permittee shall not:
1. Alter the existing drainage pattern or the existing flow of drainage water.
 2. Direct additional drainage of surface water onto or into the road right of way.
- F. The owner/applicant shall control/mitigate increases in stormwater flow resulting from development as part of the building permit, erosion and sedimentation plan, subdivision regulations, and state regulations.
- G. If the applicant/owner requests a culvert installation, appropriate sketches and calculations shall be submitted to the Township for review and approval a minimum of thirty (30) days prior to planned construction. Pipe material is to be reinforced concrete pipe or high density polyethylene, with flared and sections and a minimum fifteen (15") inch diameter. The crown of the pipe is to be set below the elevation of the edge of pavement.
- H. All disturbed areas within the Township right-of-way, but not including the paved driveway, shall be graded and stabilized according to approved Subdivision/Land Development Plans if applicable, or otherwise returned to preexisting conditions.
- I. The applicant/owners shall be responsible for incorporating standard erosion and sedimentation control practices during the driveway construction. Cleanup of offsite sediment or repair of offsite erosion will be at the applicant's/owner's responsibility.
- J. The owner/applicant shall provide temporary traffic control devices and procedures, such as signage and flaggers, in accordance with PennDOT Publication 203, Chapter 203, Section 131.
- K. Design features not specifically identified in this ordinance shall reference Pennsylvania Code, Title 67, Transportation, Chapter 441, Access to and Occupancy

of Highways by Driveways and Local Roads. If curb or sidewalk is adjacent and/or on your property. It must be repaired, replaced or extended along your property per PENNDOT road construction (RC) standards.

- L. The location of the proposed driveway shall be staked as part of the permit application. The initial stake shall be placed along the Township roadway with subsequent stakes spaced at 25' intervals.
- M. Any damage to a Township Road, signage, etc. must be repaired or improved in kind at no cost to the Township.
- N. Crossing of construction equipment on Township roads may require an overweight permit. The road must be protected from damage via boards, tires, earth, etc.

CASS TOWNSHIP

1209 Valley Road
 Pottsville, PA 17901
 Phone: 570.544.5370
 Fax: 570.544.3158

APPLICATION FOR DRIVEWAY PERMIT

1. APPLICANTS NAME: _____ TELEPHONE #: _____
 CONTACT PERSON: _____ TELEPHONE #: _____
 ADDRESS: _____
2. CONTRACTORS NAME: _____ TELEPHONE #: _____
 ADDRESS: _____
 INSURANCE CARRIER: _____ POLICY #: _____
3. PURPOSE OF DRIVEWAY: _____
4. LOCATION OF DRIVEWAY: _____
5. START DATE: _____ DAYS FOR COMPLETION: _____
6. DESCRIPTION OF DRIVEWAY: LENGTH _____ WIDTH _____ DEPTH _____
7. METHOD OF CONSTRUCTION: _____ BITUMINOUS PAVING _____ OTHER _____
8. SKETCH OF PROPOSED WORK: (Use area below or attach separate sheet)

(SHOW LOCATION OF ROAD CUT, EDGE OF PAVEMENT, EDGE OF RIGHT-OF-WAY, STREET NAME, HOME LOCATION, EXISTING UTILITIES, PROPOSED UTILITY)

THE DIMENSIONS AND GRADES IN ACCORDANCE WITH THE FIGURE IN THE DRIVEWAY ORDINANCE WILL BE INSTALLED AS FOLLOWS:

1. LENGTH B (SHOULDER): _____ LENGTH A: _____
2. GRADE 1
 (G 1): _____ OR
 (C1): _____
 (C2): _____
3. GRADE 2
 (G2): _____ Location Marked In Field: _____ Yes _____ No
 (D1): _____
 (D2): _____
4. Sight Distance Provided: Distance Right _____ feet Distance Left _____ feet

I, _____ the applicant as listed above execute this application this _____ day of _____ 20____ and understand the requirements of Cass Township Ordinance Number _____ and driveway design/construction requirements imposed by said ordinance.

SIGNATURE: _____ DATE: _____

PERMIT FEES		DESIGN REQUIREMENTS /INSPECTIONS				
Permit Issuance	\$50.00	Vertical Grade		Sight Distance		Field Inspection
Escrow		YES	NO	YES	NO	
Section		Check by:	Check by:	Check by:	Check by:	Inspected by:
Total		Date:	Date:	Date:	Date:	Date:

PERMIT NUMBER: _____ ISSUE DATE: _____
 Approved By: _____ Title: _____

DULY ENACTED AND ORDAINED by the Board of Supervisors of Cass Township,
Schuylkill County, Pennsylvania, this 26th day of March, 2009, in lawful
session duly assembled.

ATTEST:

CASS TOWNSHIP BOARD OF
SUPERVISORS, CASS TOWNSHIP,
SCHUYLKILL COUNTY, PENNSYLVANIA

Anthony Bergan
Secretary

James D. Thomas
Chairperson

(SEAL)

Robert J. Miller


Bruce P. Colford

IN RE: AN ORDINANCE OF THE TOWNSHIP OF CASS, A SECOND CLASS TOWNSHIP, TO APPROVE, ADOPT AND ENACT AN ORDINANCE CODIFICATION AND REVISIONS OF THE ORDINANCES OF THE TOWNSHIP OF CASS, COUNTY OF SCHUYLKILL, COMMONWEALTH OF PENNSYLVANIA; REPEALING AND SAVING FROM REPEAL CERTAIN ORDINANCES.

CERTIFICATION

I hereby certify that the within Ordinance is a true and correct copy of an Ordinance enacted by the Board of Supervisors of Cass Township, Schuylkill County, Pennsylvania, on the 26th day of March, 2009.

TOWNSHIP SEAL


EVELYN L. BERGAN, Secretary
Cass Township
1209 Valley Road
Pottsville, PA 17901
Telephone No. (570) 544-5370