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PART II

GENERAL LEGISLATION

Chapter 38

ADULT ENTERTAINMENT

- § 38-1. Purpose and intent.
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[HISTORY: Adopted by the Board of Supervisors of the Township of Ligonier at time of adoption of Code (see Ch. 1, General Provisions, Art. I). Amendments noted where applicable.]

General References: Land use and development – See Ch. 65.

§ 38-1. Purpose and intent.

It is the purpose of this chapter to promote the health, safety, morals, and general welfare of the citizens of the Township of Ligonier and to establish reasonable and uniform regulations regarding the location and concentration of sexually oriented businesses and the promotion of pornography within the borough. The provisions of this chapter have neither the purpose nor the effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor the effect of this chapter to restrict or deny access by adults to sexually oriented materials protected by the First Amendment or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market; neither is it the intent nor the effect of this chapter to condone or legitimize the distribution of obscene materials.

§ 38-2. Definitions.

As used in this chapter, the following words and phrases shall have the meanings indicated.

A. ADULT ARCADE – Any place to which the public is permitted or invited or in which coin-operated or slug-operated or electronically, electrically, or mechanically controlled still- or motion-picture machines, projectors, or other image-producing devices are maintained to show images to an audience, and where the image is so displayed, distinguished, or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.

B. ADULT BOOKSTORE – A commercial establishment having a substantial or significant portion of its stock in trade, including but not limited to books, magazines, periodicals, visual representations or writings, distinguished or characterized by emphasis on matter depicting, describing, or related to specified anatomical areas or to specified sexual activities or an establishment with a segment or section devoted to the sale or display of such materials. A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of materials depicting or describing specified sexual activities or specified anatomical areas and still be characterized as an adult bookstore. Such other business purposes will not serve to exempt such commercial establishment from being characterized as an adult bookstore so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which depict or describe specified sexual activities or specified anatomical areas.

C. ADULT CABARET – A nightclub, bar, restaurant, or similar commercial establishment which regularly features:

1. Persons who appear in a state of nudity.
2. Live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities; or
3. Films, motion pictures, videocassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

D. ADULT MOTEL – A hotel, motel, or similar commercial establishment which:

1. Offers accommodations to the public for any form of consideration; provides patrons with closed circuit television transmissions, films, motion pictures, videocassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas; and has a sign visible for the public right-of-way which advertises the availability of this adult type of photographic productions;
2. Offers a sleeping room for rent for a period of time that is less than 10 hours; or
3. Allows a tenant or occupant of the sleeping room to sublet the room for a period of time that is less than 10 hours.

E. ADULT MOTION-PICTURE THEATER – A commercial establishment where, for any form of consideration, films, motion pictures, videocassettes, slides, or similar graphic reproductions are displayed which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

F. ADULT THEATER – A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities.

G. AUDIENCE – One or more persons who are permitted to view a performance for valuable consideration of, in, or from a public place.

H. DISPLAY PUBLICLY – The exposing, placing, posting, exhibiting, or in any other fashion displaying in any location, whether public or private, material or a performance in such a manner that it may be readily seen and its contents or character distinguished by normal unaided vision viewing it from a public place or vehicle.

I. DISSEMINATE – To manufacture, issue, publish, sell, lend, distribute, transmit, broadcast, exhibit, or present materials or to offer or agree to do the same or to have in one's possession with intent to do the same.

J. ESCORT – A person who, for consideration, agrees or offers to act as a companion, guide, or date for any person or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

K. ESCORT AGENCY – A person or business association who or which furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.

L. ESTABLISHMENT – Includes any of the following:

1. The opening or commencement of any sexually oriented business as a new business;
2. The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;
3. The addition of any sexually oriented business to any other existing sexually oriented business; or
4. The relocation of any sexually oriented business.

M. NUDE MODEL STUDIO – Any place where a person who appears in a state of nudity or who displays specified anatomical areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration.

N. PANDER – Advertising or propagandizing in connection with the sale of material, the offering of a service or the presentation or exhibition of a performance by appealing to the prurient interest of potential customers.

O. PERFORMANCE – Any live or reproduced exhibition, including but not limited to any play, motion-picture film, dance, or appearance presented to or performed before an audience.

P. PORNOGRAPHIC – Relating to pornography.

Q. PORNOGRAPHY – Any material or performance is pornography if all of the following elements are present:

1. Considered as a whole by the average person applying the contemporary community standards of the Township of Ligonier, it appeals to the prurient interest.
2. It depicts, describes, or represents, in a patently offensive way, sexual conduct, as hereinafter defined.
3. It lacks serious literary, artistic, political, or scientific value.

R. PORNOGRAPHY FOR MINORS – Any material or performance is pornography for minors if all of the following elements are present:

1. Considered as a whole by the average person applying the contemporary community standards of the Township of Ligonier with respect to what is suitable for minors, it is presented in such a way as to appeal to a minor's prurient interest.
2. It depicts, describes, or represents, in a patently offensive way, nudity or sexual conduct as hereinafter defined.
3. It lacks serious literary, artistic, political, or scientific value for minors.

S. PRURIENT INTERESTS – Desire or craving for sexual stimulation or gratification. In determining prurient interest, the material or performance shall be judged with reference to average persons, unless it appears from the character of the material or performance that it is designed to appeal to prurient interests of a particular group of persons, including but not limited to homosexuals or sadomasochists. In that case, it shall be judged with reference to the particular group for which it was designed.

T. PUBLIC PLACE OR VEHICLE – Any of the streets, alleys, parks, boulevards, schools, or other public property in the Township of Ligonier or any dance hall, rental hall, theater, amusement park, liquor establishment or depot, place of public accommodation or other public property generally frequented by the public for the purpose of education, recreation, amusement, entertainment, sport, shopping or travel; or any other vehicle for public transportation, owned or operated by government, either directly or through a public corporation or authority, or owned or operated by any nongovernmental agency for the use, enjoyment, or transportation of the general public.

U. SADOMASOCHISTIC ABUSE – Flagellation or torture by or upon a person who is nude or clad in undergarments or in a sexually revealing or bizarre costume; or the condition of such person being fettered, bound, or otherwise physically restrained in an apparent act of sexual stimulation or gratification.

V. SEXUAL CONDUCT:

1. Masturbation.
2. Sexual intercourse, whether genital-genital, oral-genital, oral-anal, or anal-genital.
3. Any erotic fondling or touching of any parts of the covered or uncovered genitals, buttocks, pubic area, or breasts of the female.
4. Actual or simulated display or exhibition of the human pubic area or genitals or any part thereof.
5. Sexual excitement, as hereinafter defined.
6. Sadomasochistic abuse, as hereinafter defined.
7. The conduct described in subsections 1 through 3, inclusive, is sexual conduct, whether or not it is engaged in alone or between members of the same sex or between members of the opposite sex or between humans and animals or between humans and inanimate objects.

W. SEXUAL ENCOUNTER CENTER – A business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:

1. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
2. Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity.

X. SEXUAL EXCITEMENT – The facial expression, movements, utterances, or other responses of a human male or female, whether alone or with others, whether clothed or not, who is in an apparent state of sexual stimulation or arousal or who experiences the physical or sensual reactions of humans engaging in or witnessing sexual conduct.

Y. SEXUALLY ORIENTED BUSINESS – An adult arcade, adult bookstore, adult cabaret, adult motel, adult motion-picture theater, adult theater, escort agency, nude model studio, or sexual encounter center.

Z. SPECIFIED ANATOMICAL AREAS – Human genitals; pubic region; buttocks; female breasts below a point immediately above the top of the areola.

AA. SPECIFIED SEXUAL ACTIVITIES – Human male genitals in a discernibly turgid state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse or sodomy; fondling or other erotic touching of human genitals, pubic regions, buttocks, or female breasts.

§ 38-3. Classification of businesses.

Sexually oriented businesses are classified as follows:

- A. Adult arcades.
- B. Adult bookstores.
- C. Adult cabarets.
- D. Adult motels.
- E. Adult motion-picture theaters.
- F. Adult theaters.
- G. Escort agencies.
- H. Nude model studios.
- I. Sexual encounter centers.

§ 38-4. Businesses prohibited in certain areas.

It shall be unlawful to establish or maintain any sexually oriented business in or within 500 feet of another sexually oriented business, a church, a public or private elementary or secondary school, a boundary of any residential district, a public park adjacent to any residential district or the property line of a lot devoted to residential use.

§ 38-5. Promotion of pornography unlawful.

A. It shall be unlawful for any person to promote pornography. A person commits the offense of promoting pornography if, knowing its content and character, he:

1. Disseminates or causes to be disseminated any pornographic material in or form a public place or vehicle or for valuable consideration or has in his possession any pornographic material with intent to so disseminate or knowingly allows the use of any business, building, vehicle, or place owned, leased, conducted, or managed by him for such dissemination of pornographic material.
2. Sells an admission ticket or pass to premises where there is being exhibited or is about to be exhibited material or a performance which is pornographic;
3. Admits, by accepting a ticket or pass, a person to premises where there is being exhibited or is about to be exhibited material or a performance which is pornographic;
4. Produces, presents, directs, or knowingly allows the use of any business, building, vehicle, or place owned, leased, conducted, or managed by him to be used for a pornographic performance before an audience;
5. Participates in the portion of a live performance before an audience which makes it pornographic; or
6. Panders, displays publicly, or disseminates door-to-door any pornographic material or performance or causes such pandering, public display, or door-to-door dissemination.

B. For the purposes of this section, possession of two or more identical copies of any pornographic material by any person engaged in the business of disseminating materials, as defined above, shall be prima facie evidence of possession with intent to disseminate for valuable consideration.

§ 38-6. Promotion of pornography involving minors.

A. It shall be unlawful for any person to promote pornography for minors. A person commits the offense of promoting pornography for minors if, knowing its content and character, he:

1. Disseminates or causes to be disseminated to a minor material which is pornography for minors or knowingly allows the use of any business, building, vehicle, or place owned, leased, conducted, or managed by him for the dissemination to a minor of material which is pornography for minors;
2. Exhibits to a minor a motion-picture film or other performance which is pornography for minors;

3. Sells to a minor an admission ticket or pass to any building, vehicle, or place where there is being exhibited or is about to be exhibited a motion-picture film or other performance which is pornography for minors;
4. Admits a minor to any building, vehicle, or place where there is being exhibited or is about to be exhibited a motion-picture film or other performance which is pornography for minors;
5. Knowingly produces, presents, directs, or allows the use of any business building, vehicle, or place owned, leased, conducted, or managed by him for the presentation of a performance which is pornography for minors before an audience which includes a minor; or
6. Displays publicly or disseminates door-to-door any material or performance which is pornography for minors or causes such public display or door-to-door dissemination.

B. The provisions of Subsection A(1) through (5) do not apply to a parent, guardian, or other persons in loco parentis to the minor.

§ 38-7. Affirmative defenses.

It shall be an affirmative defense to a prosecution under § 38-5 or 38-6 of this chapter if the pornographic material was disseminated by a person who was acting in his capacity as:

- A. A teacher of an accredited course of study related to pornography at a state-approved education institution;
- B. A licensed medical practitioner or psychologist in the treatment of a patient;
- C. A participant in the criminal justice system, such as a legislator, Judge, prosecutor, law enforcement official, or other similar or related position; or
- D. A supplier to any person described in Subsections A through C above.

§ 38-8. Violations and penalties.

A. *Fines.* Any person convicted of violating this chapter shall be guilty of a violation and, upon conviction before any District Justice, shall be subject to a fine not exceeding \$1,000 and costs for each offense and, in default of payment thereof, shall be subject to imprisonment in the appropriate jail for a period not exceeding 30 days.

B. *Injunction.* The Board of Supervisors may institute proceedings in equity in the Court of Common Pleas of Blair County for the purpose of enjoining the sale, resale, lending, distribution, exhibit, gift, or show of such pornographic literature, books, magazines, pamphlets, newspapers, storypapers, papers, comic books, writings, drawings, photographs, figures, or images or any written or printed matter of an obscene nature or any article or instrument of a pornographic nature contrary to the provisions of this section, and for such purposes jurisdiction is hereby

conferred upon said Court. A preliminary injunction may issue and a hearing thereafter be held thereon in conformity with the Rules of Civil Procedure upon the averment of the Board of Supervisors that the sale, resale, lending, distribution, exhibit, gift, or show of such publications constitutes a danger to the welfare or peace of the community.

Chapter 40

BUILDING CODE

- § 40-1. Adoption of Building Code.
- § 40-1.1. Subsequent Amendments.
- § 40-2. Revisions.
- § 40-2.1. Subsequent Amendments
- § 40-3. Administration and Enforcement.
- § 40-4. Board of Appeals.
- § 40-5. Effect on other Ordinances.
- § 40-6. Fees and Costs.
- § 40-7. Violations.
- § 40-8. Effective Date.
- § 40-9. Severability.
- § 40-10. Repealer.

[HISTORY: Adopted by the Board of Supervisors of the Township of Ligonier by Ord. No. 2 of 2015. Amendments noted where applicable.]

§ 40-1. Adoption of Building Code.

The Township of Ligonier hereby adopts the Uniform Construction Code (hereinafter referred to as “Code”), as designated and defined by the Pennsylvania Construction Code Act (hereinafter referred to as “Act”), as amended and supplemented, and the Regulations promulgated by the Department of Labor and Industry thereunder (hereinafter referred to as “Regulations”), as amended and supplemented from time to time, as provided in the Act and Regulations, as the Township of Ligonier Building Code. The Uniform Construction Code, contained in 34 Pa. Code, Chapters 401-405, as amended from time to time, consists of the following:

1. The provisions of Chapters 2-29 and 31-35 of the “International Building Code”, except that, in occupancies in Use Group R-3 and within dwelling units in occupancies in Use Group R-2, the maximum riser height shall be 8 ¼ inches (210mm) and the minimum tread depth shall be 9 inches (229mm). A 1-inch (25mm) nosing shall be provided on stairways with solid risers.
2. The “ICC Electrical Code”.
3. The “International Mechanical Code”.
4. The “International Fuel Gas Code”.
5. The “International Plumbing Code”.
6. The “International Residential Code”.
 - a) Provided, however, that the provisions of R313.1.1 requiring interconnected smoke alarms do not apply to one-family and two-family dwellings undergoing alterations, repairs, or additions. Non-interconnected battery operated smoke alarms shall be installed in these dwellings.
 - b) Provided also that the following specifications apply to residential stairway treads and risers.

- i. The maximum riser height is 8 ¼ inches. There may be no more than a 3/8 inch variation in riser height within a flight of stairs. The riser height is to be measured vertically between leading edges of the adjacent treads.
 - ii. The minimum tread depth is 9 inches measured from tread nosing to tread nosing.
 - iii. The greatest tread depth within any flight of stairs may not exceed the smallest by more than 3/8 inch.
 - iv. Treads may have a uniform projection of not more than 1 ½ inches when solid risers are used.
 - v. Stairways may not be less than 3 feet in clear width and clear headroom of 6 feet 8 inches shall be maintained for the entire run of the stair.
 - vi. Handrails may project from each side of a stairway a distance of 3 ½ inches into the required width of the stair.
 - vii. To the extent required by the provisions of Act 13 of 2004, the above provisions contained in subsections (i) through (vi), inclusive, are hereby modified to comply with said act.
- 7. The “International Fire Code”, to the extent that this Code is referenced in Chapter 35 of the “International Building Code”.
 - 8. The “International Energy Conservation Code”.
 - 9. The “International Existing Building Code for Buildings and Facilities”.
 - 10. The “International Urban-Wildlife Interface Code”.
 - 11. Appendix E of the “International Building Code”.
 - 12. Appendix H of the “International Building Code”.
 - 13. Appendix G of the “International Residential Code”.

§ 40-1.1. Subsequent Amendments.

If any provision of this Section is at variance with, contrary to, or superceded by any provision of the Act or Regulations, then the provision of the Act or Regulations shall apply. It is the intention of the Board of Supervisors that the Building Code herein adopted shall be the Uniform Construction Code as defined and adopted by said Act and Regulations and any and all subsequent amendments to the Act and/or the Regulations promulgated thereunder.

§ 40-2. Revisions.

There hereinafter sections of the above referenced Code, which form a part of the Uniform Construction Code, are hereby completed, modified, or revised as follows:

- 1. References to Jurisdiction shall be the Township of Ligonier.
- 2. The International Building Code §1612.3 insert: “August 5, 1997 revised December 6, 2022, as date of issuance”.
- 3. The International Building Code §3410.2 insert: “The effective date of the Uniform Construction Code in the Township of Ligonier”.

4. The ICC Electrical Code §404.2 insert: “as set forth in a separate resolution adopted by the Board of Supervisors of the Township of Ligonier”.
5. International Mechanical Code §106.5.2 insert: “as set forth in a separate resolution adopted by the Board of Supervisors of the Township of Ligonier”.
6. International Mechanic Code §106.5.3(2) insert: “0%” and 106.5(3)(3) insert “75%”.
7. International Mechanical Code §108.4 insert: “summary offense in the [specific offense] portion and insert \$1,000.00 for the amount of fine; and insert 30 days for the term of imprisonment”.
8. International Mechanical Code §108.5 insert: “a fine of not less than Three Hundred (\$300.00) Dollars or more than One Thousand (\$1,000.00) Dollars”.
9. International Fuel Gas Code §106.5 insert: “as set forth in a separate resolution adopted by the Board of Supervisors of the Township of Ligonier”.
10. International Fuel Gas Code §106.5.3(2) insert: “0%” and 106.5(3) insert “75%”
11. International Fuel Gas Code §106.5.2, insert: “as set forth in a separate resolution adopted by the Board of Supervisors.”
12. International Fuel Gas Code: §106.5.2, insert: “as set forth in a separate resolution adopted by the Board of Supervisors.”
13. International Fuel Gas Code §108.4 insert: “summary offense” in the specific offense portion; insert “up to \$500.00” for the amount of fine, and insert: “thirty (30) days” for the term of imprisonment.
14. International Fuel Gas Code §108.5 insert: “not less than Three Hundred (\$300.00) Dollars or more than One Thousand (\$1,000.00) Dollars”.
15. International Plumbing Code §106.6.2 insert: “as set forth in a separate resolution adopted by the Board of Supervisors of the Township of Ligonier”.
16. International Plumbing Code §108.4 insert: “summary offense and One Thousand (\$1,000.00) Dollars and thirty (30) days”.
17. International Plumbing Code §106.6.3(2) insert: “0%” and 106.6.3 insert: “75%”
18. International Plumbing Code §108.5 insert: “as set forth in a separate resolution adopted by the Board of Supervisors of the Township of Ligonier”.
19. International Plumbing Code §305.6.1 insert: “forty (40”) inches in both locations”.
20. International Plumbing Code §904.1 insert: “twenty-four (24”) inches”.
21. International Residential Code Table R 301.2(1) insert the following:
 - a) Ground Snow Load: 40 lbs.
 - b) Wind Speed (mph): 90
 - c) Seismic Design Category: D
 - d) Weathering: severe
 - e) Frost Line Depth: 36”
 - f) Termite: moderate to heavy
 - g) Decay: slight to moderate
 - h) Winter Design Temp: 5° F
 - i) Ice Shield Underlayment: Yes
 - j) Flood Hazard: Map dated August 5, 1997, revised December 6, 2002.
 - k) Air Freezing Index: 1,000
 - l) Mean Annual Temp: 25° F
22. International Residential Code §P2603.61 insert: “forty (40”) inches in both places”.

23. International Residential Code §P3103.1 insert: “twenty-four (24”) inches in both places”.
24. International Fire Code §109.3 insert: “summary offense in the (specific offense) portion; insert up to \$500.00 for the amount of the fine; and insert thirty (30) days for the term of imprisonment.”
25. International Fire Code §111.4 insert: “Three Hundred (\$300.00) Dollars and One Thousand (\$1,000.00) Dollars”.
26. International Fire Code §3204.3.1.1, §3404.2.9.5.1, §3406.2.4.4, and §3804.2 insert: “Any area mapped on the current FEMA Flood Mapping as a flood area (Maps are dated August 5, 1997, revised December 6, 2002)”.
27. International Existing Building Code §1201.2 insert: The effective date of the Uniform Construction Code in the Township of Ligonier.

§ 40-2.1. Subsequent Amendments.

If any provision of this Section is at variance with, contrary to, or superceded by any provision of the Act or Regulations, then the provision of the Act or Regulations shall apply. It is the intention of the Board of Supervisors that the Building Code herein adopted shall be the Uniform Construction Code as defined and adopted by said Act and Regulations.

§ 40-3. Administration and Enforcement.

- A. The Township of Ligonier hereby elects to administer and enforce the provisions of this Article III, the Pennsylvania Construction Code Act, Act 45 of 1999, 35 P.S. §§7210-101 – 7210-1.103, as amended from time to time, the Regulations promulgated thereunder, and the Code.
- B. Administration and Enforcement of the Code within the Township of Ligonier shall be undertaken in any of the following ways as determined by appropriate action of the Board of Supervisors of the Township of Ligonier from time to time by adoption of a Resolution:
 1. By the designation of an individual, registered or certified as a “Building Code Official” by the Department of Labor and Industry, to serve as the Municipal Building Code Official, to administer and enforce this Ordinance, this Chapter, the Code, the Act, and the Regulations in the Township of Ligonier, to issue building, occupancy, and other permits and approvals, and to do and carry out any and all other functions and duties permitted and authorized of such an official with regard to buildings, uses, and structures, under the Building Code, the Act, and Regulations and by the following additional means, methods, and manner:
 2. By designating one or more certified third party agencies, as that term is defined in the Regulations, to perform plan reviews, approvals, and inspections, (but not the issuance of building, compliance, or occupancy permits), so long as any designated certified third party agency, under contract with the Township, meets and maintains the following standards and criteria:

- a) Is certified as a third party agency by the Department of Labor and Industry and provides proof of such certification, satisfactory to the Township;
 - b) Registers as a Certified Uniform Construction Code third party agency with the Township, providing the name, address, contact person(s), phone and fax numbers, and e-mail addresses for such agency and contact person; and further providing the specific certifications held by any and all persons performing services.
 - c) Obtains, maintains in effect, and provides to the Township proof of all insurance required by the Department of Labor and Industry to be certified as a third party agency, adding or including the Township as an additional insurer on said policy.
 - d) Provides, in a proper and timely fashion, any and all reviews, approvals, inspections, denials, disapprovals and/or comments made, undertaken, or communicated to any person requesting such agency's services.
 - e) Immediately informs the Township, in writing, if any person within, employed by, or engaged by the agency, or the agency itself, loses any certification or registration otherwise is precluded, prevented, or directed to cease performing services by any department or agency having jurisdiction over such person or agency.
- C. Administration and Enforcement of the Code within the Township of Ligonier may also be undertaken by:
- 1. Entering into an Agreement with one or more municipalities to provide for the joint administration and enforcement of this Act by the adoption of an Ordinance approving an Intermunicipal Agreement pursuant to 53 Pa. C.S. Chapter 23 Subch. A, relating to intergovernmental cooperation; or,
 - 2. Entering into a contract with another municipality for the administration and enforcement of this Act by the adoption of an Ordinance approving an Intermunicipal Agreement pursuant to 53 Pa. C.S. Chapter 23 Subch. A, relating to intergovernmental cooperation.

§ 40-4. Board of Appeals.

The owner of a building or structure or any other person may appeal from the decision of the Building Code Official regarding the provisions of the Code hereby adopted by the Township of Ligonier, covering the manner of construction or materials to be used in the erection, alteration, or repair of a building or structure, to the Board of Appeals. In addition, the Board of Appeals shall hold appeal hearings of the Code Official decisions/interpretations, hear requests for variances and extensions of time and otherwise conform to 34 Pa Code §§403.121-403-122 and amended Act 45 [35 P.S. §7210.501(c)(4)-(5)]. The Board of Appeals shall be that constituted by the Central Westmoreland Council of Governments pursuant to an Intermunicipal Agreement and said Board shall act as the Board of Appeals of the Township of Ligonier in the manner provided in the Code, Act, and Regulations and by the Administrative Procedures established by the Central Westmoreland Council of Governments and Pennsylvania Administrative Law.

§ 40-5. Effect on other Ordinances.

All Ordinances, Chapters, Resolutions, Regulations, and Policies of the Township of Ligonier, not affected, modified, or repealed by this Ordinance, the Code, Act, or Regulations, shall remain in full force and effect.

§ 40-6. Fees and Costs.

The Township of Ligonier hereby imposes and assesses fees and costs for the administration and enforcement of said Code, Act, Regulations, and this Chapter, which fees and costs shall be established by the Board of Supervisors of the Township of Ligonier, by Resolution from time to time.

§ 40-7. Violations.

Any person, firm, or corporation that violates any of the provisions of this Ordinance, this Chapter, the Code, Act, and/or Regulations commits a summary offense and shall, upon conviction, be sentenced to pay a fine of not more than Nine Hundred (\$900.00) Dollars in costs incurred by the Township in enforcement of said violation. Each day that a violation exists and continues shall be a separate violation.

§ 40-8. Effective Date.

This Ordinance shall take effect immediately.

§ 40-9. Severability.

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

§ 40-10. Repealer.

Any Ordinance or parts of Ordinances in conflict with this Chapter are hereby specifically repealed.

Chapter 47

BURNING ORDINANCE

- § 47-1. Title.
- § 47-2. Allowed and prohibited burning
- § 47-3. Emergency burning ban.
- § 47-4. Exceptions.
- § 47-5. Violations and penalties.

[HISTORY: Adopted by the Board of Supervisors of the Township of Ligonier 2-11-1992 by Ord. No. 1992-4. Amended by the Board of Supervisors 11-14-2023 by Ordinance 2023-O-07. Additional amendments noted where applicable.]

§ 47-1. Title.

This chapter shall be known and may be cited as the “Ligonier Township Temporary Burning Ban Ordinance.”

§ 47-2. Allowed and Prohibited Burning.

- A. Burning of of “domestic refuse” is permitted so as long as the fire is on the property of a structure occupied solely as a residence by two families or less and the refuse results from the normal occupancy of the structure. “Domestic refuse” does not include such items as appliances, carpets, demolition waste, insulation, shingles, treated wood, siding, plain, painted, or stained objects or furniture, tires, mattresses, box springs, metal, batteries, PVC products, waste oil, and other petroleum products.”
- B. Burning other than burning of “domestic refuse” in the circumstances set forth above, and as set forth in the exceptions below, is prohibited.

§ 47-3. Emergency burning ban.

- A. The Ligonier Township Board of Supervisors may prohibit or ban any bonfire or other fire on any public or private street, avenue, highway, road, alley, or public or private land within the Township of Ligonier, County of Westmoreland, Commonwealth of Pennsylvania, at such time as the Supervisors determine that atmospheric conditions or locational circumstances make such fires hazardous.
- B. Any such ban shall be imposed by declaration of the Ligonier Township Supervisors at a public meeting duly advertised for the purpose of imposing an emergency burning ban. Lifting of the emergency burning ban shall be accomplished in a like manner.

- C. Any such ban imposed by the Supervisors shall remain in effect until such time as the Board of Supervisors has determined that conditions or circumstances necessitating the ban have improved to a degree that open air burning poses no threat to the public safety or welfare of Ligonier Township.

§ 47-4. Exceptions.¹

Nothing herein provided shall prohibit:

- A. Any fires, or incineration, so long as such activity is carried on wholly within the confines of a permanent structure intended for the habitation of human beings.

§ 47-5. Violations and penalties.²

This chapter shall be enforced by action brought before a District Justice in the same manner provide for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Any person who violates or permits the violation of this chapter shall, upon conviction in a summary proceeding, be punishable by a fine of not more than \$1,000 or by imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense. Each section of this chapter that is violated shall also constitute a separate offense.

¹ Amended 12-10-2024 by Ord. No. 2024-O-06

² Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

Chapter 49

Fire and Rescue User Fees

§ 49-1. User Fees for the Deployment of Public Safety Services Rendered by the Fire Departments of Ligonier Township for Emergency Services.

[HISTORY: Adopted by the Board of Supervisors of the Township of Ligonier 9-10-2019 by Ord. No. 02-2019]

§ 49-1. User Fees for the Deployment of Public Safety Services Rendered by the Fire Departments of Ligonier Township for Emergency Services.

- A. The Township's Fire and Rescue Services, specifically including the Township Fire Departments, may initiate user fees for the delivery of Fire and Rescue Services, personnel, supplies, and equipment to the scene of motor vehicle accidents and other incidents on the highways. The rate of user fees shall be that which is usual, customary, and reasonable (UCR), which may include any services, personnel, supplies, and equipment and with baselines established by addendum to this chapter.
- B. The user fee shall be filed with the motor vehicle insurance carrier, representing an added-on cost of the claim for damages of the vehicles, property, and/or injuries. In the event services are required relating to utilities causing safety problems to highway areas, and if the area is deemed unsafe by emergency responders, the same billing process shall apply to said utility, whose equipment related problems cause an emergency services response. The claim's costs shall be filed with the insurance carrier of the owner of a vehicle, property, or other responsible party.
- C. The Fire and Rescue Services may make rules or regulations and from time to time may amend, remove, or add rules and regulations, as they may deem necessary or expedient in respect to billing for these fees or the collection thereof.
- D. All amounts collected as a result of this Chapter shall be placed into a fund as established by the Township's fire departments to be used exclusively for personnel, supplies, and equipment of departments.
- E. It is found and determined that all formal actions of this Board of Supervisors of the Township of Ligonier concerning and relating to the adoption of this Chapter were adopted in open meetings of this Township, and that all deliberations of this Board of Supervisors and any of its committees that resulted in such formal actions were in accordance with all legal requirements and the Codified Ordinances of the Township.

F. This Ordinance shall take effect at the earliest time permitted by law.

Chapter 50

FIRE INSURANCE CLAIMS

- § 50-1. Procedure for transfer of proceeds.
- § 50-2. Return of money in excess of estimate.
- § 50-3. Proceeds to be placed in separate fund.
- § 50-4. Notification to named insured.
- § 50-5. Funds to be returned; conditions.
- § 50-6. Costs to be paid from fund; excess.
- § 50-7. Construal of provisions.

[HISTORY: Adopted by the Board of Supervisors of the Township of Ligonier 9-30-1997 by Ord. No. 97-7. Amendments noted where applicable.]

§ 50-1. Procedure for transfer of proceeds.

When fire damage to a structure located within the corporate limits of the Township of Ligonier (hereinafter the township) shall occur, the procedure required by the Insurance Company Law of 1921,³ as amended, shall be applicable as follows:

- A. When a loss resulting from fire damage agreed to between a named insured and a company, association or exchange equals or exceeds 60% of the aggregate limits of liability in all fire policies covering a building or other structure, the insurance company, association or exchange shall transfer from the insurance proceeds to the Treasurer of the Township of Ligonier in the aggregate \$2,000 for each \$15,000 and each fraction of that amount of a claim; or
- B. If at the time of a proof of loss report, the named insured has submitted a contractor's signed estimate of the cost of removing, repairing or securing the building or other structure in an amount less than the amount calculated under the foregoing transfer formula, the insurance company, association or exchange shall transfer from the insurance proceeds the amount specified in the estimate. The transfer of proceeds shall be on a pro rata basis by all companies, associations or exchanges insuring the building or other structure.

§ 50-2. Return of money in excess of estimate.

If the named insured shall submit a contractor's signed estimate of the cost of removing, repairing or securing the building or other structure after the transfer of remaining funds to the named insured by the companies, associations or exchanges insuring the building or other structure as set forth in § 50-1A, the Treasurer shall thereafter return the amount of the fund held by the Treasurer in excess of the estimate to the named insured if the township has not commenced to remove, repair or secure the building or other structure.

³ Editor's Note: See 40 P.S. § 341 et seq.

§ 50-3. Proceeds to be placed in separate fund.

Upon receipt of process by the Treasurer of the Township of Ligonier, the Treasurer shall place the proceeds in a separate fund to be used solely as security against the total cost of removing, repairing or securing which may have been incurred by the township.

§ 50-4. Notification to name insured.

When transferring the funds as required in § 50-1A or B of this chapter, the insurance company, association or exchange shall provide to the Treasurer of the Township of Ligonier the name and address of the named insured; whereupon, the Treasurer, or the Treasurer's designee shall, by written notification to the named insured, certify that the proceeds have been received by the township and further notify the named insured that the procedures set forth in this chapter shall be followed.

§ 50-5. Funds to be returned; conditions.

The funds held by the Treasurer of the Township of Ligonier shall be returned to the named insured when repairs, removal or securing of the building or other structure have been completed and the required proof received by the Treasurer and if the Township of Ligonier has not incurred any cost for repairs, removal or securing.

§ 50-6. Costs to be paid from fund; excess.

If the township has incurred costs for repairs, removal or securing of the building or other structure, the cost shall be paid to the township from the fund held by the Treasurer of the Township of Ligonier, and if excess funds remain, the Treasurer shall transfer the remaining funds to the named insured.

§ 50-7. Construal of provisions.

A. Nothing in this chapter shall be construed to limit the ability of the Township of Ligonier to recover any deficiency owed to the township by the named insured or which is or may be a valid claim against the property of the named insured which is the subject of the fire loss.

B. Nothing in this chapter shall be construed to prohibit the Township of Ligonier and the named insured from entering into an agreement that permits the transfer of funds to the named insured if some other reasonable disposition of the damaged property has been negotiated.

Chapter 53

HOUSE NUMBERS

§ 53-1. Responsibility for numbering buildings.

§ 53-2. Requirements for numbers.

§ 53-3. Numbering system.

§ 53-4. Penalties.

§ 53-5. Repealer.

§ 53-6. Severability.

[HISTORY: Adopted by the Board of Supervisors of the Township of Ligonier 3-11-2014 by Ord. No. 2014-OR-02. Amendments noted where applicable.]

§ 53-1. Responsibility for numbering buildings.

On or after the passage and approval of this Chapter, it shall be the duty of each and every owner, trustee, lessee, agent, and occupant of each and every house, building, or other structure in the Township of Ligonier to cause the same to be numbered in accordance with this Chapter, and the system and plan hereby adopted and approved.

§ 53-2. Requirements for numbers.

- A. The number shall be placed in a conspicuous place on or over each front door, on the front transom bar, front transom glass or front show window, over or on either side of the entrance, the same number to be of paint, metal, or enamel, and at least three (3") inches in height, the color of the numbers to be in contrast to the immediate background, and shall be placed so as to be in full view from the opposite side of the street. In the event the house, building, or structure is not visible from the public street, a number, at least one (1") inch in height, shall be placed either upon a mailbox, newspaper receptacle, or pole or post; provided, however, that said number shall be in conformance with the requirements set forth above, except as to the height of said number. It shall be unlawful to cover any house number with any sign, drapery, or other obstruction tending to conceal such number and all old numbers shall be removed from any house, building, or other structure when a new number has been assigned, and when so directed by the Township of Ligonier.
- B. The Township of Ligonier is hereby authorized to require the numbering and renumbering of any house, building, or other structure in accordance with this Chapter.

§ 53-3. Numbering system.

- A. The existing street numbering system, or where a conflict exists, the renumbering of any house, building, or structure shall be and is hereby approved by the Board of Supervisors of the Township of Ligonier.
- B. For all new subdivisions or lots created within the Township of Ligonier, upon which a structure, building, or house shall be erected, the Township of Ligonier shall assign a number to said house, structure, or building in accordance with the plan adopted and approved herein. Said numbering system shall commence with Number 100 for each new street, court, or road, and shall be numbered consecutively thereafter with the odd numbers being assigned to one side of the street and the even numbers to be assigned to the opposite side of the street.

§ 53-4. Penalties.

Any person, firm, or corporation who shall violate any provisions of this Chapter shall, upon conviction hereof, be sentenced to pay a fine of not more than six hundred (\$600.00) dollars, and in default of payment thereof to imprisonment for a term not to exceed thirty (30) days.

§ 53-5. Repealer.

All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed.

§ 53-6. Severability.

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

Chapter 57

JUNKYARDS AND JUNK DEALERS

- § 57-1. Title
- § 57-2. Definitions.
- § 57-3. License required.
- § 57-4. Application
- § 57-5. License fee
- § 57-6. Unlawful to transfer license.
- § 57-7. Fencing and screening; maintenance
- § 57-8. Junkyards to be maintained.
- § 57-9. Storage of junked vehicles.
- § 57-10. Notice to owners.
- § 57-11. Violations and penalties.
- § 57-12. Other remedies.

[HISTORY: Adopted by the Board of Supervisors of the Township of Ligonier 6-13-1971 by Ord. No. 71-2. Amended 2-13-07 by Ord. No. 2007-OR-1. Additional amendments noted where applicable.]

§ 57-1. Title.

This chapter may be known as the “Ligonier Township Junk Control Ordinance.”

§ 57-2. Definitions.

The following words, when used in this chapter, shall mean as follows:

A. **JUNKED VEHICLES** – Any motor vehicle, trailer, or semitrailer designed for use with a motor vehicle which is:

1. Exposed to weather;
2. Inoperative due to defective or missing parts or lacking a current valid registration plate for a period of thirty (30) days; and
3. lacking a current state inspection.

B. **JUNKYArD** – A place, other than a service shop, where three or more junked vehicles or two or more pieces of scrapped machinery or their parts are stored, disassembled, sold, or exchanged.

C. **ORNAMENTAL EQUIPMENT** – Any agricultural, or other small equipment arranged in an aesthetically pleasing fashion for the purpose of lawn display.

D. **OWNER** – is a person owning, leasing, occupying, or having charge of any premises within the township.

E. PERSON – Any natural person, partnership, firm, or corporation

F. SCRAPPED MACHINERY – Any piece of agricultural, construction, or industrial equipment, which is exposed to the weather and inoperative due to defective or missing parts, or ornamental equipment which has fallen into total disrepair.

G. SERVICE SHOPS – A shop, business, or office providing sales or services including, but not limited to, the repair of automotive, agricultural, lawn and garden, and other vehicle or equipment repair, including service shops as defined in the Code, Part II, General Legislation, Chapter 65, Land Use Development, § 65-76, “SERVICE SHOPS”, where more than two (2) vehicles are stored, disassembled, sold, or exchanged.

H. SPECIAL PURPOSE VEHICLE – Any vehicle or machine built or modified from its original design with the intent or purpose of organized sports or competition.

§ 57-3. License required.

No owner shall operate a junkyard in the Township of Ligonier without a license.

§ 57-4. Application.

A license shall be issued by the Township of Ligonier for a junkyard upon approval by the Board of Supervisors of Ligonier Township of an application which shall contain the following:

A. The name and address of the applicant.

B. The location and general description of the land used for any junkyard where owned, leased, used, or operated by the junk dealer in the township.

C. A sketch map, at a scale of one inch equals 100 feet, showing the complete boundary of the junkyard, with dimensions, including such part of the junkyard that may front upon any public road, and the point or points of access from the nearest public road or roads to the junkyard.

D. The date of issuance and number of the township license.

E. Such other information as shall be deemed necessary by the township.

§ 57-5. License fee.⁴

⁴ Editor’s Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

The license fee for each calendar year shall be as established by resolution of the Board of Supervisors. The fee must accompany the application. Licenses must be renewed each year prior to January 15. Each license shall be displayed conspicuously on the licensed premises.

§ 57-6. Unlawful to transfer license.⁵

No license issued under this chapter shall be transferable from one owner to another owner except when the ownership of a licensed premises shall change. In any such case the new owner shall apply for a transfer of such license to him and shall pay a transfer fee as established from time to time by resolution of the Board of Supervisors.

§ 57-7. Fencing and screening; maintenance.

To provide for public safety, a fence of not less than six feet in height shall be constructed between a junkyard or service shop where more than two (2) vehicles are being stored, disassembled, sold or exchanged, and any public roads which it faces. Setback of the fence shall be as prescribed in the Ligonier Township Comprehensive Development Ordinance, or any successor ordinance, for the district in which the junkyard or service shop is located. The fence shall be so constructed to permit an entrance of not more than 30 feet in width which shall be closed off by means of a gate similar in construction to the required fence, except during regular business hours of the yard or service shop. Such entrance, once established, shall not be changed without written permission from the township.

§ 57-8. Junkyards to be maintained.

Every junkyard licensed under this chapter shall constantly be maintained in the manner prescribed by this section as follows:

- A. No junked vehicles or scrapped machinery shall be positioned in front of the fence. No debris of any kind shall be permitted to accumulate in front of the fence.
- B. Junked vehicles and scrapped machinery shall be positioned in rows with sufficient aisle space to permit access of emergency vehicles.
- C. Junked vehicles and scrapped machinery shall be stored in such a manner to prevent accumulation of stagnant water as follows:
 - 1. Hoods, doors, trunk lids, or other access hatches shall be kept closed in so far as is possible.
 - 2. No vehicle body shall be stored in an inverted position.

§ 57-9. Storage of junked vehicles.

⁵ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

Storage of two or more junked vehicles or pieces of scrapped machinery on open grounds shall be regarded as use of such property for a junk yard.

§ 57-10. Notice to owners.

The owner or lessee of the property on which an unlicensed junkyard is observed shall be given 30 days' written notice by the Ligonier Township Supervisors to dispose of such junk or apply for a license. If the owner or lessee ignores such notice, the township shall take such action as herein provided.

§ 57-11. Violations and penalties.⁶

This chapter shall be enforced by action brought before a District Justice in the same manner provided for the enforcement of summary offences under the Pennsylvania Rules of Criminal Procedure. Any owner who violates or permits the violation of this chapter shall, upon conviction in a summary proceeding, be punishable by a fine of not more than \$1,000 or by imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense. Each section of this chapter that is violated shall also constitute a separate offense.

§ 57-12. Other remedies.

Nothing herein contained shall prevent the township from taking such other lawful action as is necessary to prevent or remedy any violation.

§ 57-13. Severability.

The provisions of this Ordinance are severable. If any sentence, clause, or section of this Ordinance is, for any reason, found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, or sections of this Ordinance. It is hereby declared to be the intent of the Board of Supervisors of Ligonier Township that his Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, or section not been included herein.

⁶ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

Chapter 65

NUISANCES

§ 65-1. Definitions.

§ 65-2. Nuisances Prohibited.

§ 65-3. Enforcement, Service of Notices and Orders; Hearings.

§ 65-4. Penalties.

§ 65-5. Conflict of Ordinances; Effect of Partial Validity.

§ 65-6. Public Nuisance Abatement.

[HISTORY: Adopted by the Board of Supervisors of the Township of Ligonier 12-13-2016 by Ord. No. OR-03-2016. Previous version of this Chapter was adopted by the Board of Supervisors 9-12-2000 by Ord. No. 2000-14, which was further amended 2-13-2007 by Ord. No. 2007-OR-02. The 2016 Ordinance repealed the previous versions of this Chapter in their entirety. Additional amendments noted where applicable.]

§ 65-1. Definitions.

For the purpose of the Ordinance, the following words and phrases together with their derivations shall have the meaning ascribed to them in this Section.

- A. "TOWNSHIP" is the Township of Ligonier, Westmoreland County, Pennsylvania.
- B. "BOARD OF SUPERVISORS" is the Board of Supervisors of the Township of Ligonier, Westmoreland County, Pennsylvania.
- C. "OWNER" is a person owning, leasing, occupying, or having charge of any premises within the Township.
- D. "PERSON" is any natural person, firm, partnership association, corporation, company, or organization of any kind.
- E. "GARBAGE" any putrescible animal and vegetable waste including but not limited to offal, pomace, dead animals, and decaying organic matter.
- F. "RUBBISH" any nonputrescible waste, either solid, liquid, or a combination thereof, including but not limited to scrap wood, glass, metal, plastic, paper, stone, concrete, or clay items.
- G. "NUISANCE" is any activity, conduce or condition which causes injury, damage, hurt, inconvenience, annoyance or discomfort to the public or such part of the public as necessarily comes in contact with such activity, conduce or condition, and which adversely affects the same's safety, health, morals or general welfare, including aesthetics.

H. "PREMISES" means any real property, building or structure.

I. "MOTOR VEHICLES" means any type of mechanical device, propelled by a motor, in which persons or property may be transported upon public streets or highways, and including trailers or semi-trailers pulled thereby.

J. "ABANDONED MOTOR VEHICLE" is a motor vehicle:

- (a) That is inoperable and is left unattended on public property for more than forty-eight (48) hours; or
- (b) that has remained illegally on public property for a period of more than forty-eight (48) hours; or
- (c) that is left unattended on or along a public highway without a valid registration plate or valid and current inspection; or
- (d) that has remained on private property without the consent of the owner or person in control of the property for more than forty-eight (48) hours

K. "JUNK MOTOR VEHICLE" is a motor vehicle which is either unable to move under its own power or does not have a valid registration plate and/or a valid and current inspection sticker.

L. "PORTABLE TOILET" is a portable toilet intended to be used outside temporarily in the absence of permanent bathroom facilities. "Portable Toilet" includes, but is not limited to, port-a-john, port-a-potty, chemical toilet, honey bucket, honeypot, mobile toilet, camping toilet, temporary toilet.⁷

§ 65-2. Nuisances Prohibited.

It shall be unlawful for any person to create or maintain, either directly or indirectly, a nuisance within the Township of Ligonier. Nuisances shall include but not be limited to the following:

A. The existence of abandoned motor vehicles;

B. The presence, outside of a building or fully enclosed structure, of one or more junk motor vehicles as defined herein, except that, the owner of which premises, or the owner, operator or custodian of which junk motor vehicle, who has the same for a bona fide purpose of repair of such motor vehicle, may store or park said vehicle, outside of a building or fully enclosed structure, for a period not in excess of thirty (30) days from the time said vehicle is first brought upon said property, provided a permit is first obtained from the Secretary of the Township of Ligonier; further provided that such junk person may have no more than one (1) permit for the repair of a junk motor vehicle at any one time, nor more than one (1) permit is issued for a junk motor vehicle. Further, such permit shall be good for a period of only sixty (60) days from the date it is granted, and can be renewed for subsequent sixty (60) day periods by application. In the event said permit expires, then in that event, said motor vehicle shall be towed from the premises and the failure and refusal to do so shall constitute a violation under the prohibitions established hereunder;

⁷ Amended/added 9/14/2022 by Ordinance No. 2022-OR-01

C. The presence of any garbage which shall or may afford food, harborage or breeding areas for vermin unless the same is kept in covered receptacles designed and manufactured for the storage of such items and further provided that the same shall remain on said premises for a period of no longer than ten (10) days;

D. The presence of rubbish which may its nature or due to its storage has sharp or protruding edges or parts which pose a present or potential hazard to any person;

E. The storage or placement of equipment, rubbish, machinery, material, vehicles or any parts thereof in any manner which would allow the same to easily shift, tilt or fall from such position; or cause an immediate safety issue. This safety issue would be cause for immediate removal of the item or items.

F. The draining or allowing to drain, by natural or artificial means, any foul or offensive liquid of any kind, from any premises into, upon or along any other premises, public right of way or public lands, except where provision has been made for the lawful drainage of such liquid in such manner and at such place. The existence of such drainage prior to the passage of this Ordinance, shall not made such activity or condition lawful;

G. Maintaining, causing to be maintained or permitting the existence of any dangerous building, structure or physical condition on any premises;

H. Pushing, shoveling or otherwise depositing snow, ice, mud, rocks, earth, manure, animal waste, cut vegetation or any combination thereof, upon the cartway or traveled portion of any highway, road, street or alley, maintained by the Township, County or Commonwealth.

I. The storage or placement of a Portable Toilet outside for a time period of longer than one month, with the following exceptions:⁸

1. The property is under construction, does not have a proper working bathroom, and has all the proper building permits required by the Township.
2. It is a government facility.
3. The property parcel is entirely dedicated to "Parks and Recreation," as defined in the Township Zoning Ordinance, and is not within 1,000 feet of a public sewer line.
4. The Portable Toilet is placed on a property parcel within an I-1 Industry or A-1 Agriculture zoning district.

§ 65-3. Enforcement, Service of Notices and Orders; Hearings.

A. Whenever the Township determines that there are reasonable grounds to believe that there has been a violation of any provisions of this Ordinance, they shall give notice of such alleged violation to the person or persons responsible therefore, as hereinafter provide. Such notice shall:

1. be put in writing;

⁸ Added/amended 9/14/2022 by Ordinance No. 2022-OR-01

2. include a statement of the reasons why it is being issued;
3. allow a reasonable time for the performance of any act it requires;
4. be served upon the owner or his agent, or the occupant, as the case may require; provided that such notice shall be deemed to be properly served upon such owner or agent, or upon such occupant, if a copy thereof is served upon him personally; or if a copy thereof is posted in a conspicuous place in or about the premises affected by the notice; or if he is served with such notice by any other method authorized or required under the laws of the Commonwealth of Pennsylvania.

Such notice may also contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Ordinance.

B. Any person affected by any notice which has been issued in connection with the enforcement of any provisions of this Ordinance, and who has been given a period of time by the Code Enforcement Officer of the Township of Ligonier to cure said violation, may request, in writing, of the Board of Supervisors of the Township of Ligonier, an addition reasonable period of time to correct the aforesaid violation; provided, that such person shall file said written request within ten (10) days after the date of the notice was received. Said written request shall set forth a brief statement for the reason for the request, the period of time requested, and a statement that the persons will correct said violation within the period of time requested. Upon receipt of said written request, the Board of Supervisors of the Township of Ligonier shall view said property and determine whether or not an additional period of time would be appropriate under the circumstances.

C. In the event the Board of Supervisors of the Township of Ligonier determine that it is appropriate to grant an additional period of time, they shall notify the person, in writing, of the additional time period granted to said person. Upon receipt of the same, and within five (5) days after receipt of the same, the person shall return to the Township of Ligonier a written acceptance of the time period established by the Board of Supervisors of the Township of Ligonier. Said acceptance shall be on a form provided to said person by the Township of Ligonier. In the event that the person does not then comply with the time periods established by the Board of Supervisors of the Township of Ligonier, the Board of Supervisors of the Township of Ligonier may then proceed to enforce the provisions of this Ordinance by either an action in equity or a complaint filed by the Code Enforcement Officer before the local District Magistrate.

D. Whenever the Board of Supervisors find that any emergency exists which requires immediate action to protect the public health, safety, morals, or general welfare, they may, without notice or hearing, issue or an order reciting the existence of such an emergency and require that such action be taken as they may deem necessary to meet the emergency. Notwithstanding the other provisions of this Ordinance, such order shall be effective immediately.

§ 65-4. Penalties.

Any person who shall violate any provision of this Ordinance, shall upon Conviction be punished by a fine of not more than TWO THOUSAND FIVE HUNDRED (\$2,500.00)

DOLLARS, and each day's failure to comply with such provision shall constitute a separate violation.

§ 65-5. Conflict of Ordinances; Effect of Partial Validity.

A. In any case where a provision of this Ordinance is found to be in conflict with a provision of any Ordinance existing on the effective date of this Ordinance, the provision which establishes the higher standard for the promotion and protection of the health, safety, morals and general welfare of the people shall prevail. In any case, where a provision of any other Ordinance is found to be in conflict with a provision of any other Ordinance existing on the effective date of this Ordinance which establishes a lower standard for the promotion and protection of the health, safety, morals and general welfare of the people, the provisions of this Ordinance shall be deemed to prevail, and such other Ordinances are hereby declared to be repealed to the extent that they may be found in conflict with this Ordinance.

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

C. Notwithstanding the above, in any case where a condition is not found to be an immediate risk of health or safety, and the condition is consistent with the property's primary use, including farm use, it would not be considered a nuisance under this ordinance.

§ 65-6. Public Nuisance Abatement.

In addition to the penalties heretofore set forth in this Ordinance, any activity, conduct or condition occurring or existing in violation of this Ordinance is hereby declared to be a public nuisance. The Township is authorized to require the removal of any such nuisance by the owner or occupier of the premises upon which such nuisance exists. If the owner or occupier fails, neglects or refuses to remove any such nuisance after being ordered to do so by the Township, the Township may cause the same to be done, and collect the cost thereof, together with a penalty of ten (10%) percent of such cost, in the manner provided by law for the collection of municipal claims, or by an action of assumpsit, or the Township may seek relief in equity.

Chapter 71

PEDDLING AND SOLICITING

ARTICLE I

Transient Retail Merchants.

- § 71-1. Definitions, word usage.
- § 71-2. License required; conditions of issuance; fees.
- § 71-3. Exceptions.
- § 71-4. License application.
- § 71-5. Issuance of license; display; nontransferability.
- § 71-6. Prohibited acts of transient retail merchants.
- § 71-7. Supervision, records and reports.
- § 71-8. Suspension and revocation of license; appeal.
- § 71-9. Violations and penalties.

[HISTORY: Adopted by the Board of Supervisors of the Township of Ligonier as indicated in article histories. Amendments noted where applicable.]

ARTICLE I

Transient Retail Merchants

[Adopted 7-9-1996 by Ord. 96-9]

§ 71-1. Definitions; word usage.⁹

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

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

B. PRODUCE – Includes crops, fruits, vegetables or other products commonly cultivated in home gardens or on a farm, but not meat or meat products.¹⁰

C. TRANSIENT RETAIL BUSINESS:

(1) Engaging in peddling, soliciting or taking orders, either by sample or otherwise, for any goods, wares or merchandise upon any street, alley, sidewalk or public ground or from house to house within the Township of Ligonier; or

(2) Selling, soliciting or taking orders for any goods, wares or merchandise from a fixed location within the Township of Ligonier on a temporary basis, which shall include but not be limited to such activities conducted at the time of special occasions or celebrations, for seasonal purposes or for or in advance of specific yearly holidays.

⁹ Amended 2-12-2002 by Ord. No. 02-OR-03

¹⁰ Added 2-12-2002 by Ord. No. 02-OR-03

B. The singular shall include the plural; the plural shall include the singular; and the masculine shall include the feminine and the neuter.

§ 71-2. License required; conditions of issuance; fees.

A. No person shall engage in any transient retail business within the Township of Ligonier without first having obtained from the Township Secretary/Treasurer a license, for which a fee, which shall be for the use of the Township of Ligonier, shall be charged:

(1) For one day: as set from time to time by resolution of the Board of Supervisors.¹¹

(2) For one year: as set from time to time by resolution of the Board of Supervisors.¹²

B. No license shall be valid for other than the calendar year in which it is issued.

§ 71-3. Exceptions.¹³

A. No. License fee shall be charged:

(1) To residents of Ligonier Township selling their own produce grown in Ligonier Township.¹⁴

(2) For the sale of goods, wares and merchandise donated by the owners thereof, the proceeds whereof are to be applied to any charitable or philanthropic purpose.

(3) To any manufacturer or producer in the sale of bread and bake products, meat and meat products or milk and milk products.

(4) To children under the age of 18 years who take orders for and deliver newspapers, greeting cards, candy, bakery products and the like or who represent the Boy Scouts or Girl Scouts or similar organizations.¹⁵

(5) To the seeking or taking of orders by insurance agents or brokers licensed under the insurance laws of the Commonwealth of Pennsylvania.

(6) To any person who has complied with the provisions of the Solicitation of Funds For Charitable Purposes Act, 10 P.S. § 162.1 et seq., as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania.¹⁶

(7) For taking orders for merchandise, by sample, from dealers or merchants for individuals or companies who pay a license or business privilege tax at their chief place of business.

¹¹ Amended 12-9-1997 by Ord. No. 97-10

¹² Amended 12-9-1997 by Ord. No. 97-10

¹³ Amended 2-12-2002 by Ord. No. 02-OR-03

¹⁴ Added 2-12-2002 by Ord. No. 02-OR-03

¹⁵ Editor's Note: Former Section 5, which immediately followed this subsection and excepted honorably discharged members of any of the armed services, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

¹⁶ Amended 12-9-1997 by Ord. No. 97-10

B. All persons exempted hereby from the payment of the license fee shall be required to register with the Township Secretary/Treasurer and obtain a license without fee, provided that any person dealing in one or more of the above-mentioned exempted categories, and dealing with other goods, wares or merchandise not so exempted, shall be subject to the payment of the license fee fixed by this section for his activities in connection with the sale of goods, wares and merchandise not in such exempted categories; provided, further, that the Township Secretary/Treasurer may similarly exempt from payment of the license fee, but not from registering with him, persons working without compensation and selling goods, wares or merchandise for the sole benefit of any nonprofit corporation; provided, further, that every license issued under the provisions of this article shall be issued on an individual basis to any person or persons engaging in such business and every individual shall obtain a separate license, issued to him in his name, and the license fee hereby imposed shall be applicable to every such individual license, except that a representative of a charitable organization may obtain licenses for the applicants therein.

§ 71-4. License application.

A Every person desiring a license under this article shall first make application to the Township Secretary/Treasurer for such license. He shall, when making such application, exhibit a valid license from any state or county officer, if such license is also required. The applicant shall state:

- (1) His criminal record, if any;
- (2) The name and address of the person by whom he is employed;
- (3) The type of goods, wares and merchandise he wishes to deal with in such transient retail business;
- (4) The length of time for which license is to be issued; and
- (5) The type and license number of the vehicle to be used, if any.

B. Where a person makes application for himself and a helper or helpers, all applicable information above shall be given for each helper.

§ 71-5. Issuance of license; display; nontransferability.¹⁷

Upon receipt of such application and the prescribed fee, the Township Secretary/Treasurer, if he shall find such application in order, shall issue the license required under this article. Such license shall contain the information required to be given on the application therefor. Every license holder shall carry such license upon his person if engaged in transient retail business from house to house or upon any of the streets, alleys, sidewalks or public grounds or shall display such license at the location where he shall engage in such business if doing so at a fixed location. He shall exhibit such license, upon request, to all police officers, municipal officials and citizens or residents of the Township of Ligonier. No license issued under this article shall be transferable from one person to another or from one location to another. A separate license shall be required for each fixed location.

¹⁷ Amended 2-12-2002 by Ord. No. 02-OR-03

A. Before issuing a license required under this Article, the Township, or its designee, may investigate the applicant and his/her representations on the application to obtain sufficient proof that the applicant is of good business and/or moral character so that neither applicant, nor any helpers, shall pose a threat to the health, welfare and safety of the residents of Ligonier Township. Such investigation shall be completed in a reasonable time by Ligonier Township, or its designee, and if the applicant's business or moral character shall be unsatisfactory, or if any representation in the application is found to be false or misleading, the application shall be denied.

B. After conclusion of the investigation permitted in paragraph A above, receipt of a completed application and the prescribed fee, the Township Secretary/Treasurer, if he shall find such application in order, shall issue the license required under this article. Such license shall contain the information required to be given on the application therefor. Every license holder shall carry such license upon his person if engaged in transient retail business from house to house or upon any of the streets, alleys, sidewalks or public grounds or shall display such license at the location where he shall engage in such business if doing so at a fixed location. He shall exhibit such license, upon request, to all police officers, municipal officials and citizens or residents of the Township of Ligonier. No license issued under this article shall be transferable from one person to another or from one location to another. A separate license shall be required for each fixed location.

§ 71-6. Prohibited Acts - Transient Retail Merchants.¹⁸

No person in any transient retail business shall:

A. Sell any product or type of product not mentioned in his license.

B. Hawk or cry his wares upon any of the streets, alleys, sidewalks or public grounds in the Township of Ligonier.

C. When operating from a vehicle, stop or park such vehicle upon any of the streets or alleys in the Township of Ligonier for longer than necessary in order to sell therefrom to persons residing or working in the immediate vicinity.

D. Park any vehicle upon any of the streets or alleys in the Township of Ligonier for the purpose of sorting, rearranging or cleaning any of his goods, wares or merchandise or of disposing of any carton, wrapping material or stock, wares or foodstuffs which have become unsalable through handling, age or otherwise.

E. Fail to remove any advertising or business signs or placards within five days of the cessation of business activities.

F. Peddle or solicit in the Township of Ligonier between the hours of 7:30PM and 7:30 AM.

¹⁸ Amended 2-12-2002 by Ord. No. 02-OR-03

G. For roadside stands the following restrictions apply:

- (1) The area in and around stand must be cleared of all debris and garbage daily. There shall be no burning of rubbish.
- (2) Road side stand must not interfere with the flow of traffic.
- (3) Signage for the stand may consist of two (2) free standing signs no greater than 12 sq ft in size each placed within 1000 feet of the roadside stand. Signs must be removed at the end of each business day.
- (4) No lighting is permitted.
- (5) No parking of vehicles at the roadside stand overnight occupied or otherwise.

§ 71-7. Supervision, records and reports.

The Township Secretary/Treasurer shall supervise the activities of all persons holding licenses under this article. He shall keep a record of all licenses issued hereunder and shall make a report thereof each month to the Township of Ligonier.

§ 71-8. Suspension and revocation of license; appeal.¹⁹

The Township Secretary/Treasurer is hereby authorized to suspend or revoke any license issued under this article when he deems such suspension or revocation to be beneficial to the public health, safety or morals, for violation of any provision of this article or for giving false information upon any application for a license hereunder. Appeals from any suspension or revocation may be made to the Township of Ligonier at any time within 10 days after such suspension or revocation. No part of a license fee shall be refunded to any person whose license shall have been suspended or revoked.

§ 71-9. Violations and penalties.²⁰

This article shall be enforced by action brought before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Any person who violates or permits the violation of this article shall, upon conviction in a summary proceeding, be punishable by a fine of not more than \$1,000 or by imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense. Each section of this article that is violated shall also constitute a separate offense.

¹⁹ Amended/Added 2-12-2002 by Ord. No. 02-OR-03

²⁰ Amended 12-9-1997 by Ord. No. 97-10

Chapter 72

PROPERTY MAINTENANCE CODE

Article I: Scope and Administration

§ 72-1. Scope and General Requirements

§ 72-2. Applicability

ARTICLE II: Administration and Enforcement

§ 72-3. Appointment

§ 72-4. Duties and Powers of the Code Official

§ 72-5. Violations

§ 72-6. Unsafe Structures and Equipment

§ 72-7. Emergency Measures

§ 72-8. Demolition

Article III: Definitions

§ 72-9. General

§ 72-10. General Definitions

Article III: General Requirements

§ 72-11. General

§ 72-12. Exterior Property Areas

§ 72-13. Swimming pools, spas, and hot tubs

§ 72-14. Exterior structure

§ 72-15. Rubbish and Garbage

[HISTORY: Adopted by the Board of Supervisors of the Township of Ligonier 9-14-2021 by Ord. No. 1-2021. Replaced in its entirety 5-14-2024 by Ordinance No. 2024-O-03. Amendments noted where applicable.]

General References: Nuisance Property Code – See Ch. 65.

ARTICLE I

Scope and Application

[Adopted by Ord. No. 2024-OR-03]

§ 72-1. Scope and General Requirements.

- A. These regulations shall be known as the Property Maintenance Code of Ligonier Township, hereinafter referred to as “this code”
- B. *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, protection from the elements, a reasonable level of safety

from fire and other hazards, and for a reasonable level of sanitary maintenance; the responsibility of owners, an owner's authorized agent, operators and occupants; the occupancy of existing structures and premises, and for administration enforcement and penalties.

- C. *Purpose.* The purpose of this code is to establish minimum requirements to provide a reasonable level of health, safety, property protection, and general 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 reasonable minimum level of health, safety, and general welfare as required herein.
- D. *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.

§ 72-2. Applicability.

- A. *General.* Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern.
- B. *Workmanship.* Repairs, maintenance work, alterations, or installations that 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 instructions.

ARTICLE II **Administration and Enforcement** **[Adopted by Ord. No. 2024-OR-03]**

§ 72-3. Appointment.

The Code Enforcement Officer shall be appointed by the Board of Supervisors of Ligonier Township. The function of the Code Enforcement Officer shall be the implementation, administration, and enforcement of the provisions of this code.

§ 72-4. Duties and Powers of the Code Official

- A. *General.* The Code Enforcement Officer is hereby authorized and directed to enforce the provisions of this code. The Code Enforcement Officer shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall be

incompliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

- B. *Inspections.* The Code Enforcement Officer shall make all the required inspections, or shall accept reports of inspection by approved agencies or individuals. 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 Enforcement Officer is authorized to engage such expert opinion as deemed necessary to report on unusual technical issues that arise, subject to the appointing authority.
- C. *Right of entry.* Where it is necessary to make an inspection to enforce the provisions of this code, or whenever the Code Enforcement Officer has reasonable cause to believe that there exists in a structure or upon a premises a condition in violation of this code, the Code Enforcement Officer is authorized to enter the structure or premises at reasonable times to inspect or perform the duties imposed by this code, provided that if such structure or premises is occupied the Code Enforcement Officer shall present credentials to the occupant and request entry. If such structure or premises is unoccupied, the Code Enforcement Officer shall first make a reasonable effort to locate the owner, owner's authorized agent, or other person having charge or control of the structure or premises and request entry. If entry is refused, the Code Enforcement Officer shall have recourse to the remedies provided by law to secure entry.
- D. *Notices and orders.* The Code Enforcement Officer shall issue all necessary notices or orders to ensure compliance with this code.
- E. *Department records.* The Code Enforcement Officer 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 for the period required for retention of public records.

§ 72-5. Violations

- A. *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.
- B. *Notice of violation.* The Code Enforcement Officer shall serve a notice of violation or order in accordance with this Chapter.
- C. *Prosecution of violation.* Any person failing to comply with a notice of violation or order served in accordance with this chapter shall be deemed guilty of a summary offense 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 Enforcement Officer 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 estate.

- D. *Violation penalties.* Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall, upon conviction thereof, be sentenced to pay a fine of not less than \$100.00 nor more than \$1,000.00, plus reasonable attorney fees and costs of prosecution. Each day that a violation continues after due notice has been served shall be deemed a separate offense.
- E. *Abatement of violation.* The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction 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.

§ 72-6. Unsafe Structures and Equipment

- A. *Unsafe conditions.* When a structure or equipment is found by the Code Enforcement Officer 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.
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.
 2. *Structure unfit for human occupancy.* A structure is unfit for human occupancy whenever the Code Enforcement Officer 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
 3. *Unlawful structure.* An “unlawful structure” is one found in whole or in part to have been erected, altered, or occupied contrary to law.
 4. *Dangerous structure or premises.* For the purpose of this code, any structure or premises that has any or all of the conditions or defects described as follows shall be considered to be dangerous:
 - a. Any portion of a building, structure, or appurtenance that has been damaged by fire, earthquake, wind, flood, deterioration, neglect, abandonment, vandalism, or by any other cause to such an extent that it is likely to partially or completely collapse, or to become detached or dislodged.
 - b. Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so anchored, attached, or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value.

- c. The building or structure, or part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.
- d. The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.
- e. The building or structure is neglected, damaged, dilapidated, unsecured, or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals, or immoral persons or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.
- f. Any building or structure has been constructed, exists, or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the approved building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse, or any other threat to life and safety.
- g. A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise, is determined by the code official to be unsanitary, unfit for human habitation, or in such a condition that is likely to cause sickness or disease.
- h. Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.

B. *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 Enforcement Officer 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 or owner's authorized agent to close up the premises within the specified in the order, the Code Enforcement Officer shall cause the premises to be closed and secured through any available public agency or by contract or arrangement with 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 shall be collected by any other legal resource.

C. *Authority to disconnect service utilities.* The Code Enforcement Officer shall have the authority to authorize disconnection of utility services to the building, structure, or system regulated by this code in case of emergency where necessary to eliminate an immediate hazard to life or property or where such utility connection has been made without approval. The Code Enforcement Officer shall notify the serving utility and, whenever possible, the owner or owner's authorized agent and occupant of the building, structure, or service system of the decision to disconnect prior to taking such action. If not notified prior to

disconnection the owner, owner's authorized agent, or occupant of the building structure or service system shall be notified in writing as soon as practical thereafter.

- D. *Record.* The Code Enforcement Officer shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.
- E. *Notice.* Whenever the Code Enforcement Officer 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 this Chapter to the owner or the owner's authorized agent, for the violation as specified in this code. Notices for condemnation procedures shall comply with this section.
- F. *Form of Notice.* Such notice 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 corrective 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 or owner's authorized agent to the right to appeal
 - 6. Include a statement of the right to file a lien in accordance with this Chapter
- G. *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 or the owner's authorized agent shall first furnish the grantee, transferee, mortgagee, or lessee a true copy of any compliance order or notice of violation issued by the Code Enforcement Officer and shall furnish to the Code Enforcement Officer 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.
- H. *Placarding.* Upon failure of the owner, owner's authorized agent or person responsible to comply with the notice provisions within the time given, the Code Enforcement Officer 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. Such notice shall be posted in a conspicuous place in or about the structure affected by such notice. If the notice pertains to equipment, it shall be placed on the condemned equipment.
- I. *Placard removal.* The Code Enforcement Officer 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 Enforcement Officer shall be subject to the penalties provided by this code.

- J. *Prohibited occupancy.* Any occupied structure condemned and placarded by the Code Enforcement Officer shall be vacated as ordered by the Code Enforcement Officer. Any person who shall occupy a placarded premises or shall operate placarded equipment, and any owner or owner's authorized agent who shall let anyone occupy a placarded premises or operate placarded equipment shall be liable for the penalties provided by this code.
- K. *Restoration or abatement.* The structure or equipment determined to be unsafe by the Code Enforcement Officer is permitted to be restored to a safe condition. The owner, owner's authorized agent, operator, or occupant of a structure, premises, or equipment deemed unsafe by the Code Enforcement Officer shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition, or other approved corrective action. To the extent that repairs, alternations, or additions are made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions, or change of occupancy shall comply with the requirements of the International Existing Building Code.

§ 72-7. Emergency Measures

- A. *Imminent danger.* When, in the opinion of the Code Enforcement Officer, there is imminent danger of failure or collapse of a building or structure that 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 Enforcement Officer is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The Code Enforcement Officer shall cause to be posted at each entrance to such structure a notice as follows: "This Structure is Unsafe and its Occupancy Has Been Prohibited by the Code Enforcement Officer." 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.
- B. *Temporary safeguards.* Notwithstanding other provisions of this code, whenever, in the opinion of the Code Enforcement Officer, there is imminent danger due to an unsafe condition, the Code Enforcement Officer 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 Enforcement Officer deems necessary to meet such emergency.
- C. *Emergency Repairs.* For the purposes of this section, the Code Enforcement Officer shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

- D. *Costs of emergency repairs.* Costs incurred in the performance of emergency work shall be paid by Ligonier Township. The solicitor of Ligonier Township shall institute appropriate action against the owner of the premises or owner's authorized agent where the unsafe structure is or was located for the recovery of such costs.

§ 72-8. Demolition

- A. *General.* The Code Enforcement Officer shall order the owner or owner's authorized agent of any premises upon which is located any structure, which in the Code Enforcement Officer's or owner's authorized agent judgment after review is so deteriorated or 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 board up and hold for future repair 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, the code official shall order the owner or owner's authorized agent to demolish and remove such structure, or board up until future repair. Boarding the building up for future repair shall not extend beyond one year, unless approved by the building official.
- B. *Notice and orders.* Notices and orders shall comply with this Chapter.
- C. *Failure to comply.* If the owner of a premises or owner's authorized agent fails to comply with a demolition order within the time prescribed, the Code Enforcement Officer 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.
- D. *Salvage materials.* Where 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. 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.

ARTICLE III
Definitions
[Adopted by Ord. No. 2024-OR-03]

§ 72-9. General

- A. *Scope*: Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings shown in this chapter.
- B. *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.
- C. *Terms defined in other codes*: Where terms are not defined in this Code and are defined in the International Building Code, International Existing Building Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Plumbing Code, International Residential Code, International Zoning Code, or NFPA 70, such terms shall have the meanings ascribed to them as stated in those codes.
 - 1. *Exception*. When used within this code, the terms unsafe and dangerous shall have only the meanings ascribed to them in this code and shall not have the meanings ascribed to them by the International Existing Building Code.
- D. *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.
- E. *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.”

§ 72-10. General Definitions

- A. *ANCHORED* - Secured in a manner that provides positive connection
- B. *APPROVED* - Approved by the code official
- C. *CODE OFFICIAL* - The Township's Code Enforcement Officer or the official who is charged with the administration and enforcement of this code, or any duly authorized representative.
- D. *CONDEMN* - To adjudge unfit for occupancy.
- E. *COST OF SUCH DEMOLITION OR EMERGENCY REPAIRS*. The costs shall include the actual costs of the demolition or repair of the structure less revenues obtained if salvage was conducted prior to demolition or repair. Costs shall include, but not be limited to, expenses incurred or necessitated related to demolition or emergency repairs, such as asbestos survey and abatement if necessary; costs of inspectors, testing agencies, or experts retained relative to the demolition or emergency repairs; costs of testing; surveys for other materials that are controlled or regulated from being dumped in a landfill; title searches; mailing(s); postings; recording; and attorney fees expended for recovering of the cost of emergency repairs or to

obtain or enforce an order of demolition made by a code official, the governing body, or board of appeals.

- F. *DETERIORATION* - To weaken, disintegrate, corrode, rust or decay and lose effectiveness.
- G. *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.
- H. *EXTERIOR PROPERTY* - The open space on the premises and on adjoining property under the control of owners or operators of such premises.
- I. *GARBAGE*. The animal or vegetable waste resulting from the handling, preparation, cooking, and consumption of food.
- J. *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.
- K. *IMMINENT DANGER*. A condition which could cause serious or life-threatening injury or death at any time.
- L. *INFESTATION*. The presence, within or contiguous to, a structure or premises of insects, rats, vermin, or other pests.
- M. *NEGLECT*. The lack of proper maintenance for a building or structure.
- N. *OCCUPANCY*. The purpose for which a building or portion thereof is utilized or occupied.
- O. *OCCUPANT*. Any individual living or sleeping in a building, or having possession of a space within a building.
- P. *OPERATOR*. Any person who has charge, care, or control of a structure or premises that is let or offered for occupancy.
- Q. *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.
- R. *PERSON*. An individual, corporation, partnership, or any other group acting as a unit.
- S. *PEST ELIMINATION*. The control and elimination of insects, rodents, or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food or water; by other approved pest elimination methods.
- T. *PREMISES*. A lot, plot or parcel of land, easement or public way, including any structures thereon.
- U. *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.
- V. *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; also 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.
- W. *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.
- X. *STRUCTURE*. That which is built or constructed.

- Y. *VENTILATION* - The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.
- Z. *WORKMANLIKE*. Executed in a skilled manner, e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

ARTICLE IV
General Requirements
[Adopted by Ord. No. 2024-OR-03]

§ 72-11. General

- A. *Scope*. The provisions of this article shall govern the minimum conditions and the responsibilities of persons for maintaining structures, equipment, and exterior property.
- B. *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 that are not in a sanitary and safe condition and that do not comply with the requirements of this chapter.
- C. *Vacant structure and land*. 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.

§ 72-12. Exterior property areas

- A. *Sanitation*. Exterior property and premises shall be maintained in a clean, safe, and sanitary condition.
- B. *Rodent harborage*. 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 that will not be injurious to human health. After pest elimination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.
- C. *Accessory structures*. Accessory structures, including detached garages, fences, and walls, shall be maintained structurally sound and in good repair.

§ 72-13. Swimming pools, spas, and hot tubs

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

B. *Enclosures.* Private swimming pools, hot tubs, and spas, containing water more than 24 inches in depth shall be completely surrounded by a fence or barrier not less than 48 inches 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.

1. *Exception.* Spas or hot tubs with a safety cover that complies with ASTM F1346 shall be exempt from the provisions of this section.

§ 72-14. Exterior structure

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

B. *Unsafe conditions.* The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings:

1. The strength or integrity of any structural member is obviously compromised.
2. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors, and skylights are not maintained, weather resistant, or water tight.
3. Structural members that have evidence of deterioration or that are not capable of safely supporting all nominal loads and load effects.
4. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, and are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.
5. Exterior walls that are not anchored to supporting and supported elements or are not plumb and free of holes, cracks, or breaks and loose or rotting materials, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.
6. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue, or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects. Roof water shall not be discharged in a manner that creates a public nuisance.
7. Exterior stairs, decks, porches, balconies, and all similar appurtenances attached thereto, including guards and handrails, are not structurally sound, not properly anchored, or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.
8. Chimneys, cooling towers, smokestacks, and similar appurtenances not structurally sound or not properly anchored, or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

§ 72-15. Rubbish and Garbage

- A. *Accumulation of rubbish or garbage.* Exterior property and premises, and the exterior of every structure, shall be free from any accumulation or rubbish or garbage.
- B. *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.
- C. *Refrigerators.* Refrigerators and similar equipment not in operation shall not be discarded, abandoned, or stored on premises without first removing the doors.
- D. *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.

Chapter 74

LIGONIER TOWNSHIP RECYCLING ORDINANCE

Article I

General

§ 74-1. Short Title.

§ 74-2. Purpose.

§ 74-3. Definitions.

Article II

Handling and Disposition of Recyclable Materials

§ 74-4. Residential curbside recycling collection.

§ 74-5. Registration requirements.

§ 74-6. Collection requirements.

§ 74-7. Prohibitions.

§ 74-8. Enforcement.

§ 74-9. Severability.

[HISTORY: Adopted by the Board of Supervisors of the Township of Ligonier by Ord. No. 2015-OR-06. Amendments noted where applicable.]

ARTICLE I

General

[Adopted by Ord. No. 2015-OR-06]

§ 74-1. Short Title.

This Chapter shall be known and may be cited as the “Ligonier Township Recycling Ordinance.”

§ 74-2. Purpose.

It is the intent and purpose of this Chapter to promote the public health, safety and welfare, to outline the benefits of recycling and reduction of municipal solid waste, and to eliminate public health hazards, environmental pollution, and economic loss by providing that all residential municipal solid waste consisting of recyclable material shall be collected, transported, and disposed of within the following conditions:

1. All registered waste collectors conducting business in the Township shall offer curbside collection of common household recyclable materials to their customers;

2. Customers receiving curbside municipal solid waste collection service will have the option to receive and be billed for curbside recyclable material collection service by their registered waste collector;
3. All recyclable materials shall be collected and removed by a waste collector who shall be registered with the Township; and
4. All recyclable materials shall be disposed of at a disposal facility approved by the Township in accordance with state, federal, and county laws and ordinances.

§ 74-3. Definitions.

As used in this Chapter, the following terms shall have the meaning indicated.

AGRICULTURAL CHEMICAL CONTAINERS: Containers that contain chemicals commonly used in agricultural operations, including pesticides, fertilizers, algacides, herbicides, soil fumigants and the like.

ALUMINUM CANS: Empty 100% aluminum beverage and food containers.

MUNICIPALITY/TOWNSHIP: The governmental jurisdiction and legal entity of the Township of Ligonier, in the County of Westmoreland, Pennsylvania.

MUNICIPAL WASTE COLLECTOR: Shall mean any individual collecting or transporting municipal waste, bulk waste, and/or recyclable materials waste for owners or occupants of property in Ligonier Township, and any business or institution operating within the Township which generates municipal waste or recyclable materials and uses its own employees and equipment for the collection and/or transportation of municipal waste or recyclable materials. Municipal waste collectors must be registered with the Township.

NEWSPAPERS: Paper of the type commonly referred to as “newsprint” and distributed at fixed intervals, having printed thereon news and opinions, containing advertisements and other matters of public interest. Expressly excluded, however, are newspapers that have been soiled.

PLASTIC: All containers made of plastic, including those marked with #1 through #7 recycling symbols.

RECYCLABLE MATERIALS: Waste materials that are specified by the municipal waste collector to be source-separated from municipal solid waste and are collected for resale and/or reuse. Such materials may include, but not be limited to: corrugated cardboard, aluminum cans, bi-metal containers, glass containers, plastic containers, newspapers, high-grade office paper, etc.

REFUSE: Garbage, trash, and rubbish.

RESIDENTIAL ESTABLISHMENT: Any occupied single or multi-family dwelling.

ARTICLE II
Handling and Disposition of Recyclable Materials
[Adopted by Ord. No. 2015-OR-06]

§ 74-4. Residential Curbside Recycling Collection.

- A. Curbside recycling service will be made available as an optional service to all customers of residential establishments in Ligonier Township.
- B. Collection of recyclable materials shall be made by a registered municipal waste collector at a minimum of once per month.
- C. The types of recyclable materials collected, and the manner in which they should be prepared for collection, shall be determined by the individual municipal waste collectors registered to conduct business in the Township. Example of recyclable materials that may be collected include: aluminum cans, bi-metal containers, clear/colored glass, corrugated cardboard, high-grade/miscellaneous office paper, newspapers, and plastic.

Any registered municipal waste collectors shall not be permitted to collect and/or transport municipal solid waste from within Ligonier Township without providing for the option of curbside collection of recyclable materials to their residential customers, either through their own, or by a subcontracted registered municipal waste collector's, operation.

§ 74-5. Registration Requirements.

- A. All municipal waste collectors shall be registered with the Township through an application prepared by the Township.
- B. As a condition of the registration, the municipal waste collector shall provide for the collection of municipal solid waste and recyclable materials, including annual written reports to the Township of tonnages of recyclable materials collected.
- C. A registered municipal waste collector may collect or transport such material solid waste and recyclable materials from within the Township for one calendar year (January 1 through December 31). Each collector must renew the registration no later than January 1 of each calendar year. Any municipal waste collector that is registered shall have the privilege of collecting and transporting municipal solid waste and recyclable materials from within the Township in strict conformance with this Chapter and any other applicable State, Federal, or local provision of law.

§ 74-6. Collection Requirements.

- A. Except as provided herein below, waste collectors shall establish a program for the collection and transportation of municipal solid waste, bulk waste, and recyclable materials and at a minimum comply with the following:
1. Establish procedures for the separation, storage, and collection of recyclable materials and provide Township residents choosing to subscribe to such service with adequate notification of all procedures.
 2. Issue warning notices of violations to persons failing to comply with procedures for the separation, storage, and collection of recyclable materials and provide a copy of such notices to the Township.
 3. Provide annual written documentation to the Township, within 30 days of the end of the calendar year, consisting of the following:
 - a) Total number of tons of designated materials that were collected and recycled
 - b) The place of disposition of recycled materials
 - c) Number of properties in the Township participating in recyclable material collection through waste collector's program

§ 74-7. Prohibitions.

It shall be unlawful and a violation of this article for any municipal waste collector to:

- A. Deny a customer the service of curbside recycling material collection without justification.
- B. Combine recyclable materials collected within the Township with municipal solid waste.
- C. Fail to provide for the proper disposition of any municipal solid waste, bulk materials, or recyclable materials collected within the Township.
- D. Load or operate any vehicle within the Township or transport municipal solid waste, bulk waste, or recyclable materials within the Township in a manner as to allow such items to fall upon public roads or upon land abutting the public roads in the Township.
- E. Fail to replace the containers with their lids or covers in a place at the location of collection in an orderly manner and off of the roadways.
- F. Otherwise create a public nuisance.

§ 74-8. Enforcement.

Any person who violates or permits the violation of any provision of this Chapter shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township before a District Judge, shall pay a fine for each such violation in an amount not less than \$100 and not more than \$1,000, plus all court costs, including reasonable attorney fees, incurred by the Township. Each section of this Chapter violated shall constitute a separate offence. No judgement shall be imposed until the District Judge imposes the date of determination of a

violation. If the defendant neither pays nor timely appeals the judgement, the Township may enforce the judgement pursuant to the applicable rules of civil procedure.

§ 74-9. Severability.

If any part of this Chapter 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 parts of this Chapter, which shall continue to be fully operative as if the unconstitutional, illegal, or invalid parts had not been enacted.

Chapter 76

SEWERS

Article I

Stormwater Runoff

- § 76-1. Prohibited discharge
- § 76-2. Exclusion of runoff from system required.
- § 76-3. Prohibited connections.
- § 76-4. Definitions.
- § 76-5. Violations and penalties.

Article II

Holding Tanks

- § 76-6. Purpose
- § 76-7. Definitions.
- § 76-8. Right and privileges granted.
- § 76-9. Rules and regulations
- § 76-10. Rules and regulations; conformity with applicable law.
- § 76-11. Rates and charges.
- § 76-12. Exclusiveness of rights and privileges.
- § 76-13. Duties of improved property owner.
- § 76-14. Violation and penalties.
- § 76-15. Abatement of nuisance.

Article III

Systems in Planning Area II

- § 76-16. Short title; introduction; purpose.
- § 76-17. Definitions.
- § 76-18. Applicability.
- § 76-19. Permit required for Planning Area II
- § 76-20. Inspections.
- § 76-21. Operation.
- § 76-22. Maintenance.
- § 76-23. System rehabilitation.
- § 76-24. Liens.
- § 76-25. Disposal of septage.
- § 76-26. Administration.
- § 76-27. Appeals.
- § 76-28. Violations and penalties.

ARTICLE IV

Grease Traps

- § 76-29. Grease traps.
- § 76-30. Enforcement.
- § 76-31. Affected properties.
- § 76-32. Definitions.
- § 76-33. Design and sizing.
- § 76-34. Installation.
- § 76-35. Maintenance.
- § 76-36. Responsibility, fines, and compensation.
- § 76-37. Sewer use regulations.
- § 76-38. Application.
- § 76-39. Severability.
- § 76-40. Conflict.

ARTICLE V

Mandatory Connections.

- § 76-41. Uniform mandatory connections.
- § 76-42. Prohibition.
- § 76-43. Notice to be given.
- § 76-44. Prohibited connection – general
- § 76-45. Permit requirements.
- § 76-46. Construction requirements.
- § 76-47. Township authorized to adopt rules and regulations.
- § 76-48. Non-compliance.
- § 76-49. Enforcement.
- § 76-50. Definitions.
- § 76-51. Penalty for violation.
- § 76-52. Repeal.
- § 76-53. Severability.

ARTICLE VI

Inspection of Sanitary Sewer Lines

- § 76-55. Private separate sanitary sewage lateral inspections.
- § 76-56. Delegation of enforcement to the Ligonier Township Municipal Authority.
- § 76-57. Exemption.

[HISTORY: Adopted by the Board of Supervisors of the Township of Ligonier as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Stormwater Runoff
[Adopted 11-10-1981 by Ord. No. 81-3]

§ 76-1. Prohibited discharge.

The discharge of stormwater runoff into sanitary sewers connected to the system of the Township of Ligonier, County of Westmoreland, Commonwealth of Pennsylvania, is hereby prohibited.

§ 76-2. Exclusion of runoff from system required.

All persons connected to the public sanitary sewage system of the township shall provide adequate means for excluding stormwater runoff from the sanitary sewer system.

§ 76-3. Prohibited connections.

No person presently or hereafter connected to a sanitary sewer shall connect any roof drain or foundation drain thereto or permit any such drain to remain connected thereto, nor shall he permit, cause, or allow to enter into any sanitary sewer any spring water or surface water from any other source.

§ 76-4. Definitions.

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

PERSON – Includes any individual, individuals, firm, association, corporation, or other entity.

§ 76-5. Violations and penalties.²¹

This article shall be enforced by action brought before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Any person who violates or permits the violation of this article shall, upon conviction in a summary proceeding, be punishable by a fine of not more than \$1,000 or by imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation

²¹ Amended 12-9-1997 by Ord. No. 97-10

continues or is permitted to continue shall constitute a separate offense. Each section of this article that is violated shall also constitute a separate offense.

ARTICLE II Holding Tanks

[Adopted 10-17-1997 by Ord. No. 97-8, amended 6-10-2025 by Ord. No. 2025-OR-01]

§ 76-6. Purposes.

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

§ 76-7. Definitions.

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

- A. *Holding Tank* means a watertight receptacle, whether permanent or temporary which receives and retains sewage conveyed by a water carrying system and is designed and constructed to facilitate ultimate disposal of the sewage at another site. Holding Tank shall not refer to holding tanks used for agricultural purposes, such as manure or slurry tanks.
- B. *Improved Property* shall mean any property within the Township upon which there is erected a structure intended to continuous or periodic habitation, occupancy, or use by human beings and from which structure sewage shall or may be discharged.
- C. *Owner* shall mean any person vested with ownership, legal or equitable, sole or partial, or any property located in the Township.
- D. *Person* shall mean any individual, partnership, company, association, corporation, or other group or entity.
- E. *Sewage* shall mean any substance that contains any of the water products or excrement or other discharge from the bodies of human beings or animals and any noxious or deleterious substance being harmful or inimical to the public health, or to animal or aquatic life, or the use of water for domestic water supply or for recreation.

§ 76-8. Right and privileges granted.

That the Supervisors are 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.

§ 76-8A. Permitted uses and locations

- A. Holding tanks shall only be permitted for improved properties that are commercial, industrial, or agricultural. Holding tanks shall not be permitted for residential or recreational uses.
- B. Holding tanks may only be permitted in areas where public sewer does not currently exist, but where Ligonier Township, the Ligonier Township Municipal Authority, the Municipal Authority of Westmoreland County, or another public sewage entity intends to install public sewer as per their official Act 537 plan.
- C. Holding tanks may only be permitted as a last resort, if no other method of treating sewage is feasible.

§ 76-9. Rules and Regulations.

- A. That the Supervisors are hereby authorized and empowered to adopt such rules and regulations concerning sewage which they may deem necessary from time to time to effect the purposes herein.
- B. The owner of the affected property applying to install a holding tank shall complete and execute a Holding Tank Cleaning Contract, as prescribed by the Township. Upon completion, said form shall be returned to Ligonier Township for execution by the Supervisors. An executed original Contract shall be retained in the Township file, provided to the applicant, and provided to the Ligonier Township Sewage Enforcement Officer.²²
- C. The Ligonier Township Supervisors or their agents shall conduct an annual inspection of each holding tank permitted under the Ordinance, at a fee to be set as part of the annual fee schedule.²³
- D. All owners other than government entities shall post a bond with the Township in the amount of Twenty Thousand (\$20,000) Dollars, which bond shall be forfeited on the occurrence of any of the following:
 - 1. In the event said holding tank is not maintained according to the terms of this contract, the Township shall use said bond to maintain said holding tank according to the terms of this contract;

²² Added 11-19-1997 by Ord. No. 97-8a

²³ Added 11-19-1997 by Ord. No. 97-8a

2. In the event said holding tank is removed by the Township either by consent of the Owner or as the result of Court action, said bond shall be used by the Township to pay for the cost of said removal and for any legal costs incurred by the Township.²⁴
3. If the bond is not sufficient to cover the cost of repairing or removing the holding tank, the Township may lien the property.

§ 76-10. Rules and regulations; conformity with applicable law.

- A. All such rules and regulations adopted by the Supervisors shall be in conformity with the provisions herein, all other ordinances of the township, and all applicable laws and applicable rules and regulations of administrative agencies of the Commonwealth of Pennsylvania.
- B. In addition to complying with Township ordinances and applicable rules and regulations, improved property owners shall also comply with all applicable laws and applicable rules and regulations of administrative agencies of the Commonwealth of Pennsylvania.

§ 76-11. Rates and charges.

The Supervisors 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 law.

§ 76-12. Exclusiveness of rights and privileges.

- A. The collection and transportation of all sewage from any improve property utilizing a holding tank shall be done solely under the direction and control of the Supervisor or their designees, and the disposal thereof shall be made only at such site or sites as may be approved by the Department of Environmental Protection of the Commonwealth of Pennsylvania.
- B. The Supervisors or their designee shall receive, review, and retain pumping receipts from permitted holding tanks.
- C. The Supervisors or their designee will complete and retain annual inspection reports for each permitted tank.

§ 76-13. Duties of improved property owners.

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

²⁴ Added 11-19-1997 by Ord. No. 97-8a

- A. Maintain the holding tank in conformance with this or any ordinance of this Township, the provisions of any applicable law, and the rules and regulations of the Supervisors and any administrative agency of the Commonwealth of Pennsylvania.
- B. Permit the Supervisors or their agents to inspect holding tanks on an annual basis.
- C. Provide proof of agreement between the owner and a certified sewage disposal hauler whereby the hauler contractually agrees to pump, at regular intervals and dispose of at an approved site, the wastes from said holding tank. Failure of the owner to pay such reasonable rates as may be charged by the certified sewage disposal hauler in a timely manner shall constitute a violation of this article.
- D. Provide proof of agreement between the contract hauler and an approved waste disposal site satisfactory to the Commonwealth of Pennsylvania, Department of Environmental Protection.
- E. Permit the Supervisors or their agents to inspect, prior to the installation of any holding tanks, their construction, water tightness, size and location, in conjunction with the sewage facilities application.
- F. Agree that all costs of maintenance of the tank, pumping of the tank, and transportation of the sewage shall be sole responsibility of the owner of the improved property.
- G. At the time of transfer of title, the owner or owners of a property where a holding tank is located shall notify the Township and all new owners of the presence of the holding tank.
- H. Holding tanks are required to have a warning device, with an audio and visual signal, that will indicate when the tank is filled to 75 percent of its capacity.

§ 76-14. Violation and penalties.

Any person who violates any provisions of this article shall, upon conviction hereof, be sentenced to pay a fine of not more than \$1,000 or by imprisonment for a term not exceeding ninety (90) days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense. Each section of this article that is violated shall also constitute a separate offense.

§ 76-15. Abatement of nuisance.

In addition to any other remedies provided in this article, any violation of this article above shall constitute a nuisance and shall be abated by Ligonier Township or its designee(s) by either seeking mitigation of the nuisance or appropriate equitable or legal relief from a court of competent jurisdiction.

ARTICLE III
Systems in Planning Area II
[Adopted 4-9-2002 by Ord. No. 02-OR-05]

§ 76-16. Short title; introduction; purpose.

A. This article shall be known and may be cited as “An ordinance providing for a Sewage Management Program for Planning Area II of the Township of Ligonier.”

B. In accordance with municipal codes, the Clean Streams Law (Act of June 27, 1937, P.L. 1987, No. 394 as amended, §§ 691.1 to 691.1001), and the Pennsylvania Sewage Facilities Act (Act of January 24, 1966, Pt. 1535 as amended, 35 P.S. §750.1 et seq., known as Act 537), it is within the power and the duty of the Township of Ligonier to provide for adequate sewage treatment facilities and for the protection of the public health by preventing the discharge of untreated or inadequately treated sewage. The Official Sewage Facilities Plan for Planning Area II of the Township of Ligonier indicates that it is necessary to formulate and implement a sewage management program to effectively prevent and abate water pollution and hazards to the public health caused by improper treatment and disposal of sewage.

C. The purpose of this article is to provide for the regulation, inspection, maintenance, and rehabilitation of on-lot sewage disposal systems in Planning Area II; to further permit intervention in situations which may constitute a public nuisance or hazard to the public health; and to establish penalties and appeal procedures necessary for the proper administration of a sewage management program.

§ 76-17. Definitions.

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

1. **AUTHORIZED AGENT** – A sewage enforcement officer, employee of the Township of Ligonier, professional engineer, plumbing inspector, or any other qualified or licensed person who is authorized to function within specific limits as an agent of Ligonier Township of the Ligonier Township Municipal Authority (hereinafter “LTMA”) to administer or to enforce the provisions of this article.

2. **BOARD** – The Board of Supervisors, Ligonier Township, Westmoreland County, Pennsylvania.

3. **COMMUNITY SEWAGE SYSTEM** – Any system, whether publicly or privately owned, for the collection of sewage from two or more lots, and the treatment and/or disposal of the sewage on one or more lots or at any other site.

4. **DEPARTMENT** – The Department of Environmental Protection of the Commonwealth of Pennsylvania (hereinafter “DEP”).

5. **INDIVIDUAL SEWAGE SYSTEM** – A system of piping, tanks, or other facilities serving a single lot and collecting and disposing of sewage in whole or in part into the soil or into any waters of this commonwealth.

6. **MALFUNCTION** – A condition which occurs when an on-lot sewage disposal system discharges sewage onto the surface of the ground, into ground waters of this commonwealth, into surface waters of this commonwealth, backs up into a building connected to the system or in any manner causes a nuisance or hazard to the public health or pollution of ground or surface water or contamination of public or private drinking water wells. Systems shall be considered to be malfunctioning if any condition noted above occurs for any length of time during any period of the year.

7. **OFFICIAL SEWAGE FACILITIES PLAN** – A comprehensive plan for the provision of adequate sewage disposal systems, adopted by the Board of Supervisors of Ligonier Township and approved by the Pennsylvania Department of Environmental Protection, pursuant to the Pennsylvania Sewage Facilities Act.

8. **ON-LOT SEWAGE DISPOSAL SYSTEM** – Any system for disposal of domestic sewage involving pretreatment and subsequent disposal of the clarified sewage into a subsurface soil absorption area or retaining tank; and this term includes both individual sewage systems and community sewage systems.

9. **PERSON** – Any individual, association, public or private corporation for profit or not for profit, partnership, firm, trust, estate, department, board, bureau of agency of the commonwealth, political subdivision, municipality, district, authority, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties. Whenever used in any clause prescribing and imposing a penalty or imposing a fine or imprisonment, the term “person” shall include the members of an association, partnership, or firm, and the officers of any local agency or municipal, private or public corporation, for profit or not for profit.

10. **PLANNING AREA II** – The project for Longbridge, Buttermilk Falls, Darlington, and Four Mile Run Area in the Act 537 Update of Sewage Facilities Plan for Ligonier Township, Westmoreland County, Pennsylvania.

11. **REHABILITATION** – Work done to modify, later, repair, enlarge, or replace an existing on-lot sewage disposal system.

12. **SEWAGE** – Any substance that contains any of the waste products or excrements or other discharge from the bodies of human beings or animals, and any noxious or deleterious substances being harmful or inimical to the public health, or to animals or aquatic life, or to the use of water for domestic water supply or for recreation or which constitutes pollution under Act of June 22, 1937 (P.L. 1987, No. 394), known as “The Clean Streams Law,” as amended.

13. SEWAGE ENFORCEMENT OFFICER (SEO) – A person certified by DEP who is employed by the Township. Such person is authorized to conduct investigations and inspections, review permit applications, issue or deny permits, and do all other activities as may be provided for such person in the Sewage Facilities Act, the rules and regulations promulgated thereunder, in this or any other ordinance adopted by the Township.

14. SEWAGE MANAGEMENT DISTRICT – Planning Area II of the Township, designated in the official Sewage Facilities Plan Update adopted by the Board as an area for which a sewage management program is to be implemented.

15. SEWAGE MANAGEMENT PROGRAM – A comprehensive set of legal and administrative requirements encompassing the requirements of this article, the Sewage Facilities Act, the Clean Streams Law, the regulations promulgated thereunder, and such other requirements adopted by the Board of effectively enforce and administer this article.

16. SUBDIVISION – The division or redivision of a lot, tract, or other parcel of land into two or more lots, tracts, parcels, or other divisions of land, including changes in existing lot lines. The enumerating of lots shall include as a lot that portion of the original tract or tracts remaining after other lots have been subdivided therefrom.

17. TOWNSHIP – The Division of Ligonier, Westmoreland County, Pennsylvania.

B. For the purposes of this article, any term which is not defined herein shall have that meaning attributed to it under the Sewage Facilities Act and regulations promulgated thereto.

§ 76-18. Applicability.

From the effective date of this article, its provisions shall apply to Planning Area II in the Township identified in the Official Sewage Facilities Plan for Planning Area II as a sewage management district. Within such an area or areas, the provisions of this article shall apply to all persons owning any property serviced by an on-lot sewage disposal system and to all persons installing or rehabilitating on-lot sewage disposal systems.

§ 76-19. Permit requirements for Planning Area II.

A. No person shall install, construct, or request bid proposals for construction, or alter an individual sewage system or community system, or construct or request bid proposals for construction, or install or occupy any building or structure for which an individual sewage system or community sewage system is to be installed, without first obtaining a permit from the Sewage Enforcement Officer, which permit shall indicate that the site and the plans and specifications of such system are in compliance with the provisions of the Clean Streams Law (35 P.S. §§ 691.1-691.1001) and the Pennsylvania Sewage Facilities Act (35 P.S. 750.1 et seq.) and the regulations adopted pursuant to those acts.

B. No system or structure designed to provide individual or community sewage disposal shall be covered from view until approval to cover the same has been given by a Sewage Enforcement Officer. If 72 hours have elapsed, excepting Sundays and holidays, since the Sewage Enforcement Officer issuing the permit received notification of completion of construction, the applicant may cover said system or structure, unless permission has been specifically refused by the Sewage Enforcement Officer.

C. Applicants for sewage permits may be required to notify the Sewage Enforcement Officer of the schedule for construction of the permitted on-lot sewage disposal system so that inspection(s), in addition to the final inspection, required by the Official Sewage Facilities Plan for Planning Area II, may be scheduled and performed by a Sewage Enforcement Officer.

D. No building or occupancy permit shall be issued for a new building which will contain sewage-generating facilities, until a valid sewage permit has been obtained from a Sewage Enforcement Officer.

E. No building or occupancy permit shall be issued and no work shall begin on any alteration or conversation of any existing structure, if said alteration or conversation will result in the increase or potential increase in sewage flows from the structure, until either the structure's owner receives a permit for alteration or replacement of the existing sewage disposal system or until the structure's owner and the appropriate officials of the Township receive written notification from a Sewage Enforcement Officer that such a permit will not be required. The Sewage Enforcement Officer shall determine whether the proposed alteration or conversation of the structure will result in increased sewage flows.

F. Sewage permits may be issued only by a Sewage Enforcement Officer employed by the Township. DEP shall be notified as to the identity of each Sewage Enforcement Officer employed by the Township.

§ 76-20. Inspections.

A. Any on-lot sewage disposal system may be inspected by an authorized agent at any reasonable time as of the effective date of this article.

B. Such inspection may include a physical tour of the property, the taking of samples from surface water, wells, other groundwater sources, the sampling of the contents of the sewage disposal system itself and/or the introduction of a traceable substance into the interior plumbing of the structure served to ascertain the path and ultimate destination of wastewater generated in the structure.

C. An authorized agent of the Township shall have the right to enter upon land for the purposes of inspections described in this section.

D. An initial inspection shall be conducted by an authorized agent within one year of the effective date of this article for the purpose of determining the type and functional status of each sewage disposal system in the sewage management district. A written report shall be furnished to the owner of each property inspected, and a copy of said report shall be maintained in the Township records.

E. A schedule of routine inspections may be established to assure the proper functioning of the sewage systems in the sewage management district.

§ 76-21. Operation.

Only normal domestic wastes shall be discharged into any on-lot sewage disposal system. The following shall not be discharged into the system:

A. Industrial waste;

B. Automobile oil and other nondomestic oil;

C. Toxic or hazardous substances or chemicals, including but not limited to pesticides, disinfectants (excluding household cleaners), acids, paints, paint thinners, herbicides, gasoline, and other solvents;

D. Clean surface or ground water, including water from roof or cellar drains, springs, basement sump pumps, and French drains.

§ 76-22. Maintenance.

A. Each person owning a building served by an on-lot sewage disposal system which contains a septic tank will have the septic tank pumped by a qualified pumper/hauler within six months of the effective date of this article. Thereafter, that person shall have the tank pumped at least once every three years or whenever an inspection reveals that the septic tank is filled with solids or with scum in excess of 1/3 of the liquid depth of the tank. Receipts from the pumper/hauler shall be submitted to the Township within the prescribed six-month and three-year pumping periods.

B. The required pumping frequency may be increased at the discretion of an authorized agent of the Township if the septic tank is undersized, if solids' buildup in the tank is above average, if a garbage grinder is used in the building, if the system malfunctions, or for other good cause shown. If any person can prove that such person's septic tank has been pumped within three years of the six-month anniversary of the effective date of this article, then that person's initial required pumping may be delayed to conform to the general three-year frequency requirement, except where an inspection reveals a need for more frequent pumping.

C. Any person owning a property served by a septic tank shall submit, with each required pumping receipt, a written statement, from the pumper/hauler or from any other qualified

individual acceptable to the Township, that the baffles in the septic tank have been inspected and found to be in good working order. Any person whose septic tank baffles are determined to require repair or replacement shall first contact a Sewage Enforcement Officer for approval of the necessary repair.

D. Any person owning a building served by an on-lot sewage disposal system which contains an aerobic treatment tank shall follow the operation and maintenance recommendations of the equipment manufacturer. A copy of the manufacturer's recommendation and a copy of the service agreement shall be submitted to the Township within six months of the effective date of this article. Thereafter, service receipts shall be submitted to the Township at the intervals specified by the manufacturer's recommendations. In no case may the service or pumping intervals for aerobic treatment tanks exceed those required for septic tanks.

E. Additional maintenance activity may be required as needed, including but not necessarily limited to cleaning and unclogging of piping, servicing and the repair of mechanical equipment, leveling of distribution boxes, tanks and lines, removal of obstructing roots or trees, the diversion of surface water away from the disposal area, etc.

§ 76-23. System rehabilitation.

A. No person shall operate or maintain an on-lot sewage disposal system in such a manner that it malfunctions. All liquid wastes, including kitchen and laundry wastes and water softener backwash, shall be discharged to a treatment tank. No sewage system shall discharge untreated or partially treated sewage to the surface of the ground or into the waters of the commonwealth, unless a permit for such discharge has been obtained from DEP.

B. A written notice of violations shall be issued to any person who is the owner of any property which is found to be served by a malfunctioning on-lot sewage disposal system or which is discharged sewage without a permit.

C. Within seven days of notification by the Township that a malfunction has been identified, the property owner shall make application to the Sewage Enforcement Officer for a permit to repair or replace the malfunctioning system. Within 30 days of initial notification by the Township, construction of the permitted repair or replacement shall commence. Within 60 days of the original notification by the Township, the construction shall be completed, unless seasonal or unique conditions mandate a longer period, in which case the Township shall set an extended completion date.

D. A Sewage Enforcement Officer shall have the authority to require the repair of any malfunction by the following methods: cleaning, repair or replacement of components of the existing system, adding capacity or otherwise altering or replacing the system's treatment tank, expanding the existing disposal areas, replacing the existing disposal area, replacing a gravity distribution system with a pressurized system, replacing the system with a holding tank, or any other alternative appropriate for the specific site.

E. In lieu of or in combination with the remedies described in Subsection D above, a Sewage Enforcement Officer may require the installation of water conservation equipment and the institution of water conservation practices in structures served. Water-using devices and appliances in the structure may be required to be retrofitted with water-saving appurtenances, or they may be required to be replaced by water-conserving devices.

F. In the event that the rehabilitation measures in Subsections A through F are not feasible or effective, the owner may be required to apply for a permit to install an individual spray irrigation treatment system or to DEP for a single-residence treatment and discharge system. Upon receipt of said permit, the owner shall complete construction of the system within 30 days.

G. Should none of the remedies described in this section be totally effective in eliminating the malfunction of an existing on-lot sewage disposal system, the property owner is not absolved of the responsibility for that malfunction. The Township may require whatever action is necessary to lessen or mitigate the malfunction to the extent necessary.

§ 76-24. Liens.

The Township, upon written notice from a Sewage Enforcement Officer that an imminent health hazard exists due to failure of a property owner to maintain, repair, or replace an on-lot sewage disposal system as provided under the terms of this article, shall have the authority to perform or contract to have performed the work required by the Sewage Enforcement Officer. The owner shall be charged for the work performed and, if necessary, a lien shall be entered therefor in accordance with law.

§ 76-25. Disposal of septage.

A. All septage originating within the sewage management district of Planning Area II shall be disposed of in accordance with the requirements of the Solid Waste Management Act (Act 96 of 1980, 35 P.S. § 6018.102 et seq.) and all other applicable laws and at sites of facilities approved by DEP. Approved sites or facilities shall include the following: septage treatment facilities, wastewater treatment plants, composting sites, and approved farm lands.

B. Pumpers/haulers of septage operating within the sewage management district for Planning Area II shall operate in a manner consistent with the provisions of the Pennsylvania Solid Waste Management Act (Act 97 of 1980, 35 P.S. § 6018.102 et seq.) and all other applicable laws.

§ 76-26. Administration.

A. The Township shall fully utilize those powers it possesses through enabling statutes and ordinances to effect the purposes of this article.

B. The Township shall employ qualified individuals to carry out the provisions of this article. Those employees shall include a Sewage Enforcement Officer, and may include an administrator and such other persons as may be necessary. The Township may also contract with private qualified persons or firms as necessary to carry out the provisions of this article.

C. All permits, records, reports, files, and other written materials relating to the installation, operation, and maintenance and malfunction of on-lot sewage disposal systems in the sewage management district for Planning Area II shall become the property of, and be maintained by, the Township. Existing and future records shall be available for public inspection during regular business hours at the official office of the Township. All records pertaining to sewage permits, building permits, occupancy permits, and all other aspects of the sewage permits, building permits, occupancy permits, and all other aspects of the sewage management program shall be made available, upon request, for inspection by representatives of the Pennsylvania Department of Environmental Protection.

D. The Township Board shall establish all administrative procedures necessary to properly carry out the provisions of this article.

E. The Township Board may establish a fee schedule and authorize the collection of fees, to cover the costs to the Township of administering this program.

§ 76-27. Appeals.

A. Appeals from final decisions of the Township or any of its authorized agents under this article shall be made to the Board of Supervisors in writing within 20 days from the date of written notification of the decision in question.

B. The appellant shall be entitled to a hearing before the Board of Supervisors at its next regularly scheduled meeting, if an appeal is received at least 14 days prior to that meeting. If the appeal is received within 14 days of the next regularly scheduled meeting, the appeal shall be heard at the next regularly scheduled meeting. The municipality shall thereafter affirm, modify, or reverse the aforesaid decision. The hearing may be postponed for a good cause shown by the appellant or the Township. Additional evidence may be introduced at the hearing, provided that it is submitted with the written notice of appeal.

C. A decision shall be rendered in writing within 30 days of the date of the hearing.

§ 76-28. Violations and penalties.

Any person failing to comply with any provision of this article shall be subject to a fine of not less than \$500, and costs, and not more than \$5,000, and costs, or in default thereof shall be confined in the county jail for a period of not more than 90 days. Each day of noncompliance shall constitute a separate offense.

ARTICLE IV
Grease Traps
[Adopted 9-8-2015 by Ord. No. OR-05-2015]

§ 76-29. Grease traps.

All persons or entities discharging sanitary sewage containing fats, oils, or greases into the sewer system shall provide and thereafter maintain and replace adequate Grease Traps (as hereinafter defined) on all fixtures from which there is the potential for discharge of grease-laden waste which shall effectively keep the content of sewage leaving the property of a customer to an Acceptable Level as determined by an Acceptable Method.

§ 76-30. Enforcement.

The responsibility for the enforcement of this Chapter shall rest with the Township of Ligonier as described in section § 76-32 of this Chapter.

§ 76-31. Affected properties.

Affected Property shall be those properties where Grease Traps shall be provided to prevent fats, oils, and greases being introduced to the public sanitary sewer collection system at unacceptable levels. Without limitation, such Grease Traps will be required for all Affected Property as described below:

1. Non-residential properties on which occurs preparation and/or sale of food to the general public, including but not limited to, restaurants, cafes, fast food outlets, pizza outlets, delicatessens, sandwich shops, and any and all other kinds and types of food vending establishments in which any food preparation (including heating or defrosting in or by means of any kind of oven or heating device) and/or the washing of dishes, utensils, or other cooking apparatus takes place on the premises, whether or not such facilities are located in a separate building or structure that is occupied by other businesses;
2. Schools, churches, boarding houses with communal kitchen facilities;
3. Nursing homes, and day care centers which have kitchens and engage in the preparation of food; and,
4. Non-residential properties on which occurs vehicle parking or storage, automotive service or repair, machine shops, and/or mechanics providing service to the general public, including but not limited to service stations, truck shops, gasoline stations, automotive/car care centers, auto body shops, automotive dealerships, car washes, motorcycle shops, machine shops, welding shops, tractor/farm implement dealerships, truck/bus dealerships, bus barns, or any other facility that generates san, grit, and/or petroleum by-product waste that would discharge into the wastewater collection system.

§ 76-32. Definitions.

The following words and terms shall have the following meanings, unless the content clearly requires otherwise.

Acceptable Level. A level which does not result in accumulation of grease which may cause obstruction interference or other detrimental effects in the POTW.

Acceptable Method. A method of chemical or bacteriological analysis described by the latest edition of “Standard Methods for the Examination of Water and Sewage,” published by the American Public Health Association, or a method specified by the United State Environmental Protection Agency.

Affected Property. Has the meaning set forth above.

Authority. Ligonier Township Municipal Authority and its successors.

Authority’s Service Area. The geographic area served directly or indirectly by the POTW or by the Sewage Treatment Plant now owned and operated by the Municipal Authority of Westmoreland County.

Cost Recovery. Those costs associated with the clean-up and/or decontamination of a site after discharge of substances into the sanitary sewer, storm sewer, and/or to the environment that caused interference, pass-through, or a sanitary sewer blockage. This includes clean-up and decontamination of all structures/areas including residential, commercial, surface waters, and environment.

Enforceable Best Management Practices (E-BMPs). Methods, tools, techniques that have been determined to be the most effective and practical means of preventing or reducing pollution, including documentation of employee training, documentation of Interceptor cleaning, removal, and disposal of Fats, Oils, and Greases.

Fats, Oils, and Greases (FOG). Organic polar compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules. These substances may solidify or become viscous at temperatures between thirty-two (32) degrees Fahrenheit and one hundred fifty (150) degrees Fahrenheit (0 degrees – 65 degrees Celsius). Fats, Oils, and Greases may be collectively referred to generally as FOG. Commonly these substances are byproducts generated by the practice of cooking or preparing food. They are also found in such food substances as salad dressing, sauces and marinades, and baking oils and butter products. Oils and Greases may include petroleum products.

FOG Control Policy. The Policy developed by the Authority to implement these regulations or which otherwise is intended to limit the introduction of FOG into the Sewer System.

FOG Coordinator. The employee or appointee of the Authority designated by the Manager of the Authority to implement the FOG Control Policy.

FOG Enforcement Response Plan. The policy that contains detailed procedures indicating how the Authority will investigate and respond to instances of noncompliance with the FOG Control Policy.

Food Service Establishments. Those establishments primarily engaged in activities of preparing, serving, or otherwise making available for consumption foodstuffs, and that use one or more of the following preparation activities: cooking by frying (all methods), making (all methods), grilling, sautéing, rotisserie cooking, broiling (all methods), boiling, blanching, roasting, toasting, or poaching. Also included are infrared heating, searing, barbecuing, and any other food preparation activity that produces a hot, non-drinkable food product in or on a receptacle that requires washing. The term includes those establishments that engage in the preparation of precooked and frozen food materials and meat cutting preparation and all “Food Service Establishments” that discharge wastewater containing grease to the Authority including, but not limited to, the following: restaurants, grocery stores, meat markets, hotels, factory and office building cafeterias, public and private schools, hospitals, nursing homes, commercial day care centers, churches, and catering services.

Garbage. Wastes from preparation, cooking, and dispensing of food and from the handling, storage, or sale of produce or other foodstuffs.

Grease Trap. Shall include a grease interceptor, or oil separator as applicable to a specific property use. A grease interceptor is a unit in the plumbing drainage system used for the prevention of grease, fat, oil, or similar line clogging contaminants from entering the sanitary sewer system. Typical installations include those in restaurants, cafeterias, hotels, schools, hospitals, institutional or commercial buildings having facilities for the preparation of food, as well as food processing plants, dairies, and other industries where grease and fat are a byproduct. An oil separator is a unit in the plumbing drainage system used for the prevention of lubricating oil, cutting oil, kerosene, naphtha, paraffin, trisodium phosphate, and numerous other light density and volatile liquids from entering the sanitary sewer system. Oil separators may also act as sand/grit separators (or sand/grit separators may be distinct devices). Typical installations include those in establishments such as service stations, garages, auto repair shops, dry cleaners, laundries, industrial plants or process industries having machine shops, metal treating process rooms, chemical process or mixing rooms.

Interference. A discharge, which alone or in conjunction with a discharge or discharges from other sources: (1) inhibits or disrupts the POTW, its treatment processes or operations, (2) the POTW’s sludge processes, use or disposal, or (3) the collection and transportation system, and therefore is a cause or contributes to, a violation of any requirement of the POTW’s NPDES permit and/or the Authority (including an increase in the magnitude or duration of a violation) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, 40 CFR Part 503 [Standards for the Use of Disposal of Sewage Sludge], the Toxic Substances Control Act, or more stringent state criteria (including those contained in any State sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of sludge disposal employed by the POTW or the Clean Streams Act.

Owner. Owner shall mean individual, firm, company, corporation, or group upon whose property the building or structure is located or will be constructed.

Pass Through. A discharge which exits the POTW into waters of the Commonwealth of Pennsylvania or the United States in quantities or concentrations which, alone or in conjunction with discharges from other sources, is a cause of a violation of any requirements of the Authority NPDES permit, including an increase in the magnitude or duration of a violation or any criteria, guidelines, or regulations of the United States, the Commonwealth of Pennsylvania, or any local governmental bureau or agency.

POTW. Any devices or systems used in the collection, storage, treatment, recycling, and reclamation of municipal sewage (wastewater) or industrial wastes of a liquid or solid nature. It includes sewers, pipes, and other conveyances that ultimately connect to a sewage treatment plant (STP). For the purposes of this policy, POTW shall also include any sewers that convey wastewater to the POTW from persons/users who are by contract, or agreement with the Authority, or in any other way users of the POTW.

Sanitary Sewer. A Public Sewer controlled by a governmental agency or entity including the Authority that carries liquid and waterborne Waste from residences, commercial buildings, industrial plants or institutions; together with minor quantities of ground or surface waters that are not intentionally admitted.

Sewer. A pipe or conduit for carrying Wastewater.

Surface Waters. Creeks, streams, lakes, or other bodies of water.

User. Any person, business, or organization who contributes, causes, or permits the contribution or discharge of wastewater into the POTW.

Waste. Shall mean the liquid and water-carried domestic or industrial wastes from dwellings, commercial establishments, industrial facilities and institutions, whether treated or untreated. The terms “sewage” and “wastewater” shall be deemed waste by definition.

§ 76-33. Design and sizing.

- A. The design and sizing of a required Grease Trap shall be by the Owner’s Engineer in accordance with the current edition of the Uniform Plumbing Code (UPC) as utilized by the local building permitting authority and these Regulations and shall be designed, sized, installed, maintained, and operated so as to accomplish its intended purpose of intercepting the fats, oils, and grease from the customer’s wastewater and preventing the discharge of such materials to the Authority’s POTW.
- B. The size, type, and location of each Grease Trap shall be approved by the Authority, in accordance with this Regulation. Except where otherwise specifically permitted, no wastes other than those requiring separation shall be discharged into any Grease Trap. One set of

plans, including complete mechanical and plumbing sections shall be submitted to the Authority for approval prior to construction. Such plans shall include the size, type, and location of each Grease Trap. Such approval shall not exempt the user from compliance with any applicable code, ordinance, rule, regulation, or order of any governmental authority or any amendment to same after the date of approval. Such approval shall not be construed as or act as a guarantee or assurance that any discharge is or will be in compliance with any applicable code, ordinance, rule, regulation, or order, or any governmental authority. Any subsequent alterations or additions to such facilities shall not be made without due notice to and prior approval of the Authority.

C. Design

1. All waste shall enter the Grease Trap through the inlet pipe only.
2. Wastes in excess of 140 degrees Fahrenheit shall not be discharged into a Grease Trap and liquid discharged from a Grease Trap shall not exceed 104 degrees Fahrenheit.
3. Grease Traps shall be so designed and located as to be readily accessible for cleaning and inspection.
4. Grease Traps shall be constructed in accordance with the design specifications contained herein, and shall be approved by the Authority.
5. If an existing Grease Trap does not meet the design and sizing criteria as set forth, the Grease Trap shall be replaced with a properly designed and sized Grease Trap.
6. Upon change of ownership of any existing facility which would be required to have a Grease Trap under this Regulation, the applicant for sanitary sewer service shall demonstrate that a properly sized and functioning Grease Trap is installed in accordance with all requirements set forth in this Section 4.
7. Grease Traps shall be designed so that they will not become air bound if closed covers are used. If necessary, the Grease Trap shall be vented.

§ 76-34. Installation.

- A. The installation of Grease Traps shall be in accordance with the current edition of the Uniform Plumbing Code (UPC) as utilized by the local building permitting authority and these Regulations, and shall be accomplished in a workmanlike manner in compliance with the design and sizing requirements hereunder.
- B. Each Grease Trap shall be readily accessible for inspection, servicing, and maintaining in proper working condition. The use of ladders or the removal of bulky equipment in order to inspect or service Grease Traps shall constitute a violation of accessibility. Where feasible, all Grease Traps shall be located outside of the facility served. Location of all Grease Traps shall be approved by the Authority, and shall be shown on the approved building plan.

§ 76-35. Maintenance.

- A. Grease Traps shall be maintained by regularly scheduled removal of the accumulated grease, sand, and/or oil so that they will properly operate as intended to intercept the fats, oils, greases, sand, and oil from the customer's wastewater and prevent the discharge of fats, oils, greases, sand, and oil to the Authority's POTW.
- B. Maintenance of Grease Traps shall be done only by a business/professional normally engaged in the servicing of such plumbing fixtures. An individual property owner will not be permitted to accomplish maintenance specified by this Regulation.
- C. Maintenance shall be performed in a workmanlike manner before the retention capacity of the Grease Trap is exceeded. Detailed and accurate records of maintenance shall maintained on-site and shall be provided to and available to the Authority upon request. Such maintenance records shall be in the form as approved by the Authority Manager. All users shall maintain the written record of maintenance performance for a minimum period of three (3) years. The records shall include detailed information relating to the amount of fats, oil, greases, sand, and oil removed and the dates and times of removal as well as the identity of the person or entity that accomplished the removal. One copy of the completed form shall be provided by the customer to the Authority immediately following completion of maintenance of any Grease Trap within the Authority's Service Area.
- D. As a minimum, any Grease Trap in service for any Affected Property listed in Parts 1, 2, and 3 of Section § 76-31 of this Chapter shall be serviced at a maximum interval of 15 days from those Grease Traps locate inside a structure and a maximum interval of 30 days for those Grease Traps located outside a structure. For any Affected Property under Part 4 of Section § 76-31, FOG control devices shall be services at an interval which ensures compliance with this Chapter and the Pretreatment Regulations of the Authority. An alternate cleaning frequency schedule may be approved by the Authority under the following conditions:
 - 1. Initial conditions
 - a) The FOG facility must schedule with the Authority a facility inspection.
 - b) At the time of inspection, the FOG facility must show maintenance records for any and all FOG control devices. Lack of such records would constitute a violation of this Chapter.
 - c) The facility must provide a plumbing schematic of all fixtures and drains within the building.
 - d) In the presence of the Authority inspector(s), the facility must perform a dye test of all fixtures and drains in the building, to determine which discharge to a FOG control device and which do not.
 - e) The facility must schedule a cleaning of the FOG control device(s), at which time the Authority inspector will be able to view the inside of the FOG control device to determine the condition of the device and the presence of absence of all necessary appurtenances.
 - f) The facility must arrange a cleaning and a closed circuit TV inspection of the facility's lateral in the presence of the Authority inspector.
 - g) The facility must make any repairs or replace FOG control devices and/or make any changes to plumbing arrangements necessary to comply with the

Authority's FOG Control Ordinance and current specifications for grease interception devices.

2. Ongoing Conditions

- a) The facility must certify that it is following all applicable Enforcement Best Management Practices (E-BMPs) by having an authorized representative of the facility sign a E-BMP Compliance Form on a quarterly basis.
 - b) The facility must notify the Authority any time a change in General Management of the facility takes place and schedule a visit by the Authority to discuss FOG control with the new General Manager.
 - c) The facility must pass all periodic FOG inspections. Any violation will be cause for the Authority to revoke approval of an alternate cleaning frequency schedule.
- E. Biological treatment shall not be a substitute for the servicing of Grease Traps at the frequency determined by the Authority. Emulsification of fats, oils, and greases with enzyme treatments only delays physical separation. A Grease Trap using biological treatment requires continuous monitoring, maintenance, and inoculation of the bacterial cultures.
- F. The Authority may inspect the Grease Trap and outlet and, if it is deemed necessary by the Authority, more frequent servicing and maintenance will be required. All users shall comply with the determination by the Authority of the required frequency of servicing and maintenance.
- G. The disposal of the accumulated grease, sand and/or oil from any Grease Trap shall be effected through duly licensed haulers and facilities approved by the Department of Environmental Protection. Any other means of disposal shall be presumptively deemed to be illegal.

§ 76-36. Responsibility, fines, and compensation.

- A. Property Owners and Lessees shall be jointly and severally responsible for installing Grease Traps, for maintaining the Grease Traps in an efficient operating condition at all times, and for otherwise complying with the provisions of these Regulations, including but not limited to, the reporting and maintenance of records set forth above.
- B. The Authority reserves the right to pursue fines and penalties as well as to seek damages against owners of Affected Property that do not conform to the Authority's Grease Trap Regulations.
- C. In addition to any responsibility to the Authority, compensation shall be paid to any surrounding businesses and/or homeowners for damage resulting from any noncompliance with the Authority's Regulations by any property owner.
- D. Any extraordinary cost incurred by the Authority due to interference, damage, or special processing necessary in the collection, conveyance, and treatment systems shall be paid by

the Owners and Lessees. The direct cost of all labor, equipment, and materials incurred in rectifying the interference or damage shall be billed directly to the Owners and Lessees by the Authority. This shall also include the costs of any analytical testing of effluent discharge from the site.

§ 76-37. Sewer use regulations.

- A. This regulation forms a part of the Sewer Use Regulations of the Authority. Enforcement of this regulation is governed by the express terms hereof and the enforcement provisions of the Sewer Use Regulations which are incorporated by reference, including, without limitation, those provisions for administrative violations, violation of discharge limitations, enforcement procedures, penalties, field observations, and extra monitoring charges. Any violation of this regulation for Grease Traps shall be considered a discharge violation, major violation, under the enforcement provisions of the Sewer Use Regulations. Compliance with this regulation, as well as the other provisions of the Sewer Use Regulations, shall be the joint and several obligation of the owner of the property served and any party in possession of the property using POTW. Any monies due or penalties to the Authority under provisions of the Sewer Use Regulations shall constitute a lien upon the property served and the Solicitor is empowered to file such Municipal Claim for such monies due or penalties.
- B. Notwithstanding anything set forth herein to the contrary, the Authority has the right to reject any waste which may be harmful to or cause obstruction of the POTW or which may interfere with the operation of the POTW.

§ 76-38. Application.

- A. This Regulation applies to all existing and future uses within the scope of the above.
- B. This Regulation shall become effective immediately upon adoption by the Authority.

§ 76-39. Severability.

If any provisions, paragraphs, word, section, or article of this Chapter is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, and chapters shall not be affected and shall continue in full force and effect.

The provisions of this Chapter shall not affect any act done or liability incurred, nor shall it alter any suit or prosecution pending or to be instituted to enforce any right or penalty or to punish any offense under the authority of any Ordinance affected by this Chapter.

§ 76-40. Conflict.

All other Resolutions and parts of other Resolutions inconsistent or conflicting with any part of this Chapter are hereby repealed to the extent of such inconsistency or conflict. In the event that the requirements imposed upon owners of property under the Uniform Construction Code of the Commonwealth of Pennsylvania are more restrictive than those set forth in this Chapter, it is the intent that the provisions of the Uniform Construction Code shall prevail.

ARTICLE V
Mandatory Connections
[Adopted 7-6-2011 by Ord. No. 2011-OR-04]

§ 76-41. Uniform mandatory connections.

Every owner of property within the corporate limits of the Township of Ligonier whose house, building, or structure is within one hundred fifty (150) feet of an existing public sanitary sewer line, or within one hundred fifty (150) feet of any existing public sanitary sewer line or sewer line which is constructed in the future, by Authority, or sewer lines built by a private developer, and which sewer lines shall be dedicated and accepted by Authority, shall connect, at Owner's own cost and expense, the house, building, or other structure or structures located on said property(ies), to the aforesaid public sanitary sewers for the purpose of disposing of all acceptable sanitary sewage emanating from said house, building, or other structure or structures located on said property(ies).

§ 76-42. Prohibition.

It shall be unlawful for any owner, lessee, or occupier of any property in the Township of Ligonier whose house, building, or structure is within one hundred fifty (150) feet of a public sanitary sewer line, to employ any means, either by septic tank, holding tank, alternate or experimental sewage disposal system, cesspool, privy vault, mine hole, on-lot sewage disposal system of any nature, whether permitted or unpermitted, or otherwise, for the disposal of acceptable sanitary sewage, other than into, and through, said public sanitary sewers.

§ 76-43. Notice to be given.

Where any house, building, or structure in the Township located within 150 feet of any aforementioned public sanitary sewer is now, or which hereafter, may be using any method for the disposal of acceptable sanitary sewage other than through said public sanitary sewers, it shall be the duty of the Authority to notify the owner, lessee, or occupier of such structure in writing, either by personal service, certified mail, or registered mail, to disconnect the same, and to make proper connection for the discharge and disposal of all acceptable sanitary sewage through the said public sanitary sewers, as herein provided, within sixty (60) days after receipt of such notice. Any owner or lessee or occupier of a structure who cannot comply with the provisions of this Section as to connection within the sixty (60) day period stipulated above due to reasonable causes beyond his/her/its control, shall apply to the Authority within said sixty (60) day period for a time extension of up to six (6) months in duration. Said application shall be made on a form to be furnished by the Authority and shall contain a voluntary agreement on the part of the applicant under which the applicant shall agree to commence paying the regular monthly sewer rates immediately even though actual connection to the public sanitary sewers will not be accomplished until the stated later date within the six (6) months' extension period.

§ 76-44. Prohibited connection – general

No owner, tenant, user, contractor, or any person, corporation, or entity shall discharge or permit the discharge of any of the following into any portion of portions of the public sanitary sewer system within the Township of Ligonier:

- A. Stormwater, surface water, floor drains, roof runoff, subsurface drainage, cooling water, or unpolluted industrial process waters or waste from any source, including, but not limited to infiltration in excess of two hundred (200) gallons per inch diameter of sanitary sewer connection pipe, per mile, per day; or inflow from any source.
- B. Garbage, unless the garbage is first properly shredded and will be carried freely under flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch in any dimension.
- C. Wastes containing any gasoline, naphtha, fuel oil, or other liquids, solids, or gases, which by reason of their nature or quality, may cause fire or explosion or be in any other way injurious to persons or to the structures of the sewer system or to its operation.
- D. Wastes having a temperature in excess of one hundred fifty (150°) degrees Fahrenheit (150°F.) or less than thirty-two degrees Fahrenheit (32°F).
- E. Wastes having a pH lower than six point five (6.5) or higher than nine point zero (9.0) or having any corrosive property capable of causing damage to hazards to structures, equipment, or personnel of the sewer system.
- F. Wastes containing any noxious or malodorous gas or substance which, either singly or by interaction with sewage or other wastes, is likely, under the rules and regulations of the Authority, to create a public nuisance or hazard to life or prevent entry to sewers for their maintenance and repair. Wastes, containing ashes, cinders, sand, mud, straw, shavings, metal, glass, rages, feathers, tar, plastics, wood, hair, chemical or paint residues, greases, paunch manure, cotton, wool, plastic or other fibers, lime slurry or any other solid or viscous material of such character or in such quantity as may cause an obstruction to the flow in sewers or otherwise interfere with the proper operation of the sewer system.
- G. Wastes containing insoluble, non-flocculent substances having a specific gravity in excess of two and sixty-five hundredths (2.65).
- H. Wastes containing soluble substances in such concentration as to cause the specific gravity of the waste to be greater than one and one-tenth (1.1).
- I. Wastes containing chemical or detrimental substances as follows:

- 1. Wastes containing any of the following substances in concentration exceeding those show in the following table as measured by an acceptable method:

SUBSTANCES	Concentration (mgll)
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Phenolic compounds as C	1
Cyanides as CN	0
Cyanates as CNO	0
Iron as Fe	7
Trivalent Chromium as Cr+3	1
Hexavalent Chromium as Cr+6	0.05
Nickel as Ni	1
Copper as Cu	0.5
Lead as Pb	0.5
Zinc as Zn	0.5

2. Or wastes containing other chemical or other matter detrimental to the operation of a sewage treatment plant or sanitary sewers causing erosion, corrosion, or deterioration in sewers, equipment, and structures of a sewage treatment plant
- J. Wastes containing more than one hundred (100) milligrams per liter by weight of tar, fat, oil, or grease.
- K. Wastes containing more than ten (10) milligrams per liter of any of the following gasses: hydrogen sulfide, sulfur dioxide, nitrous oxide, or any of the halogens.
- L. Wastes containing a toxic or poisonous substance, in a sufficient quality to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create any hazard in the sewer not be limited to wastes containing cyanide, chromium and or copper ions. No waste containing a toxic substance in quantities sufficient to interfere with the biochemical processes of the sewage treatment works, or that will pass through the sewage treatment works and exceed the state and/or federal requirements in respect thereto. Any waste containing toxic radioactive isotopes. Any waste containing the effluent from a privy, septic tank, sinkhole or cesspool, or other receptacle for receiving and holding sanitary sewage for an extended period of time, before discharge to the sewer system. Any waste which hereafter is designated as unacceptable by reason of rules and regulations imposed upon the Authority by any state or Federal agency, or which the engineer of the Authority recommends as unacceptable.

§ 76-45. Permit requirements.

No person, firm, or corporation shall make, or cause to be made, any connection with any of the aforementioned public sanitary sewers until such person, firm, or corporation has fulfilled all of the following conditions:

- A. Make an application to the Authority upon a permit form to be formulated and supplied by the Authority for permission to connect to the aforementioned public sanitary sewers. Each applicant must state, in addition to any other information required by Authority, the character and use of each structure located upon the property.

- B. Pay to the Authority the required tap connection fee which shall be the prevailing fee in existence at the time that the application for connection is made, for each Equivalent Dwelling Unit (EDU) on said property connected to the aforementioned public sanitary sewers at the time of the application for permission to make such connection or connections.
- C. Commence work only after the payment of the aforesaid tap connection fee and issuance of the aforementioned connection permit.
- D. Provide the designated Inspector of the Authority at least twenty-four (24) hours notice of the time and date when such connection shall be made in order that said Inspector can be present to inspect and approve the work and the connection.
- E. Grant permission to the inspector, at the time of inspection of the connection, full and complete access to all sanitary and drainage arrangements and facilities in each building and in and about all parts of the property. No building sewer line shall be covered over, or in any manner concealed, until after it is inspected and approved by said Inspector.
- F. Receive the approval of the Inspector for the connection by endorsement of the Inspector's name and the date of approval on the aforementioned connection permit in the possession of the permittees.
- G. Disconnect and/or remove, dismantle, or secure any septic tank, holding tank, alternate or experimental sewage disposal system, cesspool, privy vault, mine hole, on-lot sewage disposal system of any nature, or other receptacle for receiving and holding sanitary sewage for an extended period of time, after connection to the aforementioned sanitary sewage disposal facilities as directed by, or in the discretion of, the Authority, or its designated agent.
- H. Satisfy any other conditions required by Authority for the aforementioned.

§ 76-46. Construction requirements.

The number, size, and construction of all building sewer lines, or house service sewers, shall be completed in accordance with the specifications, plans, and procedures established by the Authority, in the Sewer System Rules and Regulations, as the same may be from time to time published and amended, copies of which, upon adoption, shall be maintained on file with the Authority.

§ 76-47. Township authorized to adopt rules and regulations.

- A. The Supervisors are hereby authorized and empowered to adopt such rules and regulations concerning sewage which they may deem from time to time to affect the purposes herein.

- B. Any such rules and regulations adopted by the Supervisors shall be in conformity with the provisions herein, all other Ordinances of the Township, and all applicable laws and rules and regulations of administrative agencies of the Commonwealth of Pennsylvania.

§ 76-48. Non-compliance.

If the owner or owners of any occupied houses, buildings, or structures in the Township shall neglect or refuse to comply with the provisions of this Article or the written notice as prescribed in Section § 76-43 hereof, the Township, or the Authority, as its agent, may perform, or cause to be performed, such work and labor, and furnish, or cause to be furnished, such material as may be necessary to comply with the provisions of this Article at the cost and expense of such owner or owners for the use of the Township or the Authority, as its agent, which may, by its proper officer, file a municipal claim or lien therefor against said premises as provided by law.

§ 76-49. Enforcement.

The Township hereby delegates and authorizes the Ligonier Township Municipal Authority as its authorized agent for the enforcement of the terms and provisions of this Article. The Authority shall have all powers vested in the Township of Ligonier pursuant to the terms of this Article, and the applicable laws of the Commonwealth of Pennsylvania, for the purpose of enforcing the provisions of this Article.

§ 76-50. Definitions.

Unacceptable sanitary sewage and other terms used herein for the purposes of this Article shall have the same definitions as those which are set forth in the Authority's Sewer System Rules and Regulations, said Rules and Regulations to be applicable to all users of the aforementioned public sanitary sewers.

§ 76-51. Penalty for violation.

In addition to any penalty hereinabove prescribed, any person, firm, or corporation violating any provision of this Article, upon conviction thereof before a District Magistrate, pay a fine or penalty of one thousand (\$1,000.00) dollars for each day in violation hereof.

§ 76-52. Repeal.

All ordinances or resolutions, or parts of ordinances or resolutions, inconsistent with this Article are hereby repealed insofar as they may be inconsistent herewith.

§ 76-53. Severability.

It is hereby declared as the legislative intent that the invalidity of any section, clause, sentence, or provision of this Article shall not affect the validity of any other part of this Article which can be given effect without such invalid part or parts.

ARTICLE VI
Inspection of Sanitary Sewer Lines
[Adopted 5-14-2024 by Ord. No. 2024-O-04]

§ 76-55. Private separate sanitary sewage lateral inspection.

A. Inspections.

1. At the time of sale, transfer or assignment, or in the event of mortgage, refinance, pledge or hypothecation, of any interest in real property situated in Ligonier Township, Westmoreland County, Pennsylvania, which said property is connected to the public sanitary sewer system, no municipal lien certificate (a written letter from the proper official of Ligonier Township concerning municipal liens) shall be issued by Ligonier Township or the Ligonier Township Municipal Authority, as applicable, unless and until there has been an inspection of the property's private separate sanitary sewage lateral by the Ligonier Township Municipal Authority, at reasonable hours and upon prior written notice, to determine whether the separate sanitary sewage lateral is leaking, is structurally defective, and is otherwise in compliance with the rules and regulations of the Ligonier Township Municipal Authority.
2. In the event that the separate sanitary sewage lateral is leaking, structurally defective or otherwise in violation of the rules and regulations of the Ligonier Township Municipal Authority, the Ligonier Township Municipal Authority shall notify the property owner and Ligonier Township within five days of receipt of the inspection results. Said notification shall include the results of the inspection and the necessary repair or replacement work that must be accomplished to remediate the separate sanitary sewage lateral's leaks, structural defects or rule or regulation violations.
3. The property owner shall be responsible for the repair or replacement of the separate sanitary sewage lateral to ensure the lateral does not leak, is not structurally defective, and otherwise complies with the Ligonier Township Municipal Authority's rules and regulations. Following said repair or replacement, the property owner shall request that the Ligonier Township Municipal Authority conduct a follow-up inspection. If the follow-up inspection by the Ligonier Township Municipal Authority verifies that any leakage, structural defects or violations identified in the initial inspection have been satisfactorily repaired or replaced, a municipal lien certificate can be issued by Ligonier Township and/or the Ligonier Township Municipal Authority, as applicable.
4. Upon determining that the separate sanitary sewer lateral is not leaking, not structurally defective, and otherwise complies with the rules and regulations of the Ligonier Township Municipal Authority, the Ligonier Township Municipal Authority shall notify the property owner and Ligonier Township by writing, indicating compliance with this section.

- B. *Forms or applications.* The Ligonier Township Municipal Authority shall, from time to time by resolution, adopt such standard forms or applications as may be necessary and appropriate for the facilitation of the inspections and certifications required herein.
- C. *Fees.* The Ligonier Township Municipal Authority shall, from time to time by resolution, adopt a standard charge or fee for the inspection of private separate sanitary sewage laterals, as identified in this section, and the same shall be due and payable as part of a lien certification covering sewage charges.
- D. *Violations and penalties.* Any person who violates any provisions of this article shall, upon conviction thereof by summary proceedings, be sentenced to pay a fine of not more than \$1,000, plus costs, and in default of said fine and costs, to undergo imprisonment for a period not in excess of 30 days.

§ 76-56. Delegation of Enforcement to the Ligonier Township Municipal Authority.

Ligonier Township hereby delegates and authorizes the Ligonier Township Municipal Authority as its authorized agent for the enforcement of the terms and provisions of this Article.

§ 76-57. Exemption

A property shall be exempt from the testing and repair requirements of this Article if within three years prior to the date of application for the municipal lien certificate Ligonier Township or the Ligonier Township Municipal Authority determined that the property's lateral sewer line complied with this Article and the Rules and Regulations of the Ligonier Township Municipal Authority provided, however, that no new construction has taken place upon the property within the intervening three-year period.

Chapter 79
SOLID WASTE

ARTICLE I
Collection and Disposal

- § 79-1. Title.
- § 79-2. Definitions; word usage.
- § 79-3. Licensing of collectors.
- § 79-4. Collection vehicles.
- § 79-5. Disposal of refuse, garbage, or rubbish.
- § 79-6. Violations and penalties.

[HISTORY: Adopted by the Board of Supervisors of the Township of Ligonier: Art. I, 6-21-1966 by Ord. No. 66-4. Amendments noted where applicable.]

ARTICLE I
Collection and Disposal
[Adopted 6-21-1966 by Ord. No. 66-4]

§ 79-1. Title.

This article shall be known as the “Refuse Disposal Ordinance.”

§ 79-2. Definitions; word usage.

- A. As used in this article, the following terms shall have the meanings indicated:
1. DISPOSAL – Includes the storage, collection, disposal, or handling of refuse.
 2. GARBAGE – All animal and vegetable waste resulting from the handling, preparation, cooking, or consumption of foods.
 3. PERSON – Includes any natural person, association, partnership, firm, or corporation.
 4. REFUSE – All solid wastes, except body wastes, and shall include garbage and rubbish.
 5. RUBBISH – Includes glass, metal, paper, etc.

B. The singular shall include the plural, and the masculine shall include the feminine and the neuter.

§ 79-3. Licensing of collectors.

A. No person shall collect, remove, haul, or convey any refuse through or upon any of the streets, roads, or alleys of the Township of Ligonier or dispose of the same in a manner or place without obtaining a license from the governing body of the township, except as hereinafter provided.

B. Subsection C of this section shall not be applicable to any person who desires to haul or convey his own garbage, rubbish, or refuse to the disposal site provided by the township, but such person shall pay to the use of the township a dumping fee in accordance with a schedule to be published from time to time, which fee shall be determined by the Board of Township Supervisors in accordance with the size of vehicle used. Such person also shall be subject to the normal hours of operation of the garbage disposal site.

C. The fee for such license shall be as set forth from time to time by resolution of the Board of Supervisors and all licenses shall be issued for the calendar year or such portion thereof as shall remain after the issuance thereof. There shall be no reduction in the fee for a license issued after the beginning of any calendar year.²⁵

D. It shall be unlawful to permit an unlicensed collector to collect or remove refuse from a household, institution, or commercial enterprise.

§ 79-4. Collection vehicles.

It shall be unlawful to collect, haul, transport, or convey garbage in open unenclosed vehicles.

§ 79-5. Disposal of refuse, garbage, or rubbish.

A. It shall be unlawful to dump, burn, bury, destroy, or otherwise dispose of refuse, garbage, or rubbish within the jurisdictional limits of the Township of Ligonier except at the Township of Ligonier approved refuse disposal site, except that any person may dispose of such refuse, garbage, or rubbish on premises from which it is collected if such disposal shall not constitute a nuisance or jeopardize the health and welfare of any other person.

B. The Board of Supervisors from time to time may establish a charge for the use of the township refuse disposal site and assess such charge against any licensed collector. This power shall be in addition to that provided in § 79-3B.

§ 79-6. Violations and penalties.²⁶

This article shall be enforced by action brought before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Any person who violates or permits the violation of this article shall, upon

²⁵ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

²⁶ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

conviction in a summary proceeding, be punishable by a fine of not more than \$1,000 or by imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense. Each section of this article that is violated shall also constitute a separate offense.

Chapter 80

SPECIAL EVENTS

ARTICLE I

Special Events Ordinance

- § 80-1. Title
- § 80-2. Definitions
- § 80-3. Prohibited Activity
- § 80-4. Permit Requirements
- § 80-5. Application
- § 80-6. Conditions for Approval of Special Events Permit
- § 80-7. Conformance With Other Law
- § 80-8. Penalties
- § 80-9. Severability
- § 80-10. Effective Date

[HISTORY: Adopted by the Board of Supervisors of the Township of Ligonier by Ordinance No. 2009-OR-03, and again 6-8-2010 by Ordinance No. 2010-OR-02. Additional amendments noted where applicable.]

ARTICLE I

Special Events Ordinance

[Adopted 6-8-2010 by Ord. No. 2010-OR-02]

§ 80-1. Title.

This Article shall be known as and cited as the Township of Ligonier Special Events Ordinance.

§ 80-2. Definitions.

For the purposes of this Article, the following terms, phrases, words, and their derivations shall have the meanings given herein. When not consistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number, and the word “shall” is always mandatory and not merely directory.

A. *Township* is the TOWNSHIP OF LIGONIER, Westmoreland County, Pennsylvania.

B. *Board of Supervisors* is the BOARD OF SUPERVISORS OF LIGONIER TOWNSHIP, Westmoreland County, Pennsylvania.

C. *Generalized Site Plan*: referred to as (GSP): A site plan that has been prepared by the applicant. This plan is not required to have an engineer’s seal.

D. *Special Event*: Any public gathering or assembly of people where one thousand (1,000), or more can reasonably be expected to attend, planned, sponsored or held, for the purpose of activities, which include, but which are not limited to, athletic competitions, carnival, concerts, dances, dramas, exhibitions, festivals, musical events, marathons, parades, races, rides, theater productions, or any gathering or assembly, regardless of the number of expected attendees, which requires off-site parking or traffic control.

E. *Special Events Application*: (referred to as “SEA”) a custom application designated for special events of the type listed in § 80-2 (D).

F. *Special Events Committee*: (referred to as “SEC”) a group formed to review the special event application, and consisting of designated representatives from the following state and local agencies, or any other state and local agency not listed below that may be affected by the event.

- Ligonier Township Police
- Ligonier Borough Police
- Pennsylvania State Police
- Westmoreland County Department of Public Safety
- Ligonier Valley Ambulance
- Ligonier Township Supervisors
- Ligonier Township Zoning Officer
- Ligonier Valley Chamber of Commerce
- Ligonier Fire Department located in Event Area
- Ligonier Township Emergency Management Coordinator

G. *Sponsor*: any person, association, partnership, firm, corporation, company, or organization, or legal entity whatsoever, seeking to initiate, organize, promote, permit, conduct, or to advertise, a special event as defined in this chapter.

§ 80-3. Prohibited Activity.

It shall be unlawful for any sponsor or owner of property to initiate, organize, promote, permit, conduct, or cause to be advertised, a special event within the corporate limits of the Township of Ligonier prior to obtaining a permit granted by the Board of Supervisors of said Township. A separate permit shall be required for each such special event for the period of time designated in the permit.

§ 80-4. Permit Requirements.

The application for a permit for a special event shall be subject to review and approval by the Board of Supervisors of Ligonier Township in accordance with the provisions of this Ordinance as follows:

- A. The Special Event Permit shall specify the length of time allowed for the Special Event and no activities may be held beyond the period granted for the Special Event.
- B. No applicant shall be under eighteen (18) years of age.
- C. No permit may be transferred or assigned.
- D. In case of dispute over the number of people reasonably anticipated to attend the public gathering, the decision of the Board of Supervisors of Township, or of the person, employee, or agent designated by the Board of Supervisors to issue permits, shall control, based on all facts available and brought to its attention from any source.
- E. Should more than one application for the same period of time be received for a Special Event Permit, the Ligonier Township Board of Supervisors may, in their discretion, limit the number of such Special Events to be held if more than one such special event will negatively impact the public health, safety, and/or welfare of the residents of Ligonier Township.
- F. No sponsor, owner of property, or person in charge of the Special Event shall initiate, promote, permit, conduct, or cause to be advertised, a Special Event unless a Permit has been issued pursuant to this Article.

§ 80-5. Application.

Written application for each Special Event shall be made to the Board of Supervisors of Township on the form attached to this Ordinance, or on a form revised and approved by the Board of Supervisors by Resolution from time to time, subject to the following requirements:

- A. Time for Application:
 - 1. For gathering numbering 1,000 to 2,000 persons, written application must be made thirty (30) days prior to the scheduled special event; and for gatherings or assemblies numbering 2,000 or more persons, written application must be made sixty (60) days prior to the date of the scheduled event.
 - 2. For special events, regardless of the number of expected persons who will attend which require off-site parking or traffic control, written application must be made at least sixty (60) days prior to the scheduled special event.
- B. Applications shall be made on the forms specified by the Board of Supervisors of Ligonier Township and shall be subject to review and approval in accordance with the provisions of this Article.
 - 1. Prior to submission of a formal Application, a sponsor is encouraged to request a Preapplication Conference to identify problems or issues early in the process.
 - 2. The following information will be needed for a Preapplication Conference:
 - a. Parcel Identification number or address of the property involved in the event;
 - b. Size of the parcel(s);
 - c. Proposed use, date/time of event, estimated public attendance; and

d. A brief overview of the proposal.

C. Special Event Applications shall be filed with the Township Zoning Officer or any other person designated by Resolution of the Board of Supervisors, and must meet the following Basic Submission Requirements before approval can be granted;

1. The full legal names, addresses, and telephone numbers of all sponsors.
2. The full legal name and address of the owner and person in charge of the property to be utilized for the Special Event.
3. A signed Special Event Application by the sponsor. If the applicant is a partnership or joint venture, all partners and parties to the joint venture shall sign as applicants. If the applicant is a corporation, copies of the Articles of Incorporation and Corporate Resolution authorizing the application must be attached to the application.
4. The location and address of the property to be utilized for the special event.
5. A narrative statement as to the purpose of the public gathering/special event to be held and a program of the event attached to the narrative statement if prepared and available.
6. A general site plan, architectural rendering, or diagrammatic plan and topographic map of the proposed site of the Special Event showing the locations and dimensions of the area where the event is to be conducted, with areas identified and labeled for spectators or persons attending the event, all existing structures and those structures to be constructed, proposed parking area, service roads, and a plan for traffic control, facilities for potable water, sanitary needs, sewage disposal, and medical services, arrangements for food and beverage storage and its preparation and service, and a plan for security, personnel needs, camping facilities, if applicable, and plans for enclosure of the proposed site during the event.
7. Proof that all permits and licenses required under federal, state, and local statutes, ordinances and regulations have been, or will be issued for the event. Any regulation under this article may be superseded by any federal, state, or local law.
8. A statement of the number of persons expected to attend such event and the expected duration of the activities.
9. A statement regarding the first day upon which public announcement, promotion, or advertising is to be made.

D. The following specific information and details are required for the Special Events Permit Application:

1. Details of food preparation and service providers, if applicable, and proof that these same providers will comply with state and county rules and regulations relating thereto.
2. Sanitary and waste disposal facilities information and providers thereof, along with the written approval of the Department of Environmental Protection or other government agencies indicating that the plan for water supply, toilet facilities, washing facilities, and food preparation and service, if applicable, conform to the state and county rules and regulations relating to public health.
3. Transportation and parking facilities plan showing on-site and/or off-site parking that will be needed, and whether such parking is available within or adjacent to the premises upon which the special event is to be conducted, to show that the transportation and parking facilities will be adequate for the expected number of persons in attendance.

- a. Adequate ingress and egress from parking areas shall be included to facilities along with the details relating to the movement of vehicles to and from such areas.
 - b. If off-site parking is necessary to accommodate attendees of the special event, all details of the transport of the public to and from the special event must be outlined and explained to assure the safety of the attendees and general public.
 - c. Location and placement of directional signs, which may not be in Township roads unless authorized, and the plan for removal of said signs within 48 hours of the close of the special event.
4. Security plan for preserving order during the event, protection of surrounding areas, including specific reference to the number of security personnel assisting in the control of traffic and the supervision of those attending, and providers of services for the event.
5. Plan or proposal for on site medical facilities, identification of the provider(s) of medical services, proof that such providers will be in conformance with the rules and regulations of the state and county agencies responsible for oversight of said providers.
6. Janitorial services and post-gathering trash removal and site restoration and providers thereof.
7. Details of lighting and other utility services needed for the Special Event.
8. Plans for construction of stage and any other structures to be erected, along with the details for use of amplification equipment, which cannot be used closer than 500 feet from any adjoining residential use.
9. Certificates of Insurance issued by an insurance company licensed to do business in Pennsylvania, evidencing Comprehensive General Liability, or Special Event Public Liability, in an amount of at least \$1,000,000.00 (One Million Dollars) for personal injury and \$100,000.00 (One Hundred Thousand Dollars) for property damage, which policies shall name the Township as additional named insured.
10. A statement containing the names and addresses of licensed ticket printers to be used and the plans for assuring the return of monies upon the termination or cancellation of the event as well as the means of notifying potential and existing ticket holders of such cancellation, where the anticipated number of people attending is over 2,000 persons.
11. Examples of proposed advertising of the event, if any.
12. Applicants' statement that they shall abide by the terms and provisions of this Article, and all laws, rules, and regulations of the United States, Commonwealth of Pennsylvania, County of Westmoreland, and Township of Ligonier.
13. Any other information deemed necessary by the Board of Supervisors to assist it in its review of the application for Special event Permit.

E. Each application shall be accompanied with a cash fee, specified in this Article, or as set by the Board of Supervisors by Resolution to cover the cost of inspection, investigation, issuance, and administration of the permit based upon the anticipated number of persons expected and/or a minimum fee as follows:

PERSONS REASONABLY ANTICIPATED FEE

1,000 to 5,000	\$25.00
5,001 to 10,000	\$50.00
10,001 and above	\$100.00

\$25.00

F. The Board of Supervisors or their designee, in its discretion, may schedule a public hearing to accept evidence as to whether a permit may be issued under this Article; or, the Board may proceed to approve or deny the application for Special Event Permit, *after* considering all information required by this Article; and/or the Board may attached such conditions to the Issuance of a Special Event Permit as it deems necessary to ensure that the proposed use meets the standards set forth in this Special Events Ordinance so as to prevent, or minimize, adverse impacts on other properties in the neighborhood, The Board may consider any information relevant to the issuance of the Special Events Permit, including, but not limited to, the following:

- § 80-6. Conditions for approval of special events permit.**

B. Failure to satisfy the following conditions within the time frame set forth above shall constitute grounds for the immediate revocation of the Permit by the Township and the cancellation of the Special Event:

1. **Sanitary Facilities:** Written approval of the Pennsylvania Department of Environmental Resources or other responsible governmental agency, indicating that applicants' plan for swimming, potable water supply, sanitary toilet facilities, sewage disposal facilities, washing facilities, and food preparation and service facilities conform with applicable laws, ordinances, rules, and regulations relating to the public health.
2. **Public Safety:**
 - a. **Security:** Applicants must demonstrate that a plan, and means to implement the plan, exists to provide for adequate traffic control and crowd control, which

plan must include one security person for every fifty (50) motor vehicles reasonably anticipated to be at the location and one security person for each one hundred fifty (150) persons reasonably anticipated to be in attendance.

Identification of the security personnel, or company or persons supplying this service must be provided.

b. Enclosures: Applicants must demonstrate that a plan, and means to implement the plan, exists to have the location where the Special Event is to be held enclosed with snow fencing or other similar material of equivalent strength of not less than four (4) feet in height, if admission is charged and attendance is reasonably expected to exceed 1,000 persons.

c. Medical Services: Applicants must demonstrate that a plan, and a means to implement the plan, exists to provide sufficient medical services to the Special Event. Each Special Event shall have as a minimum one ambulance staffed by two adult individuals trained in first-aid techniques in attendance at all times. Identification of the company or person supplying this service must be provided.

d. Parking Facilities: Applicants must demonstrate that a plan, and a means to implement the plan, exists to provide adequate parking facilities appropriate to the anticipated number of persons in attendance. There must be adequate parking facilities to accommodate one vehicle for every four persons reasonably anticipated to be in attendance. There must also be provided adequate ingress and egress to and from parking areas to facilitate the movement of any vehicle at any time to or from the parking area and to permit access by emergency vehicles.

e. Structures: All facilities, including structures, stages, lighting facilities, sanitary facilities, and other utilities to be specially assembled, constructed, installed, or erected for the public gathering must be in place and be approved by appropriate state and federal regulatory agencies, if its regulations apply, and by the Township or its duly appointed agent.

§ 80-7. Conformance with other law.

This Article shall in no way be a substitute for, nor eliminate the necessity of, complying with any and all federal and state laws, rules and regulations, county and township ordinances which are now, or may be in the future, in effect which pertain to the conduct of Special Events.

§ 80-8. Penalties.

Any person who initiates, organizes, promotes, permits, conducts, or causes to be advertised a Special Event without obtaining the permit provided in this Article, or who knowingly conducts, permits, or allows a Special Event with a permit, but in violation of the terms and provisions of this Article and of the permit granted, or who shall counsel, aid, or abet such violation or failure to comply, upon conviction thereof by any District Magistrate, shall be subject to a fine of not more than Six Hundred (\$600.00) Dollars, together with costs. In default of the payment of any fine, the defendant shall be sentenced to jail for a period not exceeding thirty (30) days.

§ 80-9. Severability.

The provisions of this Article shall be severable and, if any provisions thereof shall be held to be unconstitutional, invalid, or illegal, by any court of competent jurisdiction, such decisions shall not affect the validity of any of the remaining provisions of this Article. It is hereby declared as legislative intent that this Ordinance would have been enacted had such unconstitutional, invalid, or illegal provisions not been included herein.

§ 80-10. Effective Date.

This Article shall become effective five (5) days after enactment.

Chapter 82

STORMWATER MANAGEMENT

ARTICLE I

Ligonier Township Stormwater Management Ordinance

- § 82-1. Purpose
- § 82-2. Definitions
- § 82-3. Applicability
- § 82-4. Stormwater Management Requirements
- § 82-5. Stormwater Management Plan Requirements
- § 82-6. Inspections and Construction Completion
- § 82-7. Fees
- § 82-8. Financial Guarantees
- § 82-9. Enforcement
- § 82-10. Exhibits
- § 82-11. Effective Date

[HISTORY: Adopted by the Board of Supervisors of the Township of Ligonier 5-9-2023 by Ord. No. 2023-O-04. This repealed and replaced in its entirety the former Stormwater Management Chapter, which had been adopted 5-12-2020 by Ord. No. 1-2020. That 2020 ordinance had itself repealed and replaced in its entirety the former Stormwater Management Chapter, which had been adopted 3-5-2002 by Ord. No. 02-OR-04. Amendments noted where applicable.]

General references: Sewers – see Chapter 76 Land Use and Development – See Ch. 106

ARTICLE I

Ligonier Township Stormwater Management Ordinance

[Adopted 5-12-2020 by Ord. No. 1-2020]

§ 82-1. Purpose.

The purpose of this Ordinance is to enact rules, regulations, and procedures to manage and control in geographic areas within the jurisdiction of Ligonier Township in a manner consistent with the Westmoreland County Act 167 Stormwater Management Plan as adopted by Westmoreland County, Pennsylvania.

A. *Short Title.* This Article, Chapter, and Ordinance shall be known and may be cited as the “Ligonier Township Stormwater Management Ordinance”

B. *Findings.* The Board of Supervisors of Ligonier Township finds that:

1. Stormwater runoff from lands modified by human activities threatens public health and safety by causing decreased infiltration of rainwater and increased runoff flows and

velocities, which overtax the carrying capacity of existing streams and storm sewers, causes property damage and risk to public safety, and greatly increases the cost to the public to manage stormwater.

2. Inadequate planning and management of accelerated stormwater runoff resulting from land development and redevelopment throughout a watershed can also harm surface water resources by changing the natural hydrologic patterns, accelerating stream flows (which increase scour and erosion of stream-beds and stream-banks thereby elevating sedimentation), destroying aquatic habitat and elevating aquatic pollutant concentrations and loadings such as sediments, nutrients, heavy metals and pathogens. Groundwater resources are also impacted through loss of recharge.

3. Ligonier Township is located in the Loyalhanna Creek Watershed(s) and as such will endeavor to cooperate with other municipalities located in the watershed(s) to address issues of stormwater management, water quality, pollution and flooding.

4. Non-stormwater discharges to municipal separate storm sewer systems can contribute to pollution of waters of the Commonwealth in the Ligonier Township.

5. Stormwater can be an important water resource by providing groundwater recharge for water supplies and base flow of streams, which also protects and maintains surface water quality.

6. Public education on the control of pollution of stormwater is an essential component in successfully managing stormwater.

7. A comprehensive program of stormwater management, including reasonable regulation of land development and redevelopment causing loss of natural infiltration, is fundamental to the public health, safety, welfare, and the protection of the people of the Municipality and all the people of the Commonwealth, their resources, and the environment.

8. The use of open space conservation, green infrastructure, low impact development (LID), and riparian buffers are intended to address the root cause of water quality impairment by using systems and practices which use or mimic natural processes to: 1) infiltrate and recharge, 2) evapotranspire, and/or 3) harvest and use precipitation near where it falls to earth. Green infrastructure practices, LID, and riparian buffers contribute to the restoration or maintenance of pre-development hydrology.

9. Stormwater structures are considered vital infrastructure and can pose a significant hazard. Outlets and waterways which carry stormwater shall be maintained free of obstructions to allow for non-restricted flow of stormwater to avoid impoundment of water.

10. Occupancy and modification of floodplains shall be avoided wherever there is a practicable alternative to reduce long and short term adverse impacts in order to reduce the risk of flood loss, minimize the impact of floods on human safety, health and welfare, and to restore and preserve the natural and beneficial values served by floodplains.

11. Federal and State regulations require certain municipalities to implement a program of stormwater controls. These municipalities are required to obtain a permit for stormwater discharges from their municipal separate storm sewer systems (MS4) under the National Pollutant Discharge Elimination System (NPDES).

12. The Westmoreland Conservation District (WCD) is a recognized regulatory agency with authority in the county and this municipality to regulate erosion and sediment controls and stormwater management related to land development activities. Because

WCD's authority crosses municipal boundaries they are enabled to oversee environmental issues for the general benefit of all county residents.

13. The Westmoreland County Integrated Water Resources Plan (2018) addresses all water resources and provides a decision-making tool for development and redevelopment with respect to those resources including stormwater and its management. Refer to www.paiwrp.com and www.westmorelandstormwater.org.

C. *Purpose.* The purpose of this Article is to promote health, safety, and welfare within the Municipality and its watersheds by minimizing the harms and maximizing the benefits described in this Section of this Article, through provisions designed to:

1. Manage stormwater runoff impacts at their source by regulating activities that cause the problems, reduce runoff volumes and mimic natural hydrology.
2. Maintain existing flows and quality of streams and watercourses.
3. Prevent scour and erosion of streambanks and streambeds.
4. Utilize and preserve the existing natural drainage systems as much as possible.
5. Restore and preserve the natural and beneficial values served by streamside and waterbody floodplains.
6. Focus on infiltration of stormwater, to maintain groundwater recharge, to prevent degradation of surface and groundwater quality and to otherwise protect water resources.
7. Promote stormwater runoff prevention and emphasize infiltration and evapotranspiration through the protection and conservation of natural resource systems and the use of non-structural BMPs and other creative methods of improving water quality and managing stormwater runoff.
8. Promote the use of green infrastructure in development and redevelopment where it can also improve stormwater management within the broader watershed in which the project is located.
9. Meet legal water quality requirements under state law, including regulations at 25 Pa.Code, Chapter 93.4a, to protect and maintain "existing uses" and maintain the level of water quality to support those uses in all streams, and to protect and maintain water quality in "special protection" streams.
10. Provide review procedures and performance standards for stormwater planning and management.
11. Provide for proper operations and maintenance of all permanent stormwater management BMPs that are implemented in the Municipality.
12. Provide a mechanism to identify controls necessary to meet the NPDES permit requirements, and to encourage infrastructure improvements that lead to separation of storm sewer systems from sanitary sewer systems.

D. *Statutory Authority.*

1. The Municipality is empowered to regulate land use activities that affect stormwater runoff by the authority of the Stormwater Management Act of October 4, 1978, P.L. 864 (Act 167), 32 P.S. Section 680.1, et seq., as amended, and the Act of July 31, 1968, P.L. 805, No. 247, The Pennsylvania Municipalities Planning Code, as amended.
2. Act 167 requires a Municipality to "adopt or amend, and shall implement such ordinances and regulations, including zoning, subdivision and development, building code, and erosion and sedimentation ordinances, as are necessary to regulate

development within the Municipality in a manner consistent with the applicable watershed stormwater plan and the provisions of this act”. The applicable watershed stormwater plan to Ligonier Township is the Westmoreland County Integrated Water Resources Plan 2020.

E. *Applicability.*

1. All regulated activities as defined by this article are subject to regulation by this Article.
2. This Article applies to any land development or regulated earth disturbance activities within the Municipality, and all stormwater runoff entering into the municipality's separate or combined storm sewer system from lands within the boundaries of the municipality.
3. Earth disturbance activities and associated stormwater management controls are also regulated under existing State law and implementing regulations. This Article shall operate in coordination with those parallel requirements; the requirements of this Article shall be no less restrictive in meeting the purposes of this Article than State law.

F. *Repealer.* Any other ordinance provision(s) or regulation of the municipality inconsistent with any of the provisions of this Article is hereby repealed to the extent of the inconsistency only.²⁷

G. *Severability.* If any word, phrase, section, sentence, clause or part of this Article is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, invalidity or illegality by a court of competent jurisdiction, shall not affect or impair any of the remaining words, phrases, sections, sentences, clauses or parts of this Article. It is hereby declared to be the intent of the Board of Supervisors of Ligonier Township that this Article would have been adopted had such unconstitutional, illegal or invalid word, phrase, section, sentence, clause or part thereof not been included herein.

H. *Compatibility with Other Requirements.*

1. Approvals issued and actions taken under this Article do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other code, law, regulation or ordinance. To the extent that this Article imposes more rigorous or stringent requirements for stormwater management, the specific requirements contained in this Article shall be followed.
2. Conflicting provisions in other municipality ordinances or regulations shall be construed to retain the requirements of this Article addressing state water quality requirements.

I. *Erroneous Permit.* Any permit or authorization issued or approved based on false, misleading or erroneous information provided by an applicant is void without the necessity of any proceedings for revocation. Any work undertaken or use established pursuant to such permit or other authorization is unlawful. No action may be taken by a board, agency or employee of the Municipality purporting to validate such a violation.

²⁷ This section repeals the former Chapter 96: Stormwater Management of the Township Code, which had been adopted 3-5-2020 by Ord. No. 02-OR-04

J. *Prohibitions.* Shall be consistent with PAG-13 NPDES General Permit for stormwater discharges from MS4 communities and as listed here.

1. Prohibited discharges

- a. No person in the Municipality shall introduce, permit or allow, or cause to introduce, permit or allow, stormwater discharges into the municipality separate storm sewer system which are not composed entirely of stormwater, except as permitted by this Article, or
 - i. as provided in paragraph b below, or
 - ii. discharges as authorized under a State or Federal permit
- b. Permissible discharges, based on a finding by the municipality that the discharge(s) do not significantly contribute to pollution to surface waters of the Commonwealth, are recommended to be discharged safely to a vegetated area or infiltration BMP, but can also be discharged to a storm sewer system, include but are not limited to:
 - i. Discharges from firefighting activities.
 - ii. Potable water sources including dechlorinated water line and fire hydrant flushings.
 - iii. Non-contaminated irrigation drainage from agricultural practices.
 - iv. Routine external building washdown (which does not use detergents or other compounds).
 - v. Non-contaminated Air conditioning condensate.
 - vi. Water from individual residential car, boat or other residential vehicle washing that does not use detergents or other compounds.
 - vii. Springs.
 - viii. Non-contaminated Water from basement or crawl space sump pumps.
 - ix. Non-contaminated water from foundation or from footing drains.
 - x. Flows from riparian habitats and wetlands.
 - xi. Lawn watering.
 - xii. Pavement washwaters where spills or leaks of toxic or hazardous materials have not occurred (unless all spill material has been removed) and where detergents are not used.
 - xiii. Splash pad (recreational spray patio with no standing water) discharges.
 - xiv. Non-contaminated groundwater.
- c. In the event that the municipality determines that any of the discharges identified in paragraph b. above significantly contributes to pollution of waters of the Commonwealth, or is so notified by DEP, the municipality will notify the landowner and/or the responsible person to cease the discharge.
- d. Upon notice provided by the municipality under paragraph c. above, the discharger will have three days as determined by the municipality, to cease the discharge consistent with the degree of pollution caused by the discharge.
- e. Nothing in this Section shall affect, limit or alleviate a discharger's responsibilities under State or Federal law.

2. Prohibited connections. The following sources, activities or connections are prohibited, except as provided in subsection 1. a. and b. above:

- a. Any drain or conveyance, whether on the surface or subsurface, which allows any non-storm water discharge including but not limited to, sewage, process wastewater and wash water, to enter the separate storm sewer system, and any connections to the storm drain system from indoor drains and sinks.
 - b. Any drain or conveyance connected from a commercial, industrial or other non-residential land use to the separate storm sewer system which has not been documented in plans, maps, or equivalent records, and approved by the Municipality.
 - c. Drains carrying stormwater or groundwater shall not be connected to or discharge to any public or private sanitary sewer system or facility.
3. Prohibited activities:
- a. A landowner may not alter the natural flow of surface water on his property by concentrating it in an artificial channel and discharging it upon lower land of his neighbor even though no more water is thereby collected than would naturally have flowed upon the neighbor's land in a diffused [shallow broad path or sheet flow] condition.
 - b. A landowner may not alter any BMPs, facilities or structures that were installed under the ordinance without written approval of the municipality.
4. Roof Drains and Sump Pumps
- a. Roof drains and sump pumps shall discharge to infiltration or vegetative BMPs wherever feasible.

K. *Liability Disclaimer:*

- 1. Neither the granting of any approval under the stormwater management provisions of this Article, nor the compliance with the provisions of this Article, or with any condition imposed by any public body of the Municipality or by a Ligonier Township official, employee or consultant hereunder, shall relieve any person from any responsibility for damage to person or property resulting therefrom, or as otherwise imposed by law, nor impose any liability upon the municipality for damages to persons or property.
- 2. The granting of a permit which includes any stormwater management does not constitute a representation, guarantee or warranty of any kind by the municipality or WCD, or by an official or employee thereof, of the practicability or safety of any structure, use or other plan proposed and shall create no liability upon or cause of action against such public body, official or employee for any damage that may result pursuant thereto.

§ 82-2. Definitions.

Unless specifically defined in this Section, all technical terms in this Article shall be as defined in the provisions of Pa Code Title 25 Environmental Protection, Pennsylvania Department of Environmental Protection (PADEP) Erosion and Sediment Pollution Control Program Manual (PADEP E & S Manual, Latest Ed.), and PADEP Best Management Practices Manual (PADEP BMP Manual, Latest Ed.).

The following definitions shall apply specifically to this Article:

A. *Act 167*– the Stormwater Management Act, Act of October 4, 1978, P. L. 864, No. 167, as amended by the Act of May 24, 1984, No. 63, 32 P.S. §§680.1 et seq. The Municipality is empowered to regulate land use activities that affect runoff and surface and groundwater quality and quantity by the authority of the Act, the “Storm Water Management Act.”

B. *Accelerated erosion* – the removal of the surface of the land through the combined action of human activities and the natural processes at a rate greater than would occur because of the natural process alone.

C. *Agricultural Activity* – Activities associated with agriculture such as agricultural cultivation, agricultural operation, and animal heavy use areas. This includes the work of producing crops and raising livestock including tillage, land clearing, plowing, disking, harrowing, planting, harvesting crops, or pasturing and raising of livestock and installation of Conservation Practices. Except for high tunnels that are exempt pursuant to the provisions of Act 15 of 2018, construction of new buildings or impervious areas is not considered an agricultural activity.

D. *Alteration* – As applied to land, a change in topography as a result of the moving of soil and rock from one location or position to another; the changing of surface conditions by causing the surface to be more or less impervious; or, earth disturbance.

E. *Applicant* – A landowner, developer or other person who has filed an application for approval of Drainage Plan under Section 84-5 of this Article.

F. *Animal Concentration (heavy use) Areas* – A barnyard, feedlot, loafing area, exercise lots, or other similar animal confinement areas that will not maintain a growing crop, or where deposited manure nitrogen is in excess of crop needs, but excluding areas managed as pastures or other cropland, and pasture access ways, if they do not cause direct flow of nutrients to surface water or groundwater.

G. *BMP (best management practice)* – activities, facilities, designs, measures or procedures used to manage stormwater impacts from regulated development activities, to meet State water quality requirements, to promote groundwater recharge and to otherwise meet the purposes of this Article. BMPs include, but are not limited to, infiltration, filter strips, low impact design, bioretention, wet ponds, permeable paving, grassed swales, forested buffers, sand filters and detention basins.

H. *Building Permit* – A permit or other approval issued by the Municipality for construction and/or earth disturbance.

I. *Channel* – a perceptible natural or artificial waterway which periodically or continuously contains moving water or which forms a connecting link between two bodies of water. It has a definite bed and banks which confine the water.

J. *Chapter 102* – Title 25 Pa Code Chapter 102 Erosion and Sedimentation Control.

K. *Chapter 105* – Title 25 Pa Code Chapter 105 Dam Safety and Waterway Management.

L. *Combined sewer system* – A sewer system designed to serve as both sanitary sewer and storm sewer.

M. *CSO, Combined sewer overflow* – An intermittent flow or other untreated discharge from a municipal combined sewer system (including domestic, industrial and commercial wastewater and stormwater) which results from a flow in excess of the dry weather carrying capacity of the system.

N. *Conservation District* – the Westmoreland Conservation District (WCD), as defined in Section 3(c) of the Conservation District Law (3 P. S. § 851(c)) that has the authority under a delegation agreement executed with DEP to administer and enforce all or a portion of the regulations promulgated under 25 Pa. Code 102.

O. *Conservation Plan* – A plan written by an NRCS or SCS certified planner that identifies Conservation Practices and includes site specific BMPs for agricultural plowing or tilling activities and Animal Concentration Areas.

P. *Conservation Practices* – Practices installed on agricultural lands to improve farmland, soil and/or water quality which have been identified in a current Conservation Plan.

Q. *Conveyance*:

1. Any structure that carries a flow.
2. The ability of a pipe, culvert, swale or similar facility to carry the peak flow from the design storm.

R. *Culvert* – a closed conduit for the free passage of surface drainage under a highway, railroad, canal or other embankment.

S. *DEP* – the Pennsylvania Department of Environmental Protection.

T. *Demonstrated equivalency* – A stormwater management project on an alternative site(s) within the same watershed as the proposed development that will provide equal or better achievement of the purpose of the Article and will not substantially or permanently impair the appropriate use or development of adjacent property. Examples include streambank stabilization, creation or enhancement of riparian buffers, removal of existing impervious surfaces and establishment of ‘green’ easements, installation of stormwater management and water quality facilities, etc.

U. *Design criteria*:

1. Engineering guidelines specifying construction details and materials.
2. Objectives, results or limits which must be met by a facility, structure or process in performance of its intended functions.

V. *Design storm* – see “storm frequency.”

W. *Detention* – the slowing, dampening or attenuating of runoff flows entering the natural drainage pattern or storm drainage system by temporarily holding water on a surface area in a detention basin or within the drainage system.

X. *Detention basin* – a pond, basin, reservoir or underground system constructed to impound or retard surface runoff temporarily.

Y. *Developer* – a person that seeks to undertake or undertakes the activities associated with changes in land use or seeks to undertake or undertakes any regulated earth disturbance activities at a project site in the [Municipality]. The term “developer” includes, but is not limited to, the term subdivider, owner and builder, even though the person involved in successive stages of a project may change or vary.

Z. *Development* – an “earth disturbance activity,” as herein defined and any activity, construction, alteration, change in land use or practice that affects stormwater runoff characteristics. The term also includes redevelopment.

AA. *Development Site / Project Site* – The entire property(ies), tract(s), or parcel(s) on which the Land Development or Earth Disturbance activity is to take place.

BB. *Discharge* – the flow or rate of flow from a canal, conduit, channel or other hydraulic structure.

CC. *Disturbed Area* – A land area where an earth disturbance activity is occurring or has occurred.

DD. *Domestic Gardening and Landscaping* – alteration, improvement, or modification for the purpose of planting or tending any non-invasive plant species for the purpose of consumption or beautification of land. Beautification of land may include flora and fauna, water features, and impervious surfaces. Impervious surfaces shall not exceed 500 SF of land coverage.

EE. *Drainage* – in general, the removal of surface water from a given area commonly applied to surface water and ground water.

FF. *Drainage area* – any of the following activities:

1. The area of a drainage basin or watershed, expressed in acres, square miles or other unit of area (also called “catchment area,” “watershed,” “river basin”).
2. The area served by a sewer system receiving storm and surface water, or by a watercourse.

GG. *Earth disturbance activity* – a construction or other human activity which disturbs the surface of the land including, but not limited to, clearing and grubbing, grading, excavations, embankments, road maintenance, land development, building construction, oil and gas activities, well drilling, mineral extraction, and the moving, depositing, stockpiling, or storing of soil, rock or earth materials.

HH. *Encroachment* – any structure or activity which in any manner changes, expands or diminishes, the course, current or cross-section of any watercourse, floodway or body of water.

II. *Erosion* – the process by which land, including channels, is worn away by water, wind, or chemical action.

JJ. *Erosion control* – the application of measures to reduce erosion of land surfaces.

KK. *Erosion and sediment control plan* – a plan for a project site which identifies BMPs to minimize accelerated erosion and sedimentation of land.

LL. *Existing Condition* – The dominant land cover during the 5-year period immediately preceding a proposed regulated activity.

MM. *FEMA* – Federal Emergency Management Agency.

NN. *Floodplain* – Any land area susceptible to inundation by water from any natural source or delineated by applicable FEMA maps and studies as being a special flood hazard area. Also includes areas that comprise Group 13 Soils, as listed in Appendix A of the Pennsylvania DEP Technical Manual for Sewage Enforcement Officers (as amended or replaced from time to time by DEP).

OO. *Floodway* – The channel of the watercourse and those portions of the adjoining floodplains that are reasonably required to carry and discharge the 100-year flood. Unless otherwise specified, the boundary of the floodway is as indicated on maps and flood insurance studies provided by FEMA. In an area where no FEMA maps or studies have defined the boundary of the 100-year floodway, it is assumed--absent evidence to the contrary--that the floodway extends from the stream to 50 feet from the top of the bank of the stream.

PP. *Forest Management/Timber Operations* – Planning and activities necessary for the management of forestland. These include conducting a timber inventory, preparation of forest management plans, silvi-cultural treatment, cutting budgets, logging road design and construction, timber harvesting, site preparation, and reforestation.

QQ. *Green Infrastructure* – Systems and practices that use or mimic natural processes to infiltrate, evapotranspire, or reuse stormwater on the site where it is generated.

RR. *Ground cover* – materials and/or vegetation covering the ground surface.

SS. *Ground water* – subsurface water occupying the saturation zone, from which wells and springs are fed.

TT. *Groundwater recharge* – replenishment of existing natural underground water supplies.

UU. *High Tunnel* – A structure which meets the following:

1. Is used for the production, processing, keeping, storing, sale or shelter of an agricultural commodity as defined in section 2 of the act of December 19, 1974 (P.L.973, No.319), known as the Pennsylvania Farmland and Forestland Assessment Act of 1974, or for the storage of agricultural equipment and supplies.
2. Is constructed consistent with all of the following:
 - a. Has metal, wood or plastic frame
 - b. When covered, has plastic, woven textile or other flexible covering
 - c. Has a floor made of soil, crushed stone, matting, pavers or a floating concrete slab

VV. *Hot spots* - Areas where land use or activities generate highly contaminated runoff, with concentrations of pollutants that are higher than those typically found in stormwater (e.g., vehicle salvage yards and recycling facilities, vehicle fueling stations, fleet storage areas, vehicle equipment and cleaning facilities, vehicle service and maintenance facilities, and certain industrial/commercial activity areas).

WW. *Hydrologic Soil Group (HSG)* – Infiltration rates of soils vary widely and are affected by subsurface permeability as well as surface intake rates. Soils are classified into four HSGs (A, B, C, and D) according to their minimum infiltration rate, which is obtained for bare soil after prolonged wetting. The NRCS defines the four groups and provides a list of most of the soils in the United States and their group classification. The soils in the area of the development site may be identified from a soil survey report that can be obtained from local NRCS offices or conservation district offices. Soils become less permeable as the HSG varies from A to D (NRCS1,2).

XX. *Impervious surface* – a surface that prevents the infiltration of water into the ground. Impervious surfaces (or areas) shall include, but not be limited to: roofs, additional indoor living spaces, patios, garages, storage sheds, and similar structures; and any new streets or sidewalks. Decks, parking areas, gravel areas, and driveway areas are counted as impervious areas if they directly prevent infiltration.

YY. *Infiltration* – any of the following activities:

1. The flow or movement of water through the interstices or pores of a soil or other porous medium.
2. The absorption of liquid by the soil.

ZZ. *Land development* – any of the following activities:

1. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
 - a. A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure.
 - b. The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.

2. A subdivision of land.

AAA. *Land disturbance* – any activity involving the changing, grading, transportation, fill and any other activity which causes land to be exposed to the danger of erosion.

BBB. *Low Impact Development (LID)* – Site design approaches and small-scale stormwater management practices that promote the use of natural systems for infiltration, evapotranspiration, and reuse of rainwater. LID can be applied to new development, urban retrofits, and revitalization projects. LID utilizes design techniques that infiltrate, filter, evaporate, and store runoff close to its source. Rather than rely on costly large-scale conveyance and treatment systems, LID addresses stormwater through a variety of small, cost-effective landscape features located on-site.

CCC. *Maintenance* – the upkeep necessary for efficient operation of physical properties.

DDD. *MS4* (municipal separate storm sewer system) – A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):

1. Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law)...including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the Clean Water Act that discharges into waters of the United States.
2. Designed or used for collecting or conveying stormwater;
3. Which is not a combined sewer; and
4. Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2.”

EEE. *Municipalities Planning Code* – Act 247 of 1968, as amended by Act 170 of 1988, 53 P.S. §10101 et seq.

FFF. *Municipality* – *Ligonier Township*, Westmoreland County, Pennsylvania.

GGG. *Native Vegetation* – Plant species that have historically grown in Pennsylvania and are not invasive species, controlled plants or noxious weeds as defined by PA DCNR, or PA Department of Agriculture.

HHH. *Natural stormwater runoff regime* – a watershed where natural surface configurations, runoff characteristics and defined drainage conveyances have attained the conditions of equilibrium.

III. *NPDES* – National Pollutant Discharge Elimination System, the Federal government's system for issuance of permits under the Clean Water Act, which is delegated to DEP in Pennsylvania.

JJJ. *NRCS* – Natural Resources Conservation Service (previously Soil Conservation Service).

KKK. *Outfall* – “point source” as described in 40 CFR §122.2 at the point where the Ligonier Township storm sewer system discharges to surface waters of the Commonwealth. Also, the point, location or structure where drainage discharges from a sewer, drain or other conduit as well as the conduit leading to the ultimate discharge point.

LLL. *Outlet control structure* – the means of controlling the relationship between the head water elevation and the discharge, placed at the outlet or downstream end of any structure through which water may flow.

MMM. *Overland flooding* – flooding that occurs for a variety of reasons all stemming from excessive stormwater runoff including too much rain in too little time, added impervious development, change in land use, malfunction or clogging of existing stormwater systems.

NNN. *Peak discharge* – The maximum rate of stormwater runoff from a specific storm event.

OOO. *Peak flow* – maximum flow.

PPP. *Pervious Area* – Any material or surface that allows water to pass through at a rate equal to or greater than natural ground cover.

QQQ. *Pennsylvania DEP* – Pennsylvania Department of Environmental Protection.

RRR. *Performance standard* – a standard which establishes an end result or outcome which is to be achieved but does not prescribe specific means for achieving it.

SSS. *Person* – an individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever which is recognized by law as the subject of rights and duties. Whenever used in any section prescribing or imposing a penalty, the term “person” shall include the members of a partnership, the officers, members, servants and agents of an association, officers, agents and servants of a corporation, and the officers of a municipality or county, but shall exclude any department, board, bureau or agency of the Commonwealth.

TTT. *Point source* – any discernible, confined and discrete conveyance including, but not limited to, any pipe, ditch, channel, tunnel, or conduit from which stormwater is or may be discharged, as defined in State regulations at 25 Pa.Code §92.1.

UUU. *Post-Development Condition* – The condition of a land development site after completion of construction established by the subdivision or land development plans and termination of requirements for implementation of the associated and approved Erosion and Sedimentation Plan.

VVV. *Qualified Professional* – Any person licensed by the Pennsylvania Department of State or otherwise qualified under Pennsylvania law to perform the work required by this Article.

WWW. *Record drawings* – Drawings showing the stormwater management system of a site as built, created after the completion of construction and intended for use as a permanent record of the stormwater management system.

XXX. *Redevelopment* – earth disturbance activities on land which has previously been disturbed or developed.

YYY. *Regulated development activity* – Any earth disturbance activities or any activities that involve the change of land cover, alteration or development of land in a manner that may affect stormwater runoff as listed in the Regulated Development Activity table. This includes earth disturbance on any portion of, part, or during any stage of, a larger common plan of development. With regard to road maintenance activities the term only includes activities involving [1 acre] or more of earth disturbance. Refer to the Regulated Development Activity Table in Article III of this article.

ZZZ. *Regulated Impervious Area* – The measured area of impervious surface required to be accounted for, considered, and used in the calculations for control and management of stormwater runoff.

AAAA. *Release Rate* – The percentage of existing conditions peak rate of runoff from a site or subarea to which the proposed conditions peak rate of runoff must be reduced to protect downstream areas.

BBBB. *Release rate percentage* – the watershed factor determined by comparing the maximum rate of runoff from a subbasin to the contributing rate of runoff to the watershed peak rate at specific points of interest.

CCCC. *Resource extraction* – any activity that involves withdrawing materials from the natural environment.

DDDD. *Retention basin* – a pond, basin, usually enclosed by artificial dikes, that is used to retard stormwater runoff by temporarily storing the runoff and releasing it at a predetermined rate.

EEEE. *Retention Volume/Removed Runoff* – The volume of runoff that is captured and not released directly into the surface waters of this Commonwealth during or immediately after a storm event.

FFFF. *Return period* – the average interval in years over which an event of a given magnitude can be expected to recur.

GGGG. *Riparian Buffer* – A permanent area of native vegetation including herbaceous material, shrubs and/or trees located adjacent to streams, lakes, ponds and wetlands.

HHHH. *Road maintenance* – earth disturbance activities within the existing road cross-section, such as grading and repairing existing unpaved road surfaces, cutting road banks, cleaning or clearing drainage ditches and other similar activities.

IIII. *Runoff* – that part of precipitation which flows over the land.

JJJJ. *Runoff characteristics* – the surface components of any watershed which affect the rate, amount and direction of stormwater runoff. These may include, but are not limited to, vegetation, soils, slopes and manmade landscape alterations.

KKKK. *SALDO* – Subdivision and land development ordinance

LLLL. *Sediment* – mineral or organic solid material that is being transported or has been moved from its site of origin by air, water or ice and has come to rest.

MMMM. *Sedimentation* – the process by which mineral or organic matter is accumulated or deposited by moving water, wind or gravity.

NNNN. *Separate storm sewer system* – a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels or storm drains) primarily used for collecting and conveying stormwater runoff. Refer to MS4.

OOOO. *Small project* – Regulated development activities that, measured on a cumulative basis from 5 years prior to the application, create additional impervious areas of more than 1,000 square feet and less than 10,000 square feet.

PPPP. *State water quality requirements* – as defined under State regulations– protection of designated and existing uses (See 25 Pa.Code, Chapters 93 and 96)–including:

1. Each stream segment in Pennsylvania has a “designated use,” such as “cold water fishery” or “potable water supply,” which are listed in 25 Pa.Code, Chapter 93. These uses must be protected and maintained, under State regulations.
2. “Existing uses” are those attained as of November 1975, regardless whether they have been designated in 25 Pa.Code, Chapter 93. Regulated earth disturbance activities must be designed to protect and maintain existing uses and maintain the level of water quality necessary to protect those uses in all streams, and to protect and maintain water quality in special protection streams.
3. Water quality involves the chemical, biological and physical characteristics of surface water bodies. After regulated earth disturbance activities are complete, these characteristics can be impacted by addition of pollutants such as sediment, and changes in habitat through increased flow volumes and/or rates as a result of changes in land surface area from those activities. Therefore, permanent discharges to surface waters must be managed to protect the stream bank, streambed and structural integrity of the waterway, to prevent these impacts.

QQQQ. *Storage facility* – Any surface or sub-surface facility that stores stormwater runoff, see “detention basin” and “retention basin.”

RRRR. *Storm frequency* – the average interval in years over which a storm event of a given precipitation volume can be expected to occur. The magnitude and temporal distribution of precipitation from a storm event measured in probability of occurrence (e.g., a 5-year storm) and duration (e.g., 24 hours) used in the design and evaluation of stormwater management systems. Also see Return Period.

SSSS. *Storm sewer* – a sewer that carries intercepted surface runoff, street water and other drainage but excludes domestic sewage and industrial waste.

TTTT. *Stormwater* – drainage runoff from the surface of the land resulting from precipitation or snow or ice melt.

UUUU. *Stormwater collection systems* – natural or manmade structures that collect and transport stormwater through or from a drainage area to the point of final outlet including, but not limited to, any of the following conduits and appurtenant features, canals, channels, ditches, streams, culverts, streets and pumping stations.

VVVV. *Stormwater management facility* – a constructed measure for detention, retention, infiltration and water quality treatment of stormwater runoff.

WWWW. *Stormwater management plan* – the plan for managing stormwater runoff rate, volume and water quality as required by the Stormwater Management Act, 32 P.S. §680.1 et seq.

XXXX. *Stormwater Management Performance District* – an area designated by the Watershed Stormwater Performance District Map which includes standards for stormwater rate, volume and water quality. Refer to Appendix A.

YYYY. *Subdivision* – As defined in The Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247, as amended.

ZZZZ. *Subwatershed* – The watershed of a tributary to Loyalhanna Creek.

AAAA. *Swale* – a low-lying stretch of land which gathers or carries surface water runoff.

BBBB. *USDA* – United States Department of Agriculture.

CCCC. *Watercourse* – a channel or conveyance of surface water, such as a run, stream or creek, having defined bed and banks, whether natural or artificial, with perennial or intermittent flow.

DDDD. *Waters of the Commonwealth* – any and all rivers, streams, creeks, rivulets, impoundments, ditches, watercourses, storm sewers, lakes, dammed water, wetlands, ponds,

springs, and all other bodies or channels of conveyance of surface water, or parts thereof, whether natural or artificial, within or on the boundaries of this Commonwealth.

EEEE. *Watershed* – the entire region or area drained by a river or other body of water whether natural or artificial. A “designated watershed” is an area delineated by the Pennsylvania DEP and approved by the Environmental Quality Board for which Counties are required to develop watershed stormwater management plans.

FFFF. *Watershed stormwater management plan* – the plan for managing stormwater runoff throughout a designated watershed as required by the Pennsylvania Stormwater Management Act (Act 167), 32 P.S. §680.1 et seq.

GGGG. *Wetland* – Areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas.

§ 82-3. Applicability.

This article governs all Land Development within Ligonier Township.

§ 82-4. Stormwater Management Requirements.

A. General Requirements.

1. *Stormwater runoff* – Stormwater runoff must be managed in a manner which prevents injury to human health, the environment, safety, or other property. The measures and regulations contained in this Article are intended to ensure that the maximum rate and volume of storm water runoff following Land Development is no greater than immediately prior thereto.
2. *Water Quality* – Stormwater runoff must be managed in a manner that protects and complies with the Water Quality Requirements for waters of the Commonwealth.
3. No Land Development or earth disturbance activity within the Municipality’s corporate boundaries shall be done without a written permit or exemption from the Municipality.
4. Prior to the commencement of any earth disturbance activity, the applicant shall be required to obtain the appropriate and applicable erosion and sedimentation pollution control plan approval, NPDES Permit, and any other permit as necessary.

B. Regulated Impervious Areas.

1. All Land Development shall be required to control stormwater runoff for the Project Site in a manner consistent with this Article. The Stormwater Management Plan shall require the management of the increase, decrease, or alteration in stormwater runoff generated from additional, created, and existing impervious surfaces. The Regulated Impervious Area shall be used to determine the amount of stormwater runoff to be

managed by this Article. Regulated Impervious Area shall be calculated in accordance with Section § 82-4(B)(2).

2. Regulated Impervious Area Calculation and Determination

1. All new Impervious Surface shall be considered Regulated Impervious Area.
2. Twenty percent (20%) of the total existing Impervious Surface shall be considered Regulated Impervious Area.
3. Land Development that proposes to reduce the amount of existing Impervious Surface shall be required to consider twenty percent (20%) of the total resultant (net) Impervious Surface area (existing and/or proposed) as Regulated Impervious Area.
4. The Regulated Impervious Area resulting from calculations and measurements under Section § 84-2 shall be utilized in all applicable stormwater runoff calculations.

C. *Exemptions.* A Stormwater Management Plan exemption does not relieve the Developer/Applicant from any other applicable ordinance, regulation, approval, or permit. The following activities do not require the prior submission of a Stormwater Management Plan to the Municipality:

1. Subdivision
2. Agricultural Activities completed in accordance with state applicable regulations.
3. Forest management operations completed in accordance with applicable state regulations.
4. Land Development activities with a Regulated Impervious Area of less than one thousand square feet (1,000 S.F.).
5. Maintenance and Roadway Maintenance that does not increase Regulated Impervious Area.
6. Domestic gardening and landscaping.
7. Utility Construction that replaces the land cover type in-kind.
8. Small Projects as defined in Section § 82-2.

D. Stormwater Management Requirements.

1. Land Development activities shall meet or exceed the following stormwater management requirements based on the measure of Regulated Impervious Area.

a. Regulated Impervious Area – 10,001 S.F. to 43,560 S.F. (1 Acre)

i. Rate.

(a) Post -Development Rate shall equal 80% of the Pre-Development Rate for the following design storms.

- (1) 2-year
- (2) 10-year
- (3) 25-year
- (4) 50-year
- (5) 100-year

ii. Volume

(a) Infiltrate or retain on site 2” of stormwater runoff generated by or originating from the Regulated Impervious Area

b. Regulated Impervious Area – Greater than 43,560 S.F. (1 Acre)

i. Rate.

(a) Post -Development Rate shall equal 80% of the Pre-Development Rate for the following design storms.

- (1) 2-year
- (2) 10-year
- (3) 25-year
- (4) 50-year
- (5) 100-year

ii. Volume

(a) Provide volume control equal to the greater of the following two (2) volume calculations.

- (1) Infiltrate or retain on-site the net increase of stormwater runoff from the 2-year, 24-hour storm.

E. Small Project Requirements and Applications.

- 1. Small Projects shall be required to meet or exceed the provisions set forth in this Section, complete and submit to the Municipality the Small Project Application Form, pay the appropriate fees as noted in the Small Project Application Form, and contact the Municipality for inspection of any and all BMPs installed.
- 2. Small Projects include any Land Development that involves Regulated Impervious Area equal to or greater than 1,000 S.F. and equal to or less than 10,000 S.F.
- 3. Small Projects shall meet the following:
 - a. Provide BMPs to capture 1" of stormwater runoff generated by or originating from the Regulated Impervious Area.
 - b. Infiltrate or retain on-site 0.5" of stormwater runoff generated by or originating from the Regulated Impervious Area.
 - c. Connect or direct BMP discharge piping to public storm sewer system, when applicable or required by the Municipality.
- 4. Small Projects Applicants shall submit two (2) counterparts of the completed Small Projects Application and appropriate fees to the Municipality. Approval of the Small Project will be evidenced by the Municipality's approval and countersigning of both counterparts of submitted applications. One (1) counterpart will remain on file at the Municipality office and the other will be returned to the Applicant.

F. BMP Dewatering.

- 1. All BMPs shall be designed to dewater and return to their full design capacity between 24 to 72 hours after a storm event through the use of infiltration and/or evapotranspiration.
- 2. A managed release may be utilized to achieve dewatering requirements when infiltration and evapotranspiration are not feasible. Managed releases must be in compliance with PA DEP's Managed Release Concept guidelines.

G. Off-site Stormwater Management

- 1. The Developer or Applicant may request the use of an alternative site(s) for meeting the requirements of the Article. The Developer or Applicant should request approval from the Municipality to use off-site management prior to submitting a Stormwater

Management Plan. The Developer or Applicant shall provide a brief description of the site and location for the proposed off-site management plan.

2. The alternative site(s) shall be within the same subwatershed as the project site and shall manage areas that will provide a benefit to the subwatershed by managing existing impervious area. This may be achieved through BMP retrofitting or installation of new BMPs. The Stormwater Management Plan for all off-site management shall provide Volume and Rate Control at least equal to what is required for control of the Project Site. The Stormwater Management Plan for all off-site management shall comply with all requirements of this Article and the location of the off-site management must be approved by the municipality.

3. Review of any Off-site management will be simultaneous to the review of the Project Site and no additional fees will be collected for a separate review.

4. The Developer or Applicant may determine that management at the Project Site and Off-site management are not feasible or practicable. The Developer or Applicant must provide a written request to be exempt from constructing BMPs at the Project Site or Off-site to the Municipality. The Municipality will provide a written response to the Developer or Applicant which may or may not approve the exemption request. For all approved exemption requests, the Developer or Applicant shall be required to pay a fee to the Municipality in an agreed upon amount that is at least equal to the estimated construction cost of BMPs needed to meet the requirements of the Article. The fees collect by the Municipality shall be utilized to construct BMPs on public property to offset the negative stormwater impacts within the watershed that are created by the Developer or Applicant activity.

H. Low Impact Development and Green Infrastructure

1. Low Impact Development and green infrastructure techniques described in the PA DEP Stormwater BMP Manual 2006 or most current edition are encouraged.

2. The use of BMPs not included within the current Pennsylvania Stormwater BMP Manual could result increase review time and approval of the use of these BMPs is not guaranteed.

I. Hot Spots

1. Projects located within in a Hot Spot are encouraged to utilize specific BMPs such as storm inlet filters, proprietary stormwater quality devices, underground detention tanks, detention ponds with forebays, tree planting, and green roofs.

2. Projects located within a Hot Spot are discouraged from utilizing specific BMPs such as permeable pavement, infiltration BMPs, and rain gardens.

§ 82-5. Stormwater Management Requirements.

A. The Stormwater Management Plan shall be prepared, except for exempted activities, for all land development activities. The Drainage Plan shall be prepared under the supervision of, and certified by, a Professional Engineer, Surveyor, or Landscape Architect registered in the State of Pennsylvania.

B. The Stormwater Management Plan shall include the following minimum requirements:

1. Plan drawings reflecting the proposed Land Development and Project Site.
 - a. Plans, profiles, sections and details for all proposed stormwater infrastructure.
 - b. Lot lines
 - c. Existing Conditions and Proposed Conditions
 - i. Illustrate limits and provide surface area for impervious and non-impervious land cover.
 - ii. Illustrate topography and grading.
 - d. Identify each point of stormwater runoff discharge to waterways and public facilities.
 - e. Municipal Approval Signature Block provided on overall site plan or first plan sheet of site plans. The Municipal Approval Signature Block shall read as follows: "I am a duly authorized representative of the Municipality of Ligonier Township and have reviewed the Stormwater Management Plan for consistency with the Ligonier Township Stormwater Management Ordinance. Based on the Developer/Applicant information provided the Plan appears consistent with the Ordinance."
 - f. The Municipal Approval Signature Block shall include a line for signature and date.
2. Stormwater runoff computations, computation summary table, descriptive narrative, and a copy of all referenced publications to demonstrate that the Land Development meets or exceeds the requirements of Section § 82-4 of this Article.
3. Written plan for post-construction, long-term operation and maintenance of all permanent stormwater management facilities including designation of parties responsible for operation and maintenance activities, detailed descriptions of maintenance activities, and inspection frequency (minimum annual inspection shall be required).

C. Submissions & Review

1. Land Development activities that also require building, zoning, or subdivision approval shall submit the Stormwater Management Plan simultaneously with all other required Municipal approval packages.
2. Land Development activities which require planning approval shall be submitted to the Municipality fourteen (14) days prior to a regular meeting of the Planning Commission.
3. Developer/Applicant shall be responsible for separately submitting and obtaining all other non-Municipality approvals and permits required for the Land Development and associated construction activities.
4. Developer/Applicant must indicate if a Stormwater Management Consistency Letter is being sought for inclusion in other approval or permit packages.
5. Municipality will provide written approval of the Stormwater Management Plan by issuance of any of the following:
 - a. Building Permit
 - b. Stormwater Management Consistency Letter
6. Submittal Package
 - a. Two (2) copies of the Stormwater Management Plan.
 - b. One (1) electronic copy. Delivered on portable data storage device. All devices submitted to the Municipality will not be returned unless specifically requested.

- c. Stormwater Management Plan Application
 - d. Fees
- 7. Review
 - a. The Municipality shall review the Stormwater Management Plan and provide a written response within thirty (30) calendar days from receipt of the Stormwater Management Plan.
 - b. Each review of a Stormwater Management Plan which required revision or modification shall be reviewed and a written response will be provided within fifteen (15) calendar days from receipt of the revised or modified Stormwater Management Plan.
 - c. The Operation and Maintenance Agreement shall be executed by the Municipality and Applicant once the Stormwater Management Plan has been deemed to be consistent with the Article. A copy of the executed Operation and Maintenance Agreement shall be recorded at the Westmoreland County Recorder of Deeds Office.

§ 82-6. Inspections and Construction Completion.

- A. The Applicant shall notify the Municipality two (2) business days prior to the commencement of any activity covered by this Article so that appropriate inspections to insure compliance with this Article can be made.
- B. The Applicant shall notify the Municipality of completion of construction of stormwater management facilities within thirty (30) calendar days of completion. The notice of completion shall include submittal of one (1) copy and one (1) electronic file of as-built documentation of constructed stormwater management facilities.
- C. As-built documentation shall include a revised Stormwater Management Plan, if applicable, meeting all requirements of this Article with specific statement that the Stormwater Management Plan accurately represents the constructed facilities and shall be prepared under the supervision of and certified by a Registered Professional Engineer, Registered Landscape Architect, or Registered Surveyor.

§ 82-7. Fees.

- A. Fees imposed under this Article shall be established by Resolution of the Municipality from time to time hereafter.
- B. Municipality shall not issue approval of the Stormwater Management Plan until all applicable fees have been paid to the Municipality by the Developer or Applicant.

§ 82-8. Financial Guarantees.

A. Financial Guarantees shall only be required for Project Sites involving more than one (1) acre of Regulated Impervious Area.

B. In order to ensure that any required stormwater management controls are properly installed the applicant shall provide a financial guarantee equaling 110% of the full estimated cost of construction of all Stormwater Management BMPS. The financial guarantee will be in the form acceptable to the Municipality. The financial guarantee will be released after completion of the final construction inspection and receipt of the As-built documentation.

C. The Applicant or Developer shall deposit with the Municipality a corporate bond, other financial security, lending institution letter of credit, escrow account in a lending institution, or other financial guarantee type in form and substance acceptable to the Municipality.

§ 82-9. Enforcement and Penalties.

A. This section includes penalties for violations of this Article.

1. Duly authorized representatives of the Municipality have the right to enter private property at reasonable times to investigate any condition associated with this Article.

2. No BMP shall be altered or modified inconsistent with the approved plan without written approval from the Municipality.

3. A copy of the as-built plan, verified by a Registered Professional, shall be recorded at the Westmoreland County Recorder of Deeds Office.

4. Anyone violating the provisions of this Article shall be guilty of a summary offense, and upon conviction shall be subject to a fine of not more than \$300.00 for each violation, recoverable with costs, or imprisonment of not more than 30 days, or both. Each day that the violation continues shall be a separate offense. In addition, the Municipality may institute injunctive, mandamus or any other appropriate action or proceeding at law or in equity for the enforcement of this Article. Any court of competent jurisdiction shall have the right to issue restraining order, temporary or permanent injunctions, mandamus or other appropriate forms of remedy or relief. In addition, the Municipality may seek recovery of a civil penalty for violations of this Article of \$300.00 for each violation. Each day that the violation continues shall be a basis for an additional civil penalty.

§ 82-10. Exhibits.

The following exhibits are on file in the township offices:

Exhibit A – Stormwater Management Plan Application

Exhibit B – Operation and Maintenance Agreement

Exhibit C – Fee Schedule and Resolution

Exhibit D – Small Project Application

Exhibit E – Stormwater Management Requirements

§ 82-11. Effective Date.

This Article shall be effective thirty (30) days following passage.

Chapter 84

STREETS AND SIDEWALKS

ARTICLE I

Street Construction Specifications

- § 84-1. General provisions.
- § 84-2. Construction standards for streets
- § 84-3. Sidewalks
- § 84-4. Severability

ARTICLE II

Openings and Excavations

- § 84-5. Permit required.
- § 84-6. Application; fees.
- § 84-7. Issuance of permit.
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- § 84-9. Inspections; repair of defects.
- § 84-10. Violations and penalties.
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ARTICLE III

Snow Removal

- § 84-12. Definitions.
- § 84-13. Removal from sidewalks.
- § 84-14. Snow, ice, and water falling from buildings.
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- § 84-16. Dangerous accumulations not permitted.
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ARTICLE IV

Speed Limits

- § 84-20. Speed limit on a portion of Hotel Road
- § 84-21. Speed limits on listed township roads.
- § 84-22. Speed limits on Fairview, Freeman, Griffith Roads.
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- § 84-24. Speed limit of 25 miles per hour on township roads.
- § 84-25. Speed limit on Myers School Road

ARTICLE V

Trails

§ 84-30. Electronic bikes regulated.

ARTICLE VI

Stop Signs

§ 84-31. Adoption of Recommendation for Stop Sign Control of Intersection on Settler Road.

§ 84-32. Control of Intersection of Settler Road and Private Drive known as Whitefield Drive Established.

§ 84-33. Notice and Posting of Stop Sign.

§ 84-34. Enforcement.

§ 84-35. Penalties and Fines.

§ 84-36. Repealer.

§ 84-37. Severability.

[HISTORY: Adopted by the Board of Supervisors of the Township of Ligonier: Art. I, 5-11-1971 by Res. No. 71-2B; Art. II, 6-11-1974 by Ord. No. 74-1; Art. III, at time of adoption of Code. (See Ch. 1, General Provisions, Art. I). Article IV added at various times, by street. Article V added at various times, by street. Article I amended in its entirety 7-18-2007 by Ord. No. 2007-OR-06. Amendments noted where applicable.]

ARTICLE I
Street Construction Specifications
[Adopted 7-18-2007 by Ord. No. 2007-OR-06²⁸]

§ 84-1. General Provisions.

A. Title.

This Article shall be known as the “Public Streets Construction Standards.”

B. Purpose.

The purpose of these provisions, standards, and specifications now, or hereafter adopted, is to regulate new street construction to assure and promote the health, safety, and general welfare of the Township and its residents. These provisions shall also govern the standards by which all necessary appurtenances to new Township streets, including, but not limited to, sidewalks, storm sewers, and stormwater conveyance facilities, shall be designed, graded, improved, constructed, and installed within Township streets and rights-of-way.

C. Definitions.

As used in this section and all of its subsections, the following words or phrases shall have the meanings indicated below:

1. *APPLICANT* – A landowner or developer, as hereafter defined, who has filed an application for development or approval of a Plan, including his heirs, successors, and assigns.
2. *ARTERIALS* – Streets which provide intra-county or inter-municipal traffic of substantial volumes where the average trip lengths are either five miles or greater. Generally, these highways should accommodate operating speeds of thirty-five (35) to fifty-five (55) miles per hour.
3. *BOARD OF SUPERVISORS (BOARD)* – The governing body of the Township of Ligonier comprised of three (3) Supervisors.
4. *COLLECTORS* – Streets that connect local access roads to arterial streets. Collector streets may serve intra-county and intra-Township traffic, and as corridors connecting residential areas with industrial, shopping, and other service areas within the Township. Collector streets may penetrate residential areas. Generally, these streets will accommodate operating speeds of thirty-five (35) miles per hour.
5. *LOCAL ACCESS* – This classification is intended to include streets and roads that provide direct access to abutting land and connections to higher classes of streets. Traffic volumes will be low and travel distances generally short. These streets should be designed for operating speeds of twenty-five (25) miles per hour and below.

²⁸ Ordinance 2007-OR-06 amended in its entirety the Article previously adopted 5-11-1971 by Res. No. 71-2B

6. *CLEAR SIGHT TRIANGLE* – An area of unobstructed vision at street intersections defined by lines of sight between points on the centerlines at a given distance from the intersection of street lines.
7. *COUNTY* – County of Westmoreland
8. *DEVELOPER* – Any landowner, agent of such landowner, or tenant with the permission of such landowner who makes or causes to be made a subdivision of land or land development.
9. *ENGINEER* – A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the Engineer for the Township.
10. *GOVERNING BODY* – Board of Supervisors of the Township.
11. *RIGHT-OF-WAY* – Land dedicated and publicly owned for use as a street, stormwater management, or conveyance facilities and/or utilities.
12. *SIGHT DISTANCE* – The maximum distance of unobstructed vision in a horizontal or vertical plane from within an automobile located at any given point on a street.
13. *STREET* – A street, avenue, boulevard, road, highway, freeway, parkway, lane, viaduct, and any other ways used or intended to be used by public vehicular traffic or pedestrians to provide access to abutting properties. Certain streets may be considered cul-de-sacs.
14. *TOWNSHIP* – The municipal subdivision of Ligonier, a Second Class Township in the Commonwealth of Pennsylvania.

§ 84-2. Construction Standards for Streets

A. Street Design and Standards

1. All streets and appurtenances thereto shall comply with the requirements of this Chapter, the “New Public Streets Construction Standards of Ligonier Township” (hereinafter called “Construction Standards”) on file with the Township office, approved by the Board, as amended or modified from time to time, and any other applicable provisions of the Township Ordinances, parts thereof, regulations and/or construction standards or changes, modification, amendments, or additions thereto, as may be approved by Resolution of the Board of Supervisors.
2. The arrangement, character, extent, width, grade, and location of all streets shall conform to the standards and provisions of this Chapter and all Ordinances, or parts thereof, relating to streets and appurtenances thereto.
3. All streets shall be of sufficient width and proper grade and located to accommodate the probable volume of traffic thereon, to afford adequate light and air, to facilitate fire protection, provide access of fire fighting equipment to buildings, and to provide a coordinated system of streets in accordance with the Township Comprehensive Plan.

4. Any construction standards for streets or requirements in this Article may be changed, modified, or amended from time to time by Resolution of the Board of Supervisors. Any such changes, modification, or amendments adopted by Resolution shall be incorporated herein by references as if the same were set forth herein.

B. Rights-of-way Width.

1. Minimum widths for each type of public street shall be as follows:

Type of Street	Right-of-Way Width	Cartway Width (including curbs)
Arterial	80-120 feet	46 feet
Collector	60 feet	26 feet
Local Access	50 feet	22 to 26 feet

2. Additional right-of-way and cartway widths may be required by the Township to promote public safety and convenience when special conditions or circumstances require it and/or to provide parking space in areas of actual or projected intensive use. Right of way widths in § 84-2(B)(1) may not be increased for the purpose of internal landscape islands, decorations of signs, or other potential obstructions which may impair clear line of sight across the provided right of way, unless approved by the Supervisors.

3. The cartway widths listed in B.1. above prohibit on-street parking. "No Parking" signs must be erected in accordance with the Pennsylvania Department of Transportation (Penn Dot) regulations along streets as listed above. Streets proposed with "on-street" parking will be permitted only at the discretion of the Board of Supervisors of Ligonier Township. Parking is not permitted in the right-of-way, unless otherwise approved, at the discretion of the Board of Supervisors.

4. Alleys shall not be permitted in residential districts, but may be included in commercial and/or industrial areas (for loading or access) at the discretion of the Supervisors.

C. Cul-de-sac Streets.

1. Cul-de-sac streets, whether permanent or temporary, shall be provided at the closed end with a turnaround having a minimum radius to the edge of the finished street or curb line of not less than forty (40) feet and right-of-way with minimum radius of fifth (50) feet.

2. Unless future extension is clearly impractical or undesirable, and at the option of the Township, a turnaround cul-de-sac may be placed at a distance from a property line, and a right-of-way the same width as the street may be carried to the property line, in such a way as to permit future extension of the street into the adjoining tract. At such time as such a street is extended, the overage created by the turnaround outside the boundaries of the extended street shall revert in ownership to the property owners fronting on the cul-de-sac turnaround, providing the affected property owner pays associated costs to acquire the overage abutting their property. Until such time as a street is extended, the Owner/Developer shall be responsible for ownership and maintenance of this parcel,

unless deeded over to the association or another individual, who shall then be responsible for ownership and maintenance.

3. Commercial and industrial cul-de-sacs shall be reviewed for adequacy by the Township Engineer, who shall provide his/her recommendations to the Board of Supervisors for final approval.

4. Permanent cul-de-sac streets shall be kept to a minimum and shall not exceed sixteen hundred (1,600) feet in length.

D. Street Alignment.

1. All streets shall be continuous and in alignment with existing streets and shall compose a convenient system to ensure circulation of vehicular and pedestrian traffic.

2. Streets shall be logically related to the topography so as to produce usable lots and reasonable grades.

3. Whenever street lines are deflected by more than five (5) degrees, connection shall be made by horizontal curves.

4. The minimum radius at the centerline for horizontal, curves on collector and arterial streets shall be three hundred (300) feet, and for local access streets, the minimum radius shall be one hundred (100) feet.

5. On collector and arterial streets, the minimum tangent between reverse curves shall be at least two hundred fifth (250) feet, and for local access streets, the minimum tangent shall be at least one hundred (100) feet.

6. Minimum vertical sight distance measured three and one half (3.5) feet above grade shall be three hundred (300) feet for collector and arterial streets and two hundred (200) feet for local access streets in accordance with PennDot standards.

7. The center of the paved road shall be in the center of the right-of-way for the road, except in such cases as to which the Board of Supervisors shall specifically permit the road to be constructed at some other location within the right-of-way.

8. The vacation of any street or part of a street dedicated for public use shall not be approved if such vacation interferes with the uniformity of the existing street pattern or any future street plans prepared for the area.

9. A design speed of twenty-five (25) miles per hour shall be utilized unless traffic patterns and volumes dictate an increase. Said increase shall be as approved by the Township.

10. The minimum length of vertical curves shall be three hundred (300) feet for arterials, two hundred and fifty (250) feet for collectors, and one hundred (100) feet for local roads.

11. The maximum grade allowed for arterial and collector streets shall be ten percent (10%), and the maximum grade allowed for local streets shall be twelve percent (12%).

E. Street Intersections.

1. All streets shall be continuous and in alignment with existing streets and shall compose a convenient system to ensure circulation of vehicular and pedestrian traffic.

2. The distance between the centerlines of streets opening onto the opposite side of a proposed or existing street shall not be less than one hundred fifty (150) feet, unless the streets are directly opposite each other.

3. Multiple intersections involving the junction of more than two streets shall be permitted.
4. Streets shall be laid out to intersect as nearly as possible at right angles. Local streets shall intersect collector or arterial streets at an angle of not less than seventy-five (75) degrees. Local streets shall intersect other local streets at an angle of not less than seventy (70) degrees. The angle of intersections for arterial and collector streets shall not be less than eighty (80) degrees.
5. Minimum curb radius at the intersection of two local streets, or at an intersection of a local street and a collector or arterial streets, shall be at least twenty-five (25) feet. The minimum curb radius for collectors and arterials shall be at least thirty-five (35) feet.
6. There shall be provided and maintained at all local street intersections, clear sight triangles of seventy-five (75) feet in all directions, measured along the centerline from the point of intersection.
7. Intersections shall be designed with a flat grade whenever practical. The grade of any street at the approach to an intersection shall provide a leveling area having a grade not greater than three (3) percent for a distance of thirty-five (35) feet, measured from the nearest right-of-way line of the intersecting street.
8. Clear sight triangle legs at intersections with collectors shall be a minimum of fifty (50) feet along the centerline of the intersecting street and three hundred and fifty (350) feet along the centerline of the collector. Clear sight triangles at intersections with arterials shall be fifty (50) to seventy (70) feet and five hundred (500) feet respectively.

F. Excavation for Street Construction.

1. The base for local access streets shall be a minimum of twenty-three (23) feet in width; and the base for collector streets shall be a minimum of twenty-seven (27) feet in width.
2. All original topsoil shall be removed, and the road brought back to existing grade, with a suitable base material.
 - a. All wet and/or soft spots shall be removed and replaced with a suitable base material approved by the Township Engineer.
 - b. The subgrade shall be proof rolled and compacted in accordance with latest edition of Penn Dot Publication 408.
 - c. No asphalt shall be laid until the subgrade is inspected, at the expense of developer or landowner, and approved by the Township Engineer or such inspector, as may be designated by the Board of Supervisors.

G. Pavement Design

1. All components of the pavement structure shall be designed in accordance with latest edition of Penn Dot Publication 408, unless otherwise modified in this chapter.
2. Minimum Road Construction Standards (Asphalt)
 - a. The cartway shall be paved to a minimum width of twenty-two (22) feet for local streets and twenty-six (26) feet for collector streets.
 - b. Every street shall have a minimum center crown of four (4) inches and shall be constructed in lifts as follows:
 - i. A geotextile fabric with a minimum weight of six (6) ounces per square yard shall be placed directly on the compacted earth base.

- ii. Eight (8) inches of #4 stone shall be compacted on top of the geotextile fabric.
- iii. Two (2) inches of 2A limestone shall be placed and compacted over the above levels.
- iv. The first lift of asphalt shall consist of compacted Superpave 25 mm base course to a minimum depth of four (4) inches and a minimum width as defined in (a) above.
- v. The second lift of asphalt shall consist of compacted Superpave 9.5 mm wearing course to a minimum depth of one and one-half (1 ½) inches. Asphalt wedge curbing (12" x 6") shall be installed with the second lift, as per the drawing included with the specifications provided by the Township.
- vi. The third lift of asphalt shall consist of compacted Superpave 9.5 mm wearing modified wearing surface to a minimum depth of one and one-half (1 ½) inches. This third and final lift shall not be installed until the developer has completed at least eighty-five (85) percent of the building construction in the plan pursuant to the Construction Standards.
- c. Developers and builders shall be responsible for all road damage due to building construction. All necessary repairs shall be made in accordance with the Township Basic Standard Plan and Specifications, subject to final approval by the Township Engineer or such other inspector, as may be designated by the Board of Supervisors.
- d. Excess surface and sub-surface water control shall be achieved by installation of a pipe foundation underdrain on both sides of the road, in conformance with the Basic Standard Plan and Specifications.
- e. Should any lift become contaminated, a tack coat shall be applied to a new bituminous base course when, in the opinion of the Township Engineer, the condition is unsatisfactory for the direct placement of the succeeding operation.
- f. The temperature of the binder or wearing course mixture, when laid, shall not vary more than fifteen (15) degrees Fahrenheit from the temperature of the completed mixture at the plant.
- g. Vehicular traffic or loads shall not be permitted on the newly completed surface course until adequate stability and adhesion have been attained and the material has cooled sufficiently to prevent distortion.
- h. The Township shall require core samples prior to placing the third lift. Acceptable tolerances shall be one-fourth (1/4) of an inch. Three (3) holes for each five hundred (500) square yards for each lift shall be required. If deficiencies exist in three (3) or more adjoining sections, the contractor shall remove, replace, or otherwise satisfactorily correct the deficient areas. Cutting of the test holes, refilling, and compacting with hot mix or acceptable materials shall be done by and at the expense of the contractor.
- i. The developer shall notify the Township three (3) working days prior to the installation or performance of any work requiring Township inspection. All inspection fees are to be borne by the Developer.

3. All earthwork shall be performed in accordance with the latest version of PennDot Publication 408, and the Township's ordinances, Department of Environmental Protection regulations, and the Westmoreland Conservation District's requirements.
4. The subgrade shall be compacted to ninety-five percent (95%) of maximum density as determined by ASTM D-1557 to provide stability and prevent settlement. The subgrade shall be proofrolled (with a loaded single axle truck carrying a gross weight of 18,000 pounds) in the presence of the Township representative. All soft, plastic, or rock areas shall be overexcavated at least 12 inches, as deemed necessary by the geotechnical engineer (provided by the developer and approved by the Township). The over excavated area shall then be overlain by geotextile materials and refilled with compacted PennDot 2A coarse stone aggregate, in accordance with the latest addition of PennDot Publication 408 and the geotechnical engineer's recommendations. The geotechnical engineer (provided by the Developer and approved by the Township) shall certify and provide to the Township and its representative test results of the subgrade compaction effort and pavement installation.
5. The subgrade, subbase, binder course, and wearing course shall be, at a minimum, constructed in accordance with the Township's New Road Typical Section Detail and verified by the geotechnical engineer's report (provided by the Developer and approved by the Township) which shall include the investigation and evaluation of the subgrade along with pavement design recommendations. The subgrade, subbase, binder course, and wearing course shall also be constructed in accordance with the latest edition of PennDot Publication 408, except as otherwise noted.

H. Storm Drainage and Sanitary Lines

1. A plan must be submitted showing inlets and storm drainage. The type of inlets and storm drainage used shall be in compliance with the latest edition PennDot Publication 408, subject to the approval of the Township Engineer and the Board of Supervisors. All backfilling shall be thoroughly compacted in not more than one-foot lifts.
2. All sanitary sewers and storm sewers must be installed prior to street construction.
3. Inlet and manholes shall be of precast or poured concrete, in accordance with the latest edition of PennDot Publication 408, and installed, as directed by the Township Engineer or such inspector as may be designed by the Board of Supervisors.
4. All cross culverts shall be reinforced concrete pipe of a minimum diameter of eighteen (18) inches, unless otherwise approved by the Township. The Township Engineer or the Board of Supervisors may require larger diameter pipe, where necessary.
5. Concrete head walls and end walls shall be constructed and installed in accordance with the standards and specifications set forth in latest edition of the PennDot Publication 408.

I. Traffic Impact Study Requirements.

1. These regulations represent the minimum requirements and standards for preparation of a traffic impact study when required, to satisfy the reporting requirements for any development, subdivision, expansion, or change in use within the Township.
2. *Requirements.* Any development, subdivision, expansion, or change in use which will generate 100 or more trips during the peak hours shall be required to have a traffic impact study completed as part of the development, or when required at the discretion of the

Township as part of the approval process. The study shall be completed, utilizing accepted methodologies defined by the Institute of Transportation Engineers (ITE) and the Pennsylvania Department of Transportation (Penn Dot). The estimated number of trips shall be determined by the Institute of Transportation Engineers, *Trip Generation Manual*, latest edition, or through studies of similar uses acceptable to the Township.

- a. When a traffic study is prepared for a subdivision that does not propose development of the lots, the traffic study must be updated at the time of actual land development to address the specific type and size of development.
- b. For purposes of determining the need for a traffic impact study, assume the total development will have access at only one location. Include all vehicle trips expected to be generated by the development based on full build out and occupancy of the entire tract of land available to be developed at that location.
- c. The Township may require a traffic study, in its discretion, for developments or changes in use generating less than 100 additional vehicles in peak hours in cases where known traffic deficiencies exist in the area of the proposed development, change in use is proposed, the Township determines a traffic analysis is necessary to address a specific concern, it is required by Township Ordinances, or such other situations where the circumstances require such study to protect the public safety. The scope of the analysis will be determined by the Township's traffic engineer.
- d. The Township may waive the study requirements for an individual subdivision or development or change in use that was incorporated as part of a previous traffic impact study or studies by the Township or other government agencies.

3. *Traffic Impact Study Contents and Scope.* Prior to collection of any data and preparation of any analyses for the Traffic Impact Study, a meeting shall be convened with the Township and/or its professionals, the Developer, the Developer's transportation consultation/specialist, and where applicable, any adjacent municipality and/or other affected entities, to identify the specific project area and discuss the Study Scope of work, including all assumptions to be used in the study (i.e., build out year, phases of development, background traffic growth rate, etc.). At a minimum, the study shall include the following items:

- a. Identify the existing and proposed land uses and zoning and transportation facilities at the site and its surrounding areas.
- b. A description of the property, indicating its size, general terrain features, highway right-of-way lines, and identify the municipalities and counties within the study area.

J. Standards of Traffic Capacity and Level of Services.

1. These requirements specify the traffic level of service standards and minimum requirements that must be satisfied for future development impacts.
2. New or modified streets, intersections and/or access drives shall be designed for traffic capacity as herein set forth, unless otherwise approved by the Township Traffic Engineer. All references to level of service (LOS) shall be defined by the most recent edition of the *Highway Capacity Manual*, published by the Transportation Research Board.
3. Level of service shall be determined for a future design year(s) coinciding with completion of the development and all applicable of Penn Dot requirements.

4. New unsignalized intersections or driveways shall be designed for a LOS “C” or higher for each new traffic movement.
5. New signalized intersections shall be designed for LOS “C” or higher
6. Streets shall be designed for a minimum of LOS “C”.
7. Existing intersections impacted by development traffic shall maintain a minimum LOS of “C” or “D” depending on rural or urban status; for locations where the LOS of the design year without the development is a LOS “F”, the remedies shall provide an estimated delay which will be no worse than the delay for the design year without the development.
8. Roadway sections shall be designed for a minimum LOS of “C”
9. Sight distances at new driveways and intersections shall meet the standards specified by Township and in the latest edition of Penn Dot regulations.
10. Driveway plans shall be provided by the applicant to the Township for review.
 - a. The driveway location must be staked in the field by the applicant for review of its location and approved prior to installation.
 - b. A Township Highway Occupancy Permit (THOP) application will be required for review and approval and fees must be paid by applicant prior to issuance of any permit.

K. Inspections

1. All construction work involving the installation of improvements in subdivisions and/or land developments shall be subject to inspection by the township or its designated representative. Inspections shall also be required for private improvements, as may be required in Chapter 106, Land Use and Development of the Code of the Township of Ligonier (also referred to as the Comprehensive Development Ordinance), the Township of Ligonier Stormwater Management Ordinance, inspection requirements of all of the utility providers, and any other applicable federal, state, and local laws and regulations.
2. It is the responsibility of the contractor, Developer, and/or subdivider to ensure that the Township is provided with advance notice to allow for the scheduling of the required inspections. The Township may, at its discretion, require continuous or periodic inspections depending upon the type, and scope, of construction involved in any subdivisions and/or land developments.
3. Township inspections will be required, but are not limited to, the following types of work or construction:
 - a. Street grading,
 - b. Subgrade compaction and proofrolling,
 - c. Base, subbase, binder, and wearing course installation,
 - d. Trenching, laying, and backfilling pipe,
 - e. Installation of Stormwater Management and Conveyance Facilities,
 - f. Excavation and Installation of curb, gutter, and sidewalks, and
 - g. Landscaping and signage.
4. The Developer shall be responsible to provide for, and ensure submission of certified reports from a qualified geotechnical engineer (upon Township approval) for the following inspections:
 - a. Compaction for all trenches,

- b. Subgrade compaction analysis and embankment compaction and slope stability analysis, and
- c. Pavement thickness, compaction, and installation.

5. Inspection fees and permits required by any Township Ordinance shall be the responsibility of the developer and/or applicant. At the Township's discretion, an inspector may be required at the site on a continual basis while all work is in progress. All costs of providing for an inspector under these circumstances shall be charged to, and paid for by the developer.

a. The applicant shall reimburse the Township for the reasonable and necessary expenses incurred for the inspection of improvements. Such reimbursement shall be based upon a schedule of fees provided by the Township engineer, on file with the Township, as approved from time to time by Resolution of the Board of Supervisors. Such expenses shall be based upon the ordinary and customary fees charged by the Township Engineer or consultant for work performed for similar services in the community, but in no event shall the fees exceed the rate or cost charged by the Township Engineer or consultant to the Township when fees are not reimbursed or otherwise imposed on applicants.

b. An inspection fee escrow deposit in an amount established from time to time by Resolution of the Board of Supervisors shall be payable at the time of execution of any development agreement, or prior to commencement of construction, to guarantee payment of the estimated inspection fees required by this section. Any unused balance remaining in the application review escrow account shall be rolled over into the inspection fee escrow account.

c. The actual amount of the inspection fees in excess of the escrow deposit shall be payable within 14 days of receipt of the bill from the Township. Any monies remaining in the escrow account after all inspection fees have been paid shall be returned to the applicant.

d. The inspector and Township Engineer shall maintain a daily log of all inspections, reviews, and time spent during the inspection process. The log shall be kept in a field inspection log book and shall be submitted to the Township upon completion of the project. Copies of the log shall be forwarded to the contractor or applicant upon request.

e. The Township shall submit to the applicant an itemized bill showing work performed, the identity of the person performing the services and the time and date spent for each task. Nothing in the subparagraph shall prohibit interim itemized billing.

i. In the event that the applicant disputes the amount of any inspection fees based solely on the inspection log, the applicant shall, no later than 15 days after the date of transmittal of the bill to the applicant, notify the Township and the Township's professional consultant that such fees are disputed with a written explanation of the basis of such objections to the fees charged.

ii. Failure of the applicant to dispute a bill in writing within 15 days shall constitute a waiver of the applicant's right to arbitration of that bill under this section.

iii. The applicant shall be deemed to have accepted, adopted, and approved the fee schedule upon execution and signing of any development agreement.

iv. In the event that the Township's professional consultant and the applicant cannot agree on the amount of review fees, which are reasonable and necessary, then the applicant and the township shall follow the normal and routine procedures for dispute resolution of inspection fees in the engineering industry.

f. Record plans shall be submitted to the Township for review prior to final inspection and approval by the Township Supervisors. Record plans must be prepared by a licensed land surveyor and submitted on a Mylar along with a computer aided design (CAD) file.

L. Completion of Improvements of Guaranty Thereof Prerequisite to Final Plat Approval.

1. No plat shall be finally approved unless the streets shown on such plat have been constructed and improved, as required under the provisions of this Chapter, and any walkways, curbs, gutters, street lights, fire hydrants, shade trees, water mains, sanitary sewers, storm sewers, and other improvements, have been installed in accordance with the conditions of approval of the Plan and this, and all other, Ordinances of the Township.

2. In lieu of the completion of such improvements required as a condition for the final approval of a plat, the applicant or Developer shall provide for the deposit of financial security with the Township in a form approved by the Township Solicitor, in an amount sufficient to cover the costs of such improvements or common amenities, and/or infrastructure required by this, or any other Township Ordinances, for approval of any plat including, but not limited to, streets, fire hydrants, stormwater detention and/or retention basins, and other related drainage facilities, recreational facilities, open space improvements, or buffer or screen plantings.

3. Federal or Commonwealth chartered lending institutions irrevocable letters of credit and restrictive or escrow accounts in such lending institutions shall be deemed acceptable financial security for the purposes of this section without limitation as to other types of financial security which may be approved (which approval shall not be unreasonably withheld) by the Township as financial security.

4. Such financial security shall be posted with a bonding company or Federal or Commonwealth chartered lending institution chosen by the party posting the financial security, provided that said bonding company or lending institution is authorized to conduct such business within the Commonwealth.

5. Such bond or other security shall provide for, and secure, the completion of any improvements, which may be required, on or before the date fixed in the formal action of approval by Township or in the accompanying agreement for completion of the improvements.

6. The amount of financial security to be posted for the completion of the required improvements shall be equal to 110% of the cost of completion estimated as of 90 days following the date scheduled for completion by the Developer. Annually, the Township may adjust the amount of the financial security by comparing the actual cost of the improvements which have been completed, and the estimated costs for the completion of

the remaining improvements as of the expiration of the 90th day after either the original date scheduled for completion or a rescheduled date of completion. Subsequent to said adjustment, the Township may require the Developer to post additional security in order to assure that the financial security equals said 110%. Any additional security shall be posted by the Developer in accordance with this subsection.

7. The amount of financial security required shall be based upon an estimate of the cost of completion of the required improvements submitted by the applicant or Developer, and prepared by a professional engineer licensed as such in this Commonwealth and certified by such engineer to be a fair and reasonable estimate of such cost. The Township, upon the recommendation of the Township Engineer, may refuse to accept such estimate for good cause shown. If the applicant or Developer and the Township are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by another professional engineer licensed as such in this Commonwealth, and chosen mutually by the Township and the applicant or Developer. The estimate certified by the third engineer shall be presumed fair and reasonable and shall be the final estimate. In the event that a third engineer is so chosen, fees for the services of said engineer shall be paid equally by the Township and the applicant or Developer.

8. If the party posting the financial security requires more than one year from the date of posting of the financial security to complete the required improvements, the amount of financial security may be increased an additional 10% for each one-year period beyond the first anniversary date from posting of financial security or to an amount not exceeding 110% of the cost of completing the required improvements as re-established on or about the expiration of the preceding one-year period by using the above bidding procedure.

9. In the case where development is projected over a period of years, the Board of Supervisors may authorize submission of final plats by section, stages, or phases of development subject to such requirements or guarantees as to improvements in future sections or stages of development as it finds essential for the protection of any finally approved section of the development.

10. As the work of installing the required improvements proceeds, the party posting the financial security may request the Board of Supervisors to release or authorize the release, from time to time, such portion of the financial security necessary for payment to the contractor or contractors performing the work. Any such request shall be in writing addressed to the Board of Supervisors, and said board shall have 45 days from receipt of such request within which to allow the Township Engineer to certify, in writing, to the Board of Supervisors that such portion of the work upon the improvements has been completed in accordance with the approved plat. Upon such certification, the Board of Supervisors shall authorize release by the bonding company or lending institution of an amount as estimated by the Township Engineer fairly representing the value of the improvements completed or, if the Board of Supervisors fails to act within said forty-five (45) day period, the Board shall be deemed to have approved the release of the funds as requested. The Board may, prior to final release at the time of completion and certification by the Township Engineer, require retention of 10% of the estimated cost of the aforesaid improvements.

11. Where the Board of Supervisors accepts dedication of all or some of the required improvements following completion, the Board may require the posting of financial security to secure structural integrity of said improvements, as well as the functioning of

said improvements in accordance with the design and specifications, as depicted on the final plat for a term not to exceed 18 months from the date of acceptance of dedication. Said financial security shall be of the same type as otherwise required in this section with regard to installation of such improvements, and the amount of the financial security shall not exceed 15% of the actual cost of installation of said improvements.

12. If water mains or sanitary sewer lines or both, along with apparatus or facilities related thereto, are to be installed under the jurisdiction and pursuant to the rules and regulations of the Municipal Authority of Westmoreland County and/or the Ligonier Township Municipal Authority separate and distinct from the Township, financial security to assure proper completion and maintenance thereof shall be posted in accordance with the regulations of the controlling public utility or municipal authority and shall not be included within the financial security, as otherwise required by this section.

13. If financial security has been provided in lieu of the completion of improvements required as a condition for the final approval of a plat as set forth in this section, the Township shall not condition the issuance of building, grading, or other permits relating to the erection or placement of improvements, including buildings upon the lots or land as depicted upon the final plat upon actual completion of the improvements depicted upon the approved final plat. Moreover, if said financial security has been provided, occupancy permits for any building or buildings to be erected shall not be withheld following the improvement of the streets providing access to and from existing public roads to such building or buildings, to a mud-free or otherwise permanently passable condition, as well as the completion of all other improvements as depicted upon the approved plat, either upon the lot or lots or beyond the lot or lots in question, if such improvements are necessary for the reasonable use of, or occupancy of, the building or buildings.

M. Acceptance of Street; Waivers

1. No street proposed and/or offered for acceptance by the Township as a public street will be considered for acceptance unless such street complies with all of the provisions and standards in this, and any other Ordinances of the Township.

a. The Board of Supervisors of the Township is not required to accept a new street which meets the provisions and standards of this Chapter, which is offered for acceptance as a Township road by an Applicant, or any other person.

b. The Board of Supervisors of the Township reserves the right to require stricter or more stringent requirements as a condition of acceptance of a street into the Township system of roads, where the same is deemed advisable.

c. Any federal, state, or local laws, regulations or ordinances setting forth more stringent requirements for construction of new streets will apply under circumstances which require recognition of such standards.

2. It is the intent of this Chapter to set forth the minimum requirements for new streets in the Township of Ligonier if such street is to be accepted as a Township Road.

3. *Exceptions.* Where an applicant or any other person proposes that a street be accepted as a public road by the Township and such street does not meet the minimum requirements of this Ordinance, the Township Supervisors may, but are not required to,

accept the proposed street as a public road provided that the following requirements are met:

- a. The owners of 80% of the frontage on the proposed roads shall present a petition to the Township Supervisors signed by such owners and their respective spouses requesting that the Township accept the proposed road as a public road.
 - b. Such petitions shall be in duplicate and shall contain the following:
 - i. A certification by a licensed attorney, in good standing in the Commonwealth of Pennsylvania, that the signers of the petition comprise owners of at least 80% of the frontage on the proposed road.
 - ii. A statement that the owners will convey to Township and execute a deed of dedication of land to allow a minimum right-of-way of fifty (50) feet in width for the road and public utilities.
 - iii. Five copies of a survey showing the lots affected, the proposed right-of-way, and the proposed traveled portion of the road to be accepted, along with a proposed description of the street to be accepted by Township. Such survey and description must be prepared by a registered surveyor or registered professional engineer and be reviewed by the Township Solicitor.
4. A statement that the owners of property along the proposed public street acknowledge that the Township may assess and collect from the owners on a front-foot basis, the costs of improvement(s) for such street.
- a. In such cases, the Township Supervisors may assess the owners along the street accepted as a public road for materials, labor and materials, professional consultation fees for such improvements, and/or any other reasonable and necessary fees and/or costs required to assure that the said street conforms to the requirements and specifications in this, and any other, Township Ordinances.

§ 84-3. Sidewalks.

A. Sidewalks may be a requirement for plat approval at the discretion of the Board of Supervisors. Sidewalks are not permitted in the right-of-way, unless otherwise approved by the Board of Supervisors.

B. Sidewalk construction and installation shall meet all Americans with Disabilities (ADA) requirements and be constructed and installed in accordance with Township specifications and standards set forth in the Ordinance or approved by the Board of Supervisors of the Township of Ligonier by Resolution.

C. Crosswalks, curb cut ramps, and pedestrian signals shall be required in accordance with warrants, requirements, and/or regulations of the Penn Dot and/or applicable federal, and local regulations.

D. Sidewalks shall be constructed in accordance with the Construction Standards on file in the Township Offices. The specifications and standards set forth in this Chapter are subject to

change, modification, or amendment from time to time by Resolution of the Board of Supervisors of the Township of Ligonier.

§ 84-4. Severability.

The provisions of this Article are severable. If any sentence, clause, or section of this Article is, for any reason, found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, or sections of this Article. It is hereby declared to be the intent of the Board of Supervisors of Ligonier Township that this Article would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, or section not been included herein.

ARTICLE II
Openings and Excavations
[Adopted 6-11-1974 by Ord. No. 74-1]

§ 84-5. Permit required.²⁹

In accordance with the provisions of 53 P.S. § 67322 of the Second Class Township Code, as amended, no railroad or street railway shall hereafter be constructed upon any township road, nor shall any railroad or street railway crossing or any gas pipe, water pipe, electronic conduits, or other piping be laid upon or in, nor shall any telephone, telegraph, or electric light or power poles or any coal tipples or any other obstructions be erected upon or in any portion of a township road except under such conditions, restrictions, and regulations related to the installation and maintenance thereof as may be prescribed in permits granted by the township for such purpose.

§ 84-6. Application; fees.³⁰

The application for a permit shall be on a form prescribed by the township and submitted to the township in duplicate. The application shall be accompanied by a fee in accordance with the Schedule of Fees set forth by the Department of Transportation for highway occupancy permits and restoration charges.³¹ In addition, the applicant shall submit two copies of a sketch showing such dimensions as the location of the intended facility, width of the traveled roadway, right-of-way lines and a dimension to the nearest intersecting street.

§ 84-7. Issuance of permit.

A permit shall be issued to the applicant after all the aforementioned requirements have been filed.

§ 84-8. Notice of completion required.

Upon completion of the work, the applicant shall give written notice thereof to the township.

§ 84-9. Inspections; repair of defects.³²

Upon completion of the work authorized by the permit, the township shall inspect the work and, when necessary, enforce compliance with the conditions, restrictions, and regulations prescribed by the permit. In addition to that inspection, the Board of Supervisors or its agents may reinspect the work not more than two years after its completion, and if any settlement of the road surface

²⁹ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

³⁰ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

³¹ Editor's Note: Said Schedule of Fees is on file in the township offices.

³² Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

or other defect appears in the work contrary to the conditions, restrictions, and regulations of the township, the Board of Supervisors may enforce compliance therewith. Where any settlement of defect in the work occurs, if the applicant fails to rectify a defect with presents imminent or immediate safety or health problems within 48 hours or any other defect within 60 day's written notice from the township to do so, the township may do the work and shall impose upon the applicant the cost thereof, together with an additional 20% of such cost.

§ 84-10. Violations and penalties.³³

This article shall be enforced by action brought before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Any person who violates or permits the violation of this article shall, upon conviction in a summary proceeding, be punishable by a fine of not more than \$1,000 or by imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense. Each section of this article that is violated shall also constitute a separate offense.

§ 84-11. Other remedies.

Nothing herein contained shall prevent the township from taking other lawful action as is necessary to prevent or remedy any violation.

³³ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

ARTICLE III
Snow Removal
[Adopted at time of adoption of Code
(see Ch. 1, General Provisions, Art. I)]

§ 84-12. Definitions.

For the purposes of this article, the following terms shall have the meanings indicated:

PARKING – Any area not on a street of the township which is intended or used for storage or parking of vehicles.

SIDEWALKS – A paved path or footwalk for public use located between the curbline and right-of-way line of any public or municipally maintained roadway.

STREET – The portion of a public or private way used or intended to be used for passage or travel by automotive vehicles and to provide access to abutting properties.

§ 84-13. Removal from sidewalks.

A. It shall be the duty of the owner and occupant, jointly and severally, of every parcel of real estate adjoining a public sidewalk, whether the parcel of real estate is occupied by a structure or not, to keep such sidewalks adjoining such property free from snow and ice along a three-foot width for the entire length of the sidewalk adjoining said real estate.

B. Except as provided in Subsection D hereof, snow and ice shall be so removed from the sidewalks of all business and commercial premises within the township within six hours after the cessation of any fall of snow, sleet, or freezing rain; provided, however, that snow or ice has ceased to fall or to be formed after 6:00 p.m. of any evening may be removed at any time before 12:00 noon of the following day.

C. Except as provided in Subsection D hereof, snow and ice shall be so removed from all other sidewalks within the township within 18 hours after the cessation of any fall of snow, sleet, or freezing rain.

D. However, in the event that snow and ice on a sidewalk have become so hard that they cannot be removed without the likelihood of damage to the sidewalk, the person or entity charged with their removal shall, within the time mentioned in Subsection A hereof, cause enough sand or other abrasive to be put on the sidewalk to make travel thereon reasonably safe and shall then, as soon thereafter as weather permits, cause said sidewalk to be thoroughly cleaned.

§ 84-14. Snow, ice, and water falling from buildings.

The owners or occupants of buildings adjacent to public sidewalks shall prevent the falling of snow, ice, or water from such buildings upon said public sidewalks.

§ 84-15. Depositing of snow and ice.

No person, partnership, corporation, or private contractor shall deposit or cause to be deposited any snow or ice in the following places:

- A. On or against a fire hydrant.
- B. On any portion of a street.
- C. On any place which this article or any other order, rule, regulation, resolution, ordinance, or statute of the Township of Ligonier or of any other rule- or law-making body whose jurisdiction extends in any way to the geographical area encompassed by the Township or Ligonier, Westmoreland County, Pennsylvania, requires to be kept clear of snow or ice.
- D. On any parcel of real estate without the express permission of the owner of the parcel of real estate upon which the snow or ice is to be placed.

§ 84-16. Dangerous accumulations not permitted.

No person, partnership, corporation, or other, as the case may be, shall cause the accumulation of snow and ice on any street or roadway in such a manner as to endanger pedestrians or obstruct the vision of motorists. In no event shall snow or ice be or be caused to be piled on any corner by any person, partnership, corporation, or other, as the case may be, within 10 feet of any intersection in excess of four feet in height which would tend to obstruct a motorist's vision.

§ 84-17. Snow piling restricted.

No person, firm, corporation, or private contractor shall pile, gather up, plow up, or force any snow or ice upon any terrace or parcel of land within six feet of any street, avenue, or roadway in such a manner as to cause the height of the snow and ice so piled, gathered, plowed, or forced to exceed three feet six inches in height above the existing natural grade of said terrace or parcel of land within six feet of said street.

§ 84-18. Removal by township.

- A. Wherever any person, partnership, or corporation neglects or refuses to remove any snow or ice piled, gathered, or plowed up by him or it in violation of this article within four hours after a request to do so by a representative of the Township of Ligonier, the Township of Ligonier may

remove said snow or ice from such street or terrace and notify the Township Secretary/Treasurer of the expense incurred by the amount of labor, equipment, and materials used.

B. The Township Secretary/Treasurer shall promptly present to the violator of this article a bill for the costs of removal of snow and ice. If not paid within 30 days, in the case of a property owner, the cost thereof shall be assessed against the property and become a lien thereon, collectible in the same manner as delinquent township taxes.

§ 84-19. Violations and penalties.

Any person who shall violate any provision of this article shall, upon conviction thereof, be punishable by a fine of not more than \$300 and costs of such proceedings or, upon default of payment of such fine and costs, by imprisonment in the county jail for a term of not more than 30 days; provided, however, that if the District Justice determines that the defendant is without the financial means to pay the fines and costs immediately or in a single remittance, such defendant shall be permitted to pay the fines or costs in installments and over such periods of time as the District Justice deems to be just.

ARTICLE IV
Speed Limits
[Adopted at various times, see each street for details]³⁴

§ 84-20. Speed Limit on a Portion of Hotel Road.³⁵

- A. That the maximum speed allowed on Hotel Road, in the Township of Ligonier, shall be fifteen miles per hour from Alpha Lane, at 1,338.9 feet, to a dead end at 2,500.3 ft; and
- B. That the Township of Ligonier shall be authorized to place signage on Hotel Road to this effect.

§ 84-21. Speed Limits on listed township roads.³⁶

- A. *Engineering and Traffic Studies Approved.* The Board of Supervisors of Ligonier Township approved the engineering and traffic studies for the Township Roads listed in Sections B and C of this Article on September 8, 2009, at a regular monthly meeting by Motion. The Board of Supervisors does hereby ratify the action to approve those engineering and traffic studies for each of the Township Roads identified herein.
- B. *Maximum Speed Limit of 25 Miles per Hour Established on Listed Township Roads.* The maximum speed limit for purposes of enforcement under provisions of 75 Pa. C.S. §3362, Maximum Speed Limits, for the Township Roads identified as Robb Road, Red Arrow Road, Ramsey Road, Murphy Road, and a portion of Old Lincoln Highway is established at twenty-five miles per hour (25 mph) beginning, and ending, at the segments listed, based upon engineering and traffic studies (hereinafter “Studies”) conducted by Engineering Specialists Inc. dated July 30, 2009. A Summary of the Studies for each road, and/or portion thereof, are attached to the enabling ordinance as Exhibit “A”, and incorporated herein by reference. The speed limit on the aforesaid roads shall be enforced in the areas designated as follows:

Route Numbers	Street Name	Between	Speed Limit (MPH)
T-642	Robb Road	From Segment 10/0000 at SR 711 to Segment 10/5293 at SR 1017	25
T-650	Red Arrow Road	From Segment 10/0000 at deadend to Segment 10/5049 at T-651	25
T-654	Ramsey Road	From Segment 10/0000 at SR 1017 to Segment 10/4302 at SR 711	25

³⁴ Editor’s note: Many speed limits were adopted by Resolution. Only speed limits adopted by Ordinance are included herein.

³⁵ Added August 11, 2020, by Ordinance No. 02-2020

³⁶ Adopted September 29, 2009, by Ordinance No. 2009-OR-04

T-727	Murphy Road	From Segment 10/0000 at SR 1009 to Segment 10/3904 at Ligonier/Fairfield Twp. Line	25
T-950	Old Lincoln Highway	From Segment 20/0000 at SR 1010 to Segment 50/0593 at SR 30 E	25

- C. *Maximum Speed Limit of 35 MPH Established on Portion of Old Lincoln Highway.* The maximum speed for purposes of enforcement under provisions of 75 Pa. C.S. §3362, Maximum Speed Limits, for Township Road, T-950, known as Old Lincoln Highway, from Segment 10/0000 at State Route 30 West to Segment 10/7569 at State Route 1046 is established at thirty-five miles per hour (35 mph) based upon an engineering and traffic study conducted by Engineering Specialists Inc. dated July 30, 2009. A copy of the summary of Study is attached to the enabling ordinance as Exhibit “B”, and incorporated herein by reference.
- D. *Unlawful to Exceed Speed Limit of 25 MPH.* After the effective date of this Section, it shall be unlawful for any person to operate any motor vehicle on the designated portions of Township Roads, T-642: Robb Road, T-650: Red Arrow Road, T-654: Ramsey Road, T-727: Murphy Road, and on Old Lincoln Highway beginning at segment 20/000 at State Route 1010 to segment 50/0593 at State Route 30 East at a speed in excess of twenty-five (25) miles per hour after posting of the established speed limit in accordance with Pennsylvania Department of Transportation regulations pursuant to Subsection F of this Section.
- E. *Notice and Posting of Speed Limit Signs.* After the effective date of this Section establishing the maximum speed limit of twenty-five (25) mph on the Township Roads listed in Subsection B, and thirty-five (35) mph on the Township Road listed in Subsection C above, Ligonier Township shall post the aforesaid Township Roads with official traffic control devices (Speed Limit Signs) erected in accordance with the Pennsylvania Motor Vehicle Code and the regulations of the Pennsylvania Department of Transportation.
- F. *Enforcement.* The Ligonier Township Police Department is hereby authorized to monitor, control, and enforce the maximum speed limit of 25 mph and the 35 mph established on Township roads listed in Subsections B and C, respectively, pursuant to the Pennsylvania Motor Vehicle Code, 75 Pa. C.S. §3362 by use of currently approved speed timing devices, and such other electrical speed timing devices or speed monitoring devices, as may be hereafter authorized, by the Pennsylvania Department of Transportation for use by local authorities.
- G. *Penalties and Fines.* The penalties and/or fines imposed for any violation of this Section shall be in accordance with the Penalty specified in the Motor Vehicle Code of Pennsylvania 75 Pa. C.S. §3362, or any successor statute.

- H. *Repealer.* Any ordinance of the Township of Ligonier inconsistent with any of the provisions of this Section is hereby repealed to the extent of the inconsistency only.
- I. *Severability.* The provisions of this Section are severable, and should any article, section, subsection, paragraphs, clause, phrase, or provision of this Section be declared by a court of competent jurisdiction to be invalid, such judgment shall not affect the validity of this Section as a whole or any part or provision thereof, other than the part so declared to be invalid.
- J. *Effective Date of Ordinance.* This Section shall take effect five (5) days after enactment hereof, on the 5th day of October, 2009.

§ 84-22. Speed Limits on Fairview, Freeman, Griffith³⁷

It is hereby resolved by the Ligonier Township Supervisors that the maximum speed permitted on Fairview Road and Freeman Road is set at thirty five (35) miles per hour, and the maximum speed permitted on Griffith Road is set at twenty five (25) miles per hour, and shall be posted accordingly.

§ 84-23. Speed Limits on Austraw Road, McCurdy Trail, and Jacob Miller Road³⁸

It is hereby resolved by the Board of Supervisors of the Township of Ligonier that it does hereby declare the maximum speed limit on Township Roads known as Austraw Road, McCurdy Trail, and Jacob Miller Road to be 35 miles per hour (mph). This maximum speed limit shall be effective at the time of the posting of the speed zone with official traffic-control devices giving notice of the altered traffic regulations erected in accordance with the regulations of the Pennsylvania Department.

§ 84-24. Maximum Speed Limit of 25 Miles Per Hour.³⁹

- A. *Findings of the Board of Supervisors.* The Board of Supervisors of Ligonier Township (hereinafter "Board") finds as follows with regard to each Township Road listed in Section C:
1. Each road is located in a "Residence District" as defined in the Motor Vehicle Code of Pennsylvania, 75 Pa. C.S. §102,
 2. Each is not a numbered traffic route, and
 3. Each is functionally classified by the Pa. Department of Transportation as local highways.

³⁷ Added September 10, 1991, by Resolution 91-5 of 1991.

³⁸ Added July 14, 1998, by Resolution 98-9.

³⁹ Added September 11, 2007, by Ordinance 2007-OR-07.

- B. Board further finds that it may establish a maximum speed limit of twenty-five miles per hour (25 mph) for the Township Roads listed in Section C pursuant to the Pennsylvania Motor Vehicle Code, 75 Pa. C.S. §3362(a)(1.2)(i-ii).
- C. *Maximum Speed Limit of 25 MPH Established on Township Roads Listed Below.* The maximum speed limit for purposes of enforcement under provisions of 75 Pa. C.S. §3362, Maximum Speed Limits, (a)(1.2) for the Township Roads listed below, is established at twenty-five miles per hour (25 mph) based upon the findings of the Board of Supervisors of the Township of Ligonier set forth in Section A of this Chapter.

T360	Byers Lane	Residential
T375	Pheasant Circle	Residential
T443	Hillside Avenue	Residential
T444	Forbes Drive	Residential
T446	Laurel Drive	Residential
T447	Greg Avenue	Residential
T506	Darr Street	Residential
T509	Giesey Road	Residential
T510	Calvary Street	Residential
T511	Hotel Road	Residential
T512	Hi Acres Drive	Residential
T514	St. Clair Circle	Residential
T518	Charlotte Drive	Residential
T519	Baltic Road	Residential
T520	Oakview Drive	Residential
T521	Meadow Drive	Residential
T522	Tall Timber	Residential
T568	School Road	Residential
T574	Buell Lane	Residential
T575	Crossmead	Residential
T576	Edgemont Road	Residential
T577	President's	Residential
T591	Beech Drive	Residential
T592	Minuteman Lane	Residential
T602	Weimer Avenue	Residential
T603	Ridgeview Drive	Residential
T611	Ross Road	Residential
T614	Wildview Drive	Residential
T615	Hermitage Circle	Residential
T618	Ann Roberts Road	Residential
T619	Kissel Springs Road	Residential
T624	Deerfield Road	Residential
T625	Allen Drive	Residential
T626	Timberlane Drive	Residential
T627	Shady Road	Residential

T628	Charleston Drive	Residential
T629	Dogwood Road	Residential
T630	California Avenue	Residential
T631	Center Street	Residential
T632	Horner Hill	Residential
T637	Peters Road	Residential
T641	Clifford Woods Road	Residential
T645	Maple Drive	Residential
T657	Nicely Road	Residential
T658	Weaver Mill Road	Residential
T662	Mill Road	Residential
T665	Third Street	Residential
T668	Walnut Street	Residential
T669	Second Street	Residential
T731	Turkey Inn Road	Residential
T795	Westview Drive	Residential
T796	Mallard Lane	Residential
T797	Singer Way	Residential
T798	Lake Drive	Residential
T800	White City Road	Residential
T801	Baton Road	Residential
T924	Crystal Creek Drive	Residential
T951	Valley View	Residential
T952	Mosshaven Way	Residential
T960	Jacob Miller Road	Residential
T972	Old Linn Run Road	Residential
T976	Brallier Drive	Residential

- D. *Unlawful to Exceed Speed Limit of 25 MPH.* After the effective date of this ordinance, it shall be unlawful for any person to operate any motor vehicle on the roads listed in Section C at a speed in excess of twenty-five (25) miles per hour after posting of the established speed limit in accordance with Pennsylvania Department of Transportation regulations on the aforesaid Township Roads listed in Section C pursuant to Section E of this Chapter.
- E. *Notice and Posting of Speed Limit Signs.* After the effective date of this Ordinance establishing the maximum speed limit of twenty-five (25) mph on the Township Roads listed in Section C, Ligonier Township shall post said Roads located within the corporate boundaries of the Township of Ligonier with official traffic control devices (Speed Limit Signs) erected in accordance with the Pennsylvania Motor Vehicle Code, 75 Pa. C.S. §3362(a)(1.2) and the regulations of the Pennsylvania Department of Transportation.
- F. *Enforcement.* The Ligonier Township Police Department is hereby authorized to monitor, control, and enforce the maximum speed limit of 25 mph established all Township roads listed in Section C pursuant to the Pennsylvania Motor Vehicle Code, 75 Pa. C.S. §3362(a)(1.2) and (c) by use of currently approved speed timing devices, or such other

electrical speed timing devices or speed monitoring devices, as may be hereafter be authorized, by the Pennsylvania Department of Transportation for use by local authorities.

- G. *Penalties and Fines.* The penalties and/or fines imposed for any violation of this Chapter shall be in accordance with the Penalty specified in the Motor Vehicle Code of Pennsylvania 75 Pa. C.S. §3362(c)(1), or any successor statute.
- H. *Repealer.* Any ordinance of the Township of Ligonier inconsistent with any of the provisions of this ordinance is hereby repealed to the extent of the inconsistency only.
- I. *Severability.* The provisions of this Chapter are severable, and should any article, section, subsection, paragraph, clause, phrase, or provision of this Chapter be declared by a court of competent jurisdiction to be invalid, such judgment shall not affect the validity of this Chapter as a whole or any part or provision thereof, other than the part so declared to be invalid.

§ 84-25. Speed limit on Myers School Road ⁴⁰

- A. *Maximum Speed Limits Established on Myers School Road (T-954):* The maximum speed limits for purposes of enforcement under provisions of 75 Pa. C.S. §3362, Maximum Speed Limits, of the Vehicle Code, for Township Road, T-954, known as Myers School Road, are established by the Board of Supervisors along the following described sections of said road:
 - 1. *Twenty-five (25) miles per hour speed limit:* Beginning at the intersection of Peoples Road (T-719) and Myers School Road, at Segment 10 offset 0000, and continuing along said Myers School Road to the intersection of Tosh Road, a distance of 1.66 miles, more or less; and
 - 2. *Thirty-five (35) miles per hour speed limit:* Beginning at the intersection of Tosh Road (T-721) and Myers School Road, at Segment 30 Offset 0000, and continuing along said Myers School Road, at Segment 30 Offset 905, at the intersection with State Route 259, a distance of .17 miles, more or less.
- B. *Unlawful to Exceed Maximum Speed Limits on Myers School Road.* After the effective date of this Ordinance, it shall be unlawful for any person to operate any motor vehicle on Myers School Road, upon the sections described in Section §84-25 A(1) and Section §84-25 A(2) in the Township of Ligonier, Westmoreland County, Pennsylvania, at a speed in excess of twenty-five (25) and thirty-five (35) miles per hour, on the specified 1.66 and .17 miles of Myers School Road, respectively, after posting of the aforesaid speed limits by Ligonier Township pursuant to this Ordinance.
- C. *Notice and Posting of Speed Limit Signs.* After the effective date of this Ordinance establishing the maximum speed limits on Myers School Road pursuant to Section § 84-25 A, Ligonier Township shall post the sections of the road, as aforesaid, with official Speed Limit Signs showing the maximum speed limit in accordance with the Vehicle Code and

⁴⁰ Added April 8, 2008, by Ordinance 2008-OR-03

regulations of the Pennsylvania Department of Transportation in Title 67 of the Pennsylvania Code, §212.108(e).

- D. The Ligonier Township Police Department is hereby authorized to monitor, control, and enforce the maximum speed limits of 25 mph and 35 mph established pursuant to Section §84-25 A of this Chapter on Myers School Road pursuant to the Vehicle Code by use of currently approved speed timing devices, or such other electrical speed timing devices or speed monitoring devices, as may be hereafter be authorized, by the Pennsylvania Department of Transportation for use by local authorities.
- E. *Penalties and Fines.* This Chapter shall be enforced in accordance with the provisions of the Vehicle Code of Pennsylvania as it pertains to fines and other penalties specified in 75 Pa. C.S. §3362, as amended, and/or any other provisions of the Vehicle Code as may now, or hereafter, be applicable to such violations.
- F. *Repealer.* Any ordinance, or parts of ordinances, of the Township of Ligonier inconsistent with any of the provisions of this Ordinance are hereby repealed to the extent of the inconsistency only.
- G. *Severability.* The provisions of this Chapter are severable, and should any article, section, subsection, paragraph, clause, phrase, or provision of this Chapter be declared by a court of competent jurisdiction to be invalid, such judgment shall not affect the validity of this Chapter as a whole or any part or provision thereof, other than the part so declared to be invalid.

ARTICLE V

Trails

[Adopted 2-28-2023 by Ord. No. 2023-OR-02, amendments noted where applicable]

§ 84-30. Electronic bikes regulated.

- A. The term “bike” and “e-bike” shall have the same meanings in this Chapter as defined in Pennsylvania’s Vehicle Code (75 Pa. C.S. § 102), as may be amended from time to time.
- B. The Township of Ligonier generally permits e-bikes on Township owned and managed trails already open to human-powered bike usage. E-bikes will be treated equally to human-powered bikes, provided the e-bikes:
 - 1. Weight no more than 100 pounds;
 - 2. Do not exceed 10 mph using the motor functionality while using the trail;
 - 3. Are equipped with a motor no more than 750 watts; and
 - 4. Are equipped with fully functional, operable pedals.
- C. E-bikes are prohibited where bikes are prohibited.
- D. Speeds shall not exceed 10 miles per hour

ARTICLE V

Stop Signs

[Adopted 6-8-2010 by Ord. No. 2010-OR-01, amendments noted where applicable]⁴¹

§ 84-31. Adoption of Recommendation for Stop Sign Control of Intersection on Settler Road.

The Board adopts the recommendation of ESI set forth in Study dated April 28, 2010, that Township establish Stop Sign control at the intersection of Settler Road (T-640) and a private drive known as Whitefield Drive (hereinafter “Whitefield Drive”). A copy of the “Engineering and Traffic Study Summary Sheet” and diagram of the intersection of Settler Road and Whitefield Drive and surrounding area is attached to the enabling ordinance as Exhibit “A” and incorporated herein by reference.

§ 84-32. Control of Intersection of Settler Road and Private Drive known as Whitefield Drive Established.

- A. Township hereby establishes Stop Sign control at the intersection of Settler Road (T-640) and Whitefield Drive.
- B. Township shall erect and maintain an official, regulation “Stop Sign” with a “Stop Except Right Turn” Sign on the Eastbound approach of Settler Road at Segment 10 offset 4188 in accordance with the recommendation of ESI in Study for the purpose of traffic regulation and control of drivers of motor vehicles pursuant to provisions of 75 Pa. C.S. §3323.

§ 84-33. Notice and Posting of Stop Sign.

After the effective date of this Article establishing stop sign control of the intersection of Settler Road (T-640) and Whitefield Drive, Ligonier Township shall post the aforesaid Settler Road with an official traffic control device (Stop Sign) erected in accordance with the Pennsylvania Motor Vehicle Code and the regulations of the Pennsylvania Department of Transportation.

§ 84-34. Enforcement.

The Ligonier Township Police Department is hereby authorized to monitor, control, and enforce the duties of drivers of motor vehicles at the stop sign to be erected at the aforesaid intersection of Settler Road and Whitefield Drive in accordance with the provisions of Pennsylvania Motor Vehicle Code, 75 Pa. C.S. §3323.

⁴¹ Editor’s note: Many stop signs were adopted by Resolution. Only stop signs adopted by Ordinance are included herein.

§ 84-35. Penalties and Fines.

The penalties and/or fines imposed for any violation of this Article shall be in accordance with the Penalty specified in the Motor Vehicle Code of Pennsylvania for violations of 75 Pa. C.S. §3323, “Stop signs and yield signs”, or any successor statute.

§ 84-36. Repealer.

Any ordinance of the Township of Ligonier inconsistent with any of the provisions of this Article is hereby repealed to the extent of the inconsistency only.

§ 84-37. Severability.

The provisions of this Article are severable, and should any article, section, subsection, paragraph, clause, phrase, or provisions of this Article be declared invalid by a court of competent jurisdiction, such judgment shall not affect the validity of this Article as a whole or any part or provisions thereof, other than the part so declared to be invalid.

Chapter 88

TAXATION

ARTICLE I

Earned Income Tax

- § 88-1. Incorporation of statute.
- § 88-2. Title; effective date.
- § 88-3. Definitions.
- § 88-4. Imposition of tax.
- § 88-5. Declaration and payment of tax.
- § 88-6. Collection at source.
- § 88-7. Powers and duties of Income Tax Collector.
- § 88-8. Suit for collection of tax.
- § 88-9. Interest and penalties.
- § 88-10. Payment and refunds.
- § 88-11. Applicability.
- § 88-12. Violations and penalties.

ARTICLE II

Per Capita Tax

- § 88-13. Levy of tax.
- § 88-14. Collection of tax.
- § 88-15. Powers and duties of Tax Collector.
- § 88-16. Collector may institute suit in assumpsit.
- § 88-17. List of taxable residents.
- § 88-18. Taxes to be turned over to township.
- § 88-19. No resident to be exonerated from payment.
- § 88-20. Statutory authority
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Real Estate Transfer Tax

- § 88-22. Authority for enactment.
- § 88-23. Definitions.
- § 88-24. Imposition of tax
- § 88-25. Payment and liability.
- § 88-26. Evidence of payment.
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- § 88-28. Authority of Realty Transfer Tax Collector.
- § 88-29. Affidavit required with certain documents.

- § 88-30. Prohibited acts.
- § 88-31. Interest added to unpaid tax.
- § 88-32. Recovery of taxes and interest.
- § 88-33. Tax constitutes lien against property.
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ARTICLE IV

Amusement Tax

- § 88-35. Imposition of tax.
- § 88-36. Levy of tax.
- § 88-37. Payment of tax due.
- § 88-38. Collection of tax.
- § 88-39. Duties of Tax Collector.
- § 88-40. Collector authorized to examine records.
- § 88-41. Records to be kept confidential; penalties
- § 88-42. Interest and penalty.
- § 88-43. Taxes recoverable.
- § 88-44. Violations and penalties.
- § 88-45. Applicability.
- § 88-46. Effective date.

ARTICLE V

Local Services Tax

- § 88-47. Title and authority.
- § 88-48. Definitions.
- § 88-49. Levy.
- § 88-50. Exemptions.
- § 88-51. Collection through employers.
- § 88-52. Direct payment by taxpayers.
- § 88-53. Nonresident taxpayers.
- § 88-54. Administration and enforcement.
- § 88-55. Suits for collection of tax.
- § 88-56. Interest and penalties for unpaid tax.
- § 88-57. Fines and penalties for violation of this article.
- § 88-57.1. Refunds.
- § 88-57.2. Receipt.
- § 88-57.3. Applicability.
- § 88-57.4. Duration.

ARTICLE VI

Tax Certifications

- § 88-58. Statement required.
- § 88-59. Fee.

§ 88-60. Remittance of sums; report
§ 88-61. Compensation of Tax Collector.

[HISTORY: Adopted by the Board of Supervisors of the Township of Ligonier:

Art. I, 11-9-1966 by Res. No. 66-9;
Art II, 5-11-1971 by Ord. No. 71-3-A;
Art III, 11-9-1966 by Res. No. 66-9;
Art IV, 5-11-1971 by Ord. No. 71-5;
Art V, 12-11-2007 by Ord. No. 2007-OR-09;
Art VI, 4-2-1991 by Ord. No. 91-1.
Amendments noted where applicable]

ARTICLE I
Earned Income Tax
[Adopted 11-9-1966 by Res. No. 66-9]

§ 88-1. Incorporation of statute.

The provisions of Section 6913 of the Local Tax Enabling Act, P.L. 1257, No. 511, December 31, 1965, 53 P.S. §§ 6901-24 (1982), as hereafter amended, supplemented, modified, or reenacted by the General Assembly of Pennsylvania, are incorporated herein by reference thereto; except to the extent that options are provided in said Section 6913, this article designates the option selected, and except as and where hereinafter specifically provided otherwise.

§ 88-2. Title; effective date.

A. This article shall be known as the “Earned Income Tax Resolution.”

B. The provisions hereof shall become effective on the first day of January 1967, and shall continue every year thereafter without the need for annual reenactment.

§ 88-3. Definitions.

The following words and phrases, when used in this article, including the various portions of this section thereof, shall have the meanings ascribed to them in this section, except where the content clearly indicates or requires a different meaning:

A. *ASSOCIATION* – A partnership, limited partnership, joint venture, or any other unincorporated group of two or more persons.

B. *BUSINESS* – An enterprise, activity, profession, or undertaking of any nature conducted for profit, or ordinarily conducted for profit, whether by an individual, fiduciary, association, or any other entity, alone or in association with some other person or persons.

C. *CORPORATION* – A corporation or joint-stock association organized under the laws of the United State, the Commonwealth of Pennsylvania, or any other state, territory, foreign country, or dependency.

D. *EARNINGS* – Salaries, wages, commissions, and other compensation, as defined in this article.

E. *EMPLOYER* – An individual, fiduciary, association, corporation, governmental body or unity or agency, or any other entity employment one or more persons on a salary, wage, commission, or other compensation basis.

F. *INCOME TAX COLLECTOR* – The person empowered by the Board of Supervisors of Ligonier Township to administer the provisions of this article.

G. *NET PROFITS* – The net income from the operation of a business, profession, or other activity, after provision for all costs and expenses incurred in the conduct thereof, either paid or accrued in accordance with the accounting system used in such business, profession, or other activity, but without deduction of taxes, federal, state, or local, based on income.

H. *PERSON* – An individual, fiduciary, association, corporation, or other entity. Whenever used in any action prescribing and imposing a penalty, the term “person,” as applied to associations, shall mean the partners or members thereof, and as applied to corporations, the officers thereof.

I. *RESIDENT* – An individual, fiduciary, association, or other entity domiciled in the Township of Ligonier.

J. *SALARIES, WAGES, COMMISSION, AND OTHER COMPENSATION* – Salaries, wages, commissions, bonuses, incentive payments, fees, and tips that may be paid to or received by an individual for services rendered or that may accrue to such individual in accordance with an established accounting procedure, whether directly or through an agent and whether in cash or in property; not including periodic payments for sick or disability benefits and those commonly referred to as “old-age benefits,” retirement pay or pensions paid to persons retired from service after reaching a specific age or after a stated period of employment, or public assistance or unemployment compensation payments made by any governmental agency.

K. *TAXABLE PERIOD* – The period beginning the effective date of this article and ending the day immediately prior to January 1 of the following calendar year.

L. *TAXPAYER* – A person required hereunder to file a return of earnings or net profits or to pay a tax thereon. The singular shall include the plural and the masculine shall include the feminine and the neuter.

M. *TOWNSHIP* – The Township of Ligonier of Westmoreland County, Pennsylvania.

§ 88-4. Imposition of tax.

A tax for general revenue purposes of $\frac{1}{2}$ of 1% is hereby imposed on the following:

- A. Salaries, wages, commissions, and other compensation earned by residents of the township during the taxable period.
- B. Net profits earned by residents of the township during the taxable period.

§ 88-5. Declaration and payment of tax.

A. Every taxpayer who during the taxable period can reasonably be expected to earn net profits or earnings not subject to the provisions of § 88-6 relating to collection at source shall make and file with the Income Tax Collector, on a form prescribed by him, a declaration setting forth the amount of net profits anticipated by him for such taxable period and subject to tax, the amount of estimated tax imposed thereon by this article and such other relevant information as the Income Tax Collector may require. The Income Tax Collector may, if he deems it in the best interests of the township, prescribe another suitable method of reporting income for those whose income is not withheld at the source.

B. The declaration of estimated tax, if required, shall be filed, and the tax shall be paid at the following times:

1. If paid net profits or earnings can reasonably be expected on or before the 15th day of October of the taxable period, the taxpayer shall file a declaration, of required by the Collector, on or before said date and shall pay the estimated tax shown thereon in equal quarterly installments on or before the said 15th day of October and on or before the 15th day of the following January, April, or July.
2. If said net profits or earnings cannot reasonably be expected on or before October 15 of the taxable period, but can be reasonably expected subsequent to said date, the taxpayer shall file his declaration on or before the first of said remaining quarterly installment dates on which the taxpayer can first reasonably be expected to earn such net profits or earnings and shall pay the estimated tax shown thereon in equal installments on or before said remaining quarterly installment dates.
3. If the taxpayer elects to file a declaration on a calendar-year basis setting forth his estimated net profits or earnings for the current year, then, in lieu of filing his declaration and making payments thereon at the times set forth in Subsection B(1) or (2) immediately hereinabove, he may, on or before the 15th of October and January of the taxable period, pay the quarterly installments of the estimated tax according to the declaration filed and, on or before the 15th day of April of the taxable period, file a declaration of the estimated tax for the portion of the taxable period included in the new calendar year, and pay said tax in equal installments on or before said 15th day of April and the 15th day of July.
4. If the taxpayer elects to file a declaration on a fiscal-year basis different from the taxable period, setting forth his estimated net profits or earnings for a period included in the taxable period, then, in lieu of filing his declaration and making payments thereon at the times set forth in Subsection B(1) or (2) immediately hereinabove, he may pay the

quarterly installments of the estimated tax according to the declaration filed for the portion of the taxable period included in said fiscal year and, on or before the 105th day after the close of the fiscal year, file a declaration of the estimated tax for the portion of the taxable period included in the succeeding fiscal year and pay said tax in equal quarterly installments, beginning with the due date of the filing and ending with the first quarterly installment due after the close of the taxable period.

C. Where the taxpayer who has filed a declaration required hereinabove shall thereafter reasonably be expected to earn during the taxable period additional net profits or earnings not subject to collection at source, or finds that he has overestimated his net profits or earnings, he may file an amended declaration as the Income Tax Collector may require.

D. Every taxpayer who is required to file a declaration of estimated tax under the provision of this section shall make and file with the Income Tax Collector, on a form prescribed by him, a final return showing all net profits and earnings during the taxable period, the total amount of the tax due thereon, the amount of the estimated tax paid under the provisions of this § 88-5, the amount of the tax that has been withheld pursuant to the provisions of § 88-6 and the balance of the tax due.

E. The final return shall be filed at the following times:

1. If the taxpayer's declaration is filed on a calendar-year basis, he shall file his final return on or before the 15th day of April after the close of such calendar year.
2. If the taxpayer's declaration is filed on a fiscal-year basis the same as the taxable period, he shall file his final return on or before October 15 after the close of the taxable period.
3. If the taxpayer's declaration is not filed on a calendar-year basis or on a fiscal-year basis the same as the taxable period, he shall file his final return on or before the 105th day after the close of the fiscal year.

F. The percentage of the total net profits of any calendar or fiscal year of a taxpayer beginning or ending within the taxable year to which the tax imposed by this article shall be applicable shall be equal to the same percentage of such total net profits as the number of days in any such year within such period bears to the total number of days in any such year.

G. At the time of filing the final return, the taxpayer shall pay the balance of the tax due or shall make demand for refund or credit in the case of overpayment.

H. In the event of the death of a taxpayer during the taxable period, his personal representative or, in the absence of a personal representative, his heirs, as designated by the Pennsylvania Intestate Act, as amended, or as hereafter amended or supplemented, shall file his final return within 60 days after the taxpayer's death and pay the tax due or demand refund in the case of overpayment.

I. In the event the taxpayer's taxable net earned income consists solely of salary, wage, commission, or other compensation, the tax on which has been withheld by his employer and

returned to the Income Tax Collector, such taxpayer shall be relieved of the necessity of filing a return.

J. The final return shall include net profits and earnings taxable under any other resolution of the township for the same calendar or fiscal year so that but one inclusive return shall be filed by every taxpayer for any one calendar or fiscal year.

§ 88-6. Collection at source.

A. Every employer within the township who employs one or more residents on a salary, wage, commission, or other compensation basis shall deduct at the time of the payment thereof the tax imposed by this article on the earnings due to this employee or employees and, within 30 days after the 30th day of September of the taxable period and within 30 days after each quarter of a year thereafter, shall make and file a return with the Income Tax Collector on a form prescribed by the Income Tax Collector, setting forth the taxes so deducted and such other relevant information as the Income Tax Collector may require and shall pay to the township the amount of the taxes so deducted.

B. On or before the 15th day of February of the taxable period, every such taxpayer shall make and file with the Income Tax Collector on a form prescribed by him:

1. A return showing the total amount of the earnings of his employee or employees during the portion of the preceding calendar year ending December 31 and embraced within the taxable period, the total amount of tax deducted and the total amount of tax paid to the township.

2. A return for each employee showing the total amount of the employee's earnings during the portion of the preceding calendar year ending December 31 and embraced within the taxable period, the amount of tax deducted therefrom, the employee's social security number, name and address, and such other relevant information as the Income Tax Collector may require. Such employer on or before February 15 of each of said years shall furnish a copy of such return to the employee named in the return.

C. Said return shall include the earnings taxable under any other resolution of the township for the same calendar year so that one return shall be filed by an employer for any one calendar year.

D. Every employer who discontinues business prior to the close of the taxable year shall, within 30 days after the discontinuance of business, file the returns hereinabove required and pay the tax due. Where discontinuance of business is due to the death of the employer, his personal representative or, in the absence of a personal representative, his heirs, as designated by the Pennsylvania Intestate Act, as amended or as hereafter amended or supplemented, shall within 60 days after the death of the employer file his return and pay the tax due or demand refund in the case of overpayment.

E. The failure or omission of any employer to make the deductions required by this § 88-6 shall not relieve any employee from the payment of the tax or from complying with the requirements of this article relating to the filing of declarations and returns.

F. If an employer makes a deduction of tax as required by this § 88-6, the amount deducted shall constitute in the hands of such employer a trust fund held for the accounts of the township as beneficial owner thereof, and the employee from whose earnings such tax was deducted shall be deemed to have paid such tax.

G. The withholding of earnings and payment and return thereof by the employer under the provisions of this § 88-6 shall not be required in respect to earnings of domestic servants, farm labor, and casual labor not in the course of the employer's business. This subsection shall not be construed to exempt such employees from the requirements of filing a declaration and a return of such earnings and the payment of tax thereon under the provisions of § 88-4.

§ 88-7. Powers and duties of Income Tax Collector.

A. It shall be the duty of the Income Tax Collector to collect and receive the taxes, fines, and penalties imposed by this article. It shall also be his duty to keep a record showing the amount received by him from each person paying the tax and, if paid by such person in respect of another person, the name of such other person and the date of such receipt.

B. The Income Tax Collector is hereby charged with the administration and enforcement of the provisions of this article and is hereby empowered, subject to approval by the Board of Supervisors of the township, to prescribe, adopt, promulgate, and enforce rules and regulations relating to any matter pertaining to the administration and enforcement of this article, including provisions for the reexamination and correction of declarations and returns and of payments alleged or found to be incorrect, or as to which an overpayment is claimed or found to have occurred, and to prescribe forms necessary for the administration of this article.

C. The Income Tax Collector and agents designated in writing by him are hereby authorized to examine the books, papers, and records of any person in order to verify the accuracy of any declaration or return or, if no declaration or return was filed, to ascertain the tax due. Every person is hereby directed and required to give the Income Tax Collector or to any agent so designated by him the means, facilities, and opportunity for each examination and investigation a are hereby authorized.

D. Any information gained by the Income Tax Collector, his agents or by any other official, agent, or employee of the township as a result of any declarations, returns, investigations, hearings, or verifications required or authorized by this article shall be confidential and shall not be disclosed to any person except for official use in connection with the administration or enforcement of this article or as otherwise provided by law.

E. Any person aggrieved by an action of the Income Tax Collector shall have the right of appeal as provided by law.

§ 88-8. Suit for collection of tax.

The Income Tax Collector may sue in the name of the township for the recovery of those due and unpaid under this article. Any suit brought to recover the tax imposed by this article shall be begun within six years after such tax is due or within six years after a declaration or return has been filed, whichever date is later; provided, however, that this limitation shall not prevent the institution of a suit for the collection of any tax due or determined to be due in the following cases:

- A. Where no declaration or return was filed by any person although a declaration or return was required to be filed by him under the provisions of this article.
- B. Where a false or fraudulent declaration or return was filed with the intent to evade tax.
- C. Where any person has deducted taxes under the provisions of this article and has failed to pay the amounts so deducted to the township.

§ 88-9. Interest and penalties.

If for any reason the tax is not paid when due, interest at the rate of 6% per annum of the amount of said tax, and an additional penalty of $\frac{1}{2}$ of 1% of the amount of the unpaid tax for each month or fraction thereof during which the tax remains unpaid, shall be added and collected. Where suit is brought for the recovery of any such tax, the person liable therefor shall, in addition, be liable for the costs of collection and the interest and penalties herein imposed.

§ 88-10. Payments and refunds.

The Income Tax Collector is hereby authorized to accept payment of the amount of tax claimed by the township in any case where any person disputes the validity or amount of the township's claim for the tax. If it is thereafter judicially determined by a court of competent jurisdiction that there has been an overpayment to the Income Tax Collector, the amount of the overpayment shall be refunded to the person who paid.

§ 88-11. Applicability.

- A. The tax imposed by this article shall not apply:
 - 1. To any person as to whom it is beyond the legal power of the township to impose the tax herein provided for under the Constitution of the United States and the Constitution and Laws of the Commonwealth of Pennsylvania.
 - 2. To any institution or organization operated for public, religious, educational, or charitable purposes, to any institution or organization not organized for private profit, or to a trust or a foundation established for any of said purposes.
 - 3. To the net profits of any corporation which is subject to the Pennsylvania corporate net income tax or exempt from the Pennsylvania corporate net income tax and any

foreign corporation which is subject to the Pennsylvania franchise tax or exempt from the Pennsylvania franchise tax.

B. This § 88-11 shall not be construed to exempt any person who is an employer from the duty of collecting the tax at source from his employer and paying the amount collected to the township under the provisions of § 88-6 of this article.

§ 88-12. Violations and penalties.

A. Any persons who fails, neglects, or refuses to make any declaration or return required by this article; any employer who fails, neglects, or refuses to pay the tax deducted from his employees; any person who refuses to permit the Income Tax Collector or any agent properly designated by him to examine his books, records, and papers; and any person who makes any incomplete, false, or fraudulent return to avoid the payment of the whole or any part of the tax imposed by this article shall, upon conviction thereof before any District Justice, be sentenced to pay a fine of not more than \$300 for each offense and costs and/or to be imprisoned in the Westmoreland County Jail for a period not exceeding 90 days.

B. Any person who, except as permitted by the provisions of § 88-7 of this article, divulges any information which is confidential under the provisions of said section shall, upon conviction thereof before any District Justice, be sentenced to pay a fine of not more than \$300 for each offense and costs and/or to be imprisoned in the Westmoreland County Jail for a period not exceeding 90 days.

C. The penalties imposed under this section shall be in addition to any other penalty imposed by any other section of this article.

D. The failure of any person to receive or procure the forms required for making any declaration of return required by this article shall not excuse him from making such declaration of return.

ARTICLE II
Per Capital Tax
[Adopted 5-11-1971 by Ord. No. 71-3-A]

§ 88-13. Levy of Tax. [Amended by Ord. No. 71-3D, 2-13-1973]

A per capita tax of \$10 is hereby levied and assessed on each and every resident or inhabitant over 18 years of age in Ligonier Township, Westmoreland County, Pennsylvania, for the calendar year 1973 and succeeding calendar years.

§ 88-14. Collection of tax.

The per capita tax hereby levied and assessed shall be collected by the officer duly appointed as Collector of this tax by Ligonier Township, Westmoreland County, Pennsylvania.

§ 88-15. Powers and duties of Tax Collector.

A. Said officer appointed as Collector of such taxes shall have the power to demand, receive, and collect the same from all corporations, associations, companies, firms, or individuals, employing in any manner whatsoever persons from whom such per capita tax shall be due and owing or having in its or their possession unpaid commissions or earnings belonging to any person or persons owing such additional per capita tax, upon the presentation of written notice and demand containing the name or names of the taxable or taxable and the amount respectively due; provided, however, that such employers have the right to deduct from the moneys collected the costs incurred by reason of extra bookkeeping or accounting necessary to record such transactions, such costs not to exceed 2% of the amount of money so collected and paid over to the officer appointed as Collector of such taxes. In the event that any employer shall fail to comply with the provisions of this article, he, it, or they shall be liable for such tax in the manner provided by the Acts of Assembly of the Commonwealth of Pennsylvania.

B. The officer appointed as Collector of this tax, in addition to the remedies herein provided, shall be entitled to have and exercise all the rights, liberties, and privileges granted and conferred upon said officers appointed to collect such taxes or delinquent taxes under any Act of Assembly of the Commonwealth of Pennsylvania now in force or that may be hereafter enacted.

§ 88-16. Collector may institute suit in assumpsit.

The officer appointed as Collector for such tax may institute a suit in assumpsit as provided by law to recover the tax herein levied and assessed, and to any judgement obtained therein a penalty of 10% shall be added, together with costs of suit.

§ 88-17. List of taxable residents.

The Supervisors of Ligonier Township, Westmoreland County, Pennsylvania, shall provide a list of all taxable residents or inhabitants within Ligonier Township for the officer appointed to collect this tax.

§ 88-18. Taxes to be turned over to township.

The officer appointed to collect this tax, after receiving said list of taxable, shall collect the per capita tax and turn over the proceeds of the same to the township, in the same manner and under the same terms and conditions under which he is now collecting other taxes for and on behalf of the township.

§ 88-19. No resident to be exonerated from payment.

No resident or inhabitant of Ligonier Township, Westmoreland County, Pennsylvania, shall be exonerated from the payment of this tax as levied in this article, unless his or her case is brought before the Board of Supervisors, and then exonerated only if such case merits such exoneration under the circumstances and existing laws pertaining thereto.

§ 88-20. Statutory authority.

This article is based under and by the authority of the provisions of Act. No. 511 of 1965, its amendments and supplements, as hereinabove referred to, and all pertinent provisions thereof are incorporated herein as though written in length herein, and they shall govern in the event there should appear to be any conflict between the wording of this article and the provisions of said Act, its amendments and supplements.

§ 88-21. Violations and penalties.⁴²

This article shall be enforced by action brought before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Any person who violates or permits the violation of this article shall, upon conviction in a summary proceeding, be punishable by a fine of not more than \$1,000 or by imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a spate offense. Each section of this article that is violated shall also constitute a separate offense.

⁴² Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

ARTICLE III
Real Estate Transfer Tax
[Adopted 11-9-1966 by Res. No. 66-9]

§ 88-22. Authority for enactment.

This article is enacted under authority of the Local Tax Enabling Act, P.L. 1257, No. 511, December 31, 1965, 53 P.S. §§ 6901 et seq. (1982), as hereafter amended, supplemented, modified, or reenacted by the General Assembly of Pennsylvania.

§ 88-23. Definitions.

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

A. *ASSOCIATION* – A partnership, limited partnership, or any other form of unincorporated enterprise owned or conducted by two or more persons.

B. *CORPORATION* – A corporation or joint-stock association organized under the laws of this commonwealth, the United States or any other state, territory, foreign country, or dependency.

C. *DOCUMENT* – Any deed, instrument, or writing whereby any lands, tenements, or hereditaments situate wholly or in part within the Township of Ligonier, or any interest therein, shall be quitclaimed, granted, bargained, sold, or otherwise conveyed to a grantee, purchaser, or any other person, but not including:

1. Transfers by will, mortgage, or the interstate laws of the Commonwealth of Pennsylvania;
2. Transfer by the owner of a previously occupied residential premises to a builder as part of the consideration from the purchaser of a new previously unoccupied single-family residential premises;
3. Transfer between corporations operating housing projects pursuant to the Housing and Redevelopment Assistance Law⁴³ and the shareholders thereof;
4. Transfer between nonprofit industrial development agencies and industrial corporations purchasing from them;
5. Transfer to nonprofit industrial development agencies;
6. Transfer between husband and wife;
7. Transfer between persons who were previously husband and wife but who have since been divorced, provided that such transfer is made within three months of the date of the granting of the final decree in divorce or the final decree of equitable distribution and the property or interest therein, subject to such transfer, was acquired by the husband and wife prior to the granting of the final decree in divorce;
8. Transfer between parent or grandparents and child or spouse of such child, or between parent or grandparents and trustee for the benefit of a child or the spouse of such child, by

⁴³ Editor's Note: See 35 P.S. § 1661 et seq.

and between a principal and straw party for the purpose of placing a mortgage or ground rent upon the premises;

9. Correctional deed without consideration;

10. Transfer to the United States, the Commonwealth of Pennsylvania, or to any of their instrumentalities, agencies, or political subdivisions by gift, dedication, or deed in lieu of condemnation, or deed of confirmation in connection with condemnation proceedings, or reconveyance by the condemning body of the property condemned to the owner of record at the time of condemnation which reconveyance may include property line adjustments, provided that said reconveyance is made within one year from the date of condemnation, leases, or in a conveyance to a trustee under a recorded trust agreement for the express purpose of holding title in trust as security for a debt contracted at the time of the conveyance under which the trustee is not the lender and requiring the trustee to make reconveyance to the grantor-borrower upon the repayment of the debt; and

11. Privilege, transaction, subject, occupation, or personal property which is now or does hereafter become subject to state tax or license fee.

D. *PERSON* – A natural person, association, or corporation. Whenever used in any clause prescribing and imposing a fine or imprisonment, the term “person,” as applied to associations, shall mean partners or members thereof, and as applied to corporations, the officers thereof.

E. *REALTY TRANSFER TAX COLLECTOR* – The person designated by the Township Supervisors to enforce and administer this article.

F. *VALUE* – In the case of any document granting, bargaining, selling, or otherwise conveying any land, tenement, or hereditament or interest therein, the amount of the actual consideration therefor, including liens or other encumbrances thereon, or a commensurate part of the liens or other encumbrances thereon, where such liens or other encumbrances also encumber other lands, tenements, or hereditaments, provided that where such document shall set forth a small or nominal consideration, the “value” thereof shall be determined from the price set forth in or actual consideration for the property granted, bargained, sold, or otherwise conveyed, which in either event shall not be less than the fair market value amount of the highest assessment of such lands, tenements, or hereditaments for local tax purposes.

§ 88-24. Imposition of tax.

A. After the effective date of the article, on every document whereby any lands, tenements, or hereditaments or any interest therein lying, being and situate, wholly or in part, within the boundaries of the Township of Ligonier shall be granted, bargained, sold, or otherwise conveyed, a tax for general revenue purposes is hereby imposed and assessed on each such document at the rate of \$0.50 on every \$100 of the value of the real estate, lands, tenements, or hereditaments or any interest therein which is conveyed or transferred by said document, provided that where any lands, tenements, or hereditaments being situated partly within and partly without the boundaries of the township are conveyed, such tax so levied shall be calculated on the valuation of that portion of such lands and tenements lying within the limits of the township; provided, further, that on all transactions where the value by which the tax is determined involves a figure not

divisible by \$100, no tax shall be collected on that part of the value or selling price over and above the highest even one-hundred-dollar valuation.

B. The one-percent real estate transfer tax originally imposed by the township through Resolution No. 66-9, enacted November 9, 1966, is extended and expanded to include all of the transactions as defined in Article XI-C of the Act of 1986, No. 77.^{44 45}

§ 88-25. Payment and liability.

This tax shall be due and payable and shall be paid by the grantor or grantors named in the document at the time of the making and execution of the same; provided, however, that it shall be the duty of the grantee or grantees named in said document to ascertain that said tax has been paid by the grantor or grantors before accepting delivery of said document; provided, further, that if said grantee or grantees accepts delivery of a document which does not reflect any official stamp or writing that the tax has been paid, the grantee or grantees shall become jointly or severally liable with the grantor or grantors for the payment of said tax.

§ 88-26. Evidence of payment.

The payment of the tax imposed by this article shall be evidenced by an official stamp affixed to every document indicating the amount of the tax paid. The person using or affixing said stamps shall write or stamp or cause to be written or stamped thereon the date upon which such stamps are affixed or used so that such stamps may not again be used.

§ 88-27. Duties of Realty Transfer Tax Collector.

The Realty Transfer Tax Collector shall prescribe, prepare, and furnish adhesive stamps in such denominations and quantities as may be necessary for the payment of the tax imposed by this article, provided that the Realty Transfer Tax Collector may prescribe such other method of evidencing the payment of the tax as he may deem advisable.

§ 88-28. Authority of Realty Transfer Tax Collector.

The Realty Transfer Tax Collector is hereby charged with the enforcement of the provisions of this article and is authorized and empowered to prescribe, adopt, promulgate, and enforce rules and regulations relating to:

- A. The method and means to be used in affixing or canceling stamps as provided in this article.
- B. The denominations and sale of stamps.

⁴⁴ Editor's Note: See 53 P.S. § 6901 et seq.

⁴⁵ Added 10-14-1986 by Res. No. 86-5.

C. Any other matter or thing pertaining to the administration and enforcement of the provisions of this article.

§ 88-29. Affidavit required with certain documents.

Every document upon which a tax is imposed by this article and which does not reflect the actual value of the land, tenements, or hereditaments or interest therein granted, bargained, sold, or conveyed by said document shall be accompanied by an affidavit executed by a responsible person connected with the transaction, showing such connection and setting forth the true, full, complete, and actual value thereof.

§ 88-30. Prohibited acts.

It shall be unlawful for any person to:

A. Make, execute, issue, deliver, or accept or cause to be made, executed, issued, delivered, or accepted any document without the full amount of tax thereon being duly paid;

B. Make use of any stamps to denote payment of any tax imposed by this article without canceling such stamp as required by this article or as prescribed by the Realty Transfer Tax Collector; or

C. Fail, neglect, or refuse to comply with or violate the rules and regulations prescribed, adopted, and promulgated by the Realty Transfer Tax Collector under the provisions of this article.

§ 88-31. Interest added to unpaid tax.

All taxes imposed by this article not paid when due shall bear interest thereon at the rate of $\frac{1}{2}$ of 1% per month until paid.

§ 88-32. Recovery of taxes and interest.

All taxes imposed by this article together with interest from the due date shall be recovered as other debts of like character are recovered.

§ 88-33. Tax constitutes lien against property.

The tax imposed by this article shall become a lien upon the lands, tenements, or hereditaments or any interest therein lying, being and situate, wholly or in part, within the boundaries of the

township, which lands, tenements, hereditaments, or interest therein are described in or conveyed or transferred by the documents which is the subject of such imposed and assessed by this article, said lien to begin at the time when the tax under this article is due and payable and continue until discharged by payment or in accordance with the law. The Solicitor is authorized to file a municipal or tax claim in the Court of Common Pleas.

§ 88-34. Violations and penalties.

Any person who shall violate any provision of this article shall, upon conviction thereof, be sentenced to pay a fine of not more than \$300 and/or to imprisonment for a term not to exceed 90 days.

ARTICLE IV
Amusement Tax
[Adopted 5-11-1971 by Ord. No. 71-4]

§ 88-35. Imposition of tax.

A. A tax is hereby imposed on admissions to places of amusement, athletic events, and the like situated, conducted, operated, or provided within the geographical limits of Ligonier Township, Westmoreland County, Pennsylvania, commencing the first day of July 1971, and for succeeding calendar years, which tax shall be paid by the owner, operator, and those in charge and responsible for said places of amusement, athletic events, and the like at the rate of 10% of the established price charged for admission.

B. Limitation on amount of tax.⁴⁶

1. The actual amount of tax imposed by this article for admission to any place of amusement, athletic event, and the like shall not exceed one (\$1.00) dollar per person per admission per day.
2. Season tickets. Where an admission fee is paid which entitles the admittee to admission over a period of days or for an entire season, then the daily limit imposed by this section shall be calculated by assuming that the admission price and amusement tax based thereon is divided equally over the maximum number of days for which admission could be obtained to the place of amusement, athletic event, and the like.
3. If any other taxing body is authorized to share in the amusement tax imposed hereby, then this limitation shall be effective only to the extent that such other taxing body enacts a limit on the maximum tax per person per admission per day. In such case, the legal maximum shall be reduced by the percentage of tax which the Township of Ligonier is authorized to collect for its share.

§ 88-36. Levy of tax.

The amusement tax hereby levied and assessed shall be collected by the officer duly appointed as Collector of this tax by Ligonier Township. Said officer shall collect and receive such tax, shall furnish a receipt for the payment, and shall keep a record showing the amount received by him from each person paying under this article and the date of each receipt. Said officer by and with the approval of the Board of Supervisors of Ligonier Township is empowered to prescribe rules and regulations relating to any matter or thing pertaining to the administration and enforcement of the provisions of this article, as allowed and permitted under Act No. 511 of 1965, its amendments and supplements. Such rules and regulations shall be inscribed by the Secretary of Ligonier Township, Westmoreland County, Pennsylvania, in a book kept for that purpose and shall be opened to the inspection of the public.

§ 88-37. Payment of tax due.

⁴⁶ Added 3-14-1989 by Ord. No. 89-9.

There is imposed upon each and every owner, operator, and those in charge and responsible for said places of amusement, athletic events and the like the duty to report and pay the tax due quarterly, to wit: on the 15th day of April, the 15th of July, the 15th day of October, and the 15th day of January of each and every year, to the Collector of this present said tax on the total of all admissions to said places of amusement, athletic events, and the like. Said owner, operator, and those in charge and responsible for said places of amusement, athletic events, and the like shall on the 15th day of July of each year or on such day as may be set by the Board of Supervisors of Ligonier Township make a complete final statement of all admissions collected, obtain any credits or debits due and make complete settlement with said Collector for the tax due for the preceding calendar year. In the event that there is any question as to the amount due, said Collector shall have the power and authority to demand of and receive from said persons so reporting an affidavit as to the actual amount collected, which he shall retain and file with his report to Ligonier Township, and to enforce any other procedure approved in this article.

§ 88-38. Collection of tax.

It shall be the duty of Ligonier Township Board of Supervisors, Westmoreland County, Pennsylvania, or the officer appointed by said Supervisors to collect and receive the tax imposed by the article.

§ 88-39. Duties of Tax Collector.

The Ligonier Township Supervisors or the officer appointed by said Supervisors is hereby charged with enforcement of the provisions of this article and they or he is hereby empowered to prescribe, adopt, and enforce rules and regulations relating to any matter or thing pertaining to the administration and enforcement of the provisions of this article, including provisions for the reexamination and correction of returns and payments alleged or found to be incorrect or as to which an overpayment is claimed or found to have occurred.

§ 88-40. Collector authorized to examine records.

The Ligonier Township Supervisors or such officer appointed by them is hereby authorized to examine the books, papers, and records of any owner, operator, and those in charge and responsible for said places of amusement, athletic events, and the like in order to verify the accuracy of any return made or, if no return was made, to ascertain the tax imposed by this article. Said owner, operator, and those in charge and responsible or supposed to be are hereby directed and required to give up to the township or its officer, for said purpose, the means, facilities, and opportunity for such examination and investigation as are hereby authorized. Said Supervisors or their officer is also authorized to examine any person under oath concerning this tax and to this end may compel the production of books, papers, and records and the attendance of all persons before him or them, whether as parties or witnesses, whom he or they believed to have knowledge of such matter.

§ 88-41. Records to be kept confidential; penalties.

Any information gained by Ligonier Township or its officer appointed by them for such purpose, as a result of any returns, investigations, hearings, or verifications required or authorized by this article, shall be confidential except for official purposes and except in accordance with proper judicial order or as otherwise provided by law, and any person or agent divulging such information shall be subject to a fine or penalty of \$300 and costs for each offense or to undergo imprisonment for not more than 90 days for the nonpayment of such fine or penalty and costs.

§ 88-42. Interest and penalty.

All taxes imposed by this article remaining unpaid after they become due shall bear interest in addition to the amount of the unpaid tax at the rate of 6% per year, and the persons upon whom said taxes are imposed shall be further liable to a penalty of $\frac{1}{2}$ of 1% of the amount of the unpaid tax for each month or fraction of a month during which the tax remains unpaid.

§ 88-43. Taxes recoverable.

All taxes imposed by this article, together with all interest and penalties, shall be recoverable by Ligonier Township, Westmoreland County, Pennsylvania, as other debts of the like amount are recoverable.

§ 88-44. Violations and penalties.

- A. Any person, firm, or corporation who or which shall violate any provision of this article shall, upon conviction thereof, be sentenced to pay a fine of not more than \$300 and/or to imprisonment for a term not to exceed 90 days.
- B. Such fine or penalty shall be in addition to any other penalty imposed by any other section of this article.
- C. The failure to receive or procure a return form shall not excuse a person from making a return.

§ 88-45. Applicability.

This article shall not apply to any person or property as to whom or which it is beyond the legal power of Ligonier Township to impose the tax or duties herein provided for or any type of amusement which is exempt under Act No. 511 above referred to, its amendments and supplements.

§ 88-46. Effective date.

This article shall become effective July 1, 1971, and continue in effect for calendar years thereafter as provided by law.

ARTICLE V⁴⁷
Local Services Tax
[Adopted 12-11-2007 by Ord. No. 2007-OR-09]

§ 88-47. Title and authority.

This Article shall be known and may be cited as the “Local Services Tax Ordinance” and is enacted under the authority of Act 511 of 1965, as amended, known as “The Local Tax Enabling Act”.

§ 88-48. Definitions.

As used in this Article, unless the context clearly indicates a different meaning, the following words shall have the meanings set forth below:

- A. *Calendar Year* – The twelve month period beginning January 1st and ending December 31st.
- B. *Collector* – Person, public employee, public agency, or private agency designated by the governing body of Ligonier Township to collect and administer the Local Services Tax.
- C. *Earned Income* – “Compensation” as determined under Section 303 of the Act of March 4, 1971 (P.L. 6, No. 2), known as the “Tax Reform Code of 1971”, and regulations in 61 Pa., Code Pt. I Subpt. B Art. V (related to personal income tax) NOT INCLUDING, however, wages or compensation paid to individuals on active military service set forth in §88-50 B. Employee business expenses are allowable deduction as determined under Article III of the “Tax Reform Code of 1971”. The amount of any housing allowance provided to a member of the clergy shall not be taxable as earned income.
- D. *Employer* – A person, partnership, association, corporation, institution, governmental body or unit or agency, or any other entity employing one or more persons for a salary, wage, commission, or other compensation, including self-employed individuals.
- E. *Exemption Certification* – An exemption certificate substantially in the form of the uniform certificate prescribed by the Pennsylvania Department of Community and Economic Development affirming that the person reasonably expects to receive Earned Income and Net Profits from all sources subject to tax by the township of less than twelve thousand (\$12,000.00) dollars in the calendar year for which the exemption is filed, which Exemption Certificate has attached to it a copy of all of the employees’ last pay stubs or W-2 forms from employment subject to tax by the township for the year prior to the calendar year for which the employee is requesting to be exempted from the Tax. In addition to the income exemptions, provision has been made for certain military exemptions.

⁴⁷ Occupational Privilege Tax was adopted 12-28-1981 by Ord. No. 81-4. The Occupational Privilege Tax was replaced by the Emergency and Municipal Services Tax 1-27-2005 by Ord. No. 2005-OR-01. The Emergency and Municipal Services Tax was replaced by the Local Services Tax 12-11-2007 by Ord. No. 2007-OR-09.

- F. *Local Services* – Emergency Services; road construction and/or maintenance; reduction of property taxes; and property tax relief through implementation of a homestead and farmstead exclusion in accordance with 53 Pa. C.S. Subch. F.
- G. *Net Profits* – The net income from the operation of a business, profession, or other activity, except corporations, determined under section 303 of the Act of March 4, 1971 (P.L. 6, NO. 2), known as the “Tax Reform Code of 1971”, and regulations in 61 Code Pt. I Subpt. B Art. V (relating to personal income tax). The term does not include income which is not paid for services provided and which is in the nature of earnings from an investment. For taxpayers engaged in the business, profession, or activity of farming, the terms shall not include:
1. Any interest earnings generated from any monetary accounts or investment instruments of the farming business;
 2. Any gain on the sale of farm machinery;
 3. Any gain the sale of livestock held twelve months or more for draft, breeding or dairy purposes; and
 4. Any gain on the sale of other capital assets of the farm (Def. Amended December 9, 2002, P.L. 1364, No. 166).
- H. *Non Resident* – A person, partnership, association, or other entity domiciled outside the township.
- I. *Occupation* – Any livelihood, job, trade, profession, business, or enterprise of any kind, including services, domestic or otherwise, for which any Earned Income and/or Net Profits are charged and received from sources within the township.
- J. *Political Subdivision* – Any county, city, borough, incorporated town, township, school district, vocational school district, and county institutional district.
- K. *Preceding Year* – The calendar year before the current year.
- L. *Tax* – The tax imposed by § 88-49 of this Article.
- M. *Taxpayer* – Any natural person liable for the tax levied by § 88-49 of this Article.
- N. *Township* – The Township of Ligonier

§ 88-49. Levy.

The Township of Ligonier hereby levies and imposes on every individual engaging in an occupation within the jurisdictional limits of the township a tax in the amount of \$52.00 per annum, beginning on the first day of January, 2008, and continuing on a calendar basis annually thereafter, until modified or repealed by a subsequent ordinance. This tax is in addition to all other taxes of any kind or nature heretofore levied by the township.

§ 88-50. Exemptions.

The tax levied by § 88-49 shall not be imposed upon the following persons:

- A. Any person who served in any war or armed conflict in which the United States was engaged and is honorably discharged or released under honorable circumstances from active service if, as a result of military service, the person is blind, paraplegic, or a double or quadruple amputee, or has a service-connected disability declared by the United States Veteran's Administration, or its successor, to be a total one hundred percent permanent disability.
- B. Any person who serves as a member of a reserve component of the armed forces and is called to active duty at any time during the calendar year. For purposes of this subsection, "reserve component of the armed forces" shall mean the United States Army Reserve, United States Marine Corps Reserve, United States Coast Guard Reserve, United States Air Force Reserve, the Pennsylvania Army National Guard, or the Pennsylvania Air National Guard.
- C. Any person whose total Earned Income and/or Net Profits from all sources within the township is less than twelve thousand (\$12,000.00) dollars for the calendar year in which the Local Service Tax is levied.

§ 88-51. Collection through employers.

- A. Every Employer shall within fifteen (15) days after first becoming an Employer, register with the Collector the Employer's name, address, and such other information as the Collector may require. Failure to register in a timely manner does not relieve the employer of the requirements of this Article.
- B. As to each Taxpayer employed for any length of time during any payroll period of an Employer during the calendar year, each Employer shall deduct a pro rate share of the Tax from the Earned Income payable to the Taxpayer with respect to such payroll period. The pro rate share of the Tax assessed on a Taxpayer for a payroll period shall be determined by dividing the rate of the Tax (\$52) levied for the calendar year. For purposes of determining the pro rate share of the Tax, an Employer shall round down the amount of Tax deducted for each payroll period to the nearest one-hundredth of a dollar.
- C. Each Employer shall file a return on a form prescribed by the Collector, and pay the Collector the full amount of all such Taxes deducted during a calendar quarter within thirty (30) days after the end of the calendar quarter. A tax return must be filed for each calendar quarter, regardless of whether the withholdings were completed, or any tax liability exists.
- D. Any Employer who discontinues business or ceases operation during the calendar year, shall within fifteen (15) days after discontinuing business or ceasing operations, file the return hereinabove required, and pay the Tax to the Collector.

- E. The failure of any Employer to deduct the Tax shall not relieve the employee from the duty to file a return and pay the tax. Any Employer who fails to deduct the Tax as required by this Section, or who fails to pay such Tax to the Collector, shall be liable for such Tax in full, as though the Tax had originally been levied against such Employer. No Employer shall be liable for failure to deduct the Tax if the failure to deduct the Tax arises from incorrect information submitted by the employee as to the employee's place or places of employment, the employee's principal office, or where the employee is principally employed.
- F. Priority of Withholding.
1. The tax shall be withheld at the place of employment on the first day the person become subject to the tax during each payroll period.
 2. In the event a person is engaged in more than one occupation, i.e., concurrent employment, or an occupation which requires the person working in more than one political subdivision during the payroll period, the priority to withhold the Local Services Tax shall be in the following order:
 - a) The political subdivision in which a person maintains his or her principal office or is principally employed.
 - b) The political subdivision in which the person resides and works, if the tax is levied by that political subdivision.
 - c) The political subdivision in which a person is employed and which imposes the tax nearest in miles to the person's home.
- G. The Employer shall not deduct the Tax, but shall maintain adequate records concerning the employees in the cases described in subsection 1 and 2 of this section.
1. It is the intent of this Section that no person shall be subject to the payment of the Local Services Tax in more than one municipality during each payroll period. No taxpayer shall be required to pay more than \$52.00 in total during the calendar year. In the case of concurrent employment, an employer shall refrain from withholding the Local Services Tax, if the employee provides:
 - a) A recent pay statement from a principal employer that includes the name of the employer, the length of the payroll period, and the amount of Local Services Tax withheld; and
 - b) A statement from the employee that the pay statement is from the employee's principal employer and the employer will notify other employees of a change in principal place of employment within two (2) weeks of its occurrence.
 2. In the case of my employee claiming the exemption set forth as § 88-50 C., if (a) the employed has provided an Exemption certificate to the Employer; (b) the Collector has not otherwise instructed the Employer, (c) the Employer has not received notification from the person who claimed the exemption, or from the Collector, that the person has received Earned Income, and/or Net profits from all sources within the township equal to or in excess of twelve thousand (\$12,000.00) dollars in that calendar year, or that the person is otherwise illegible for the Tax exemption for that calendar year, and (d) the Employer has not paid to the person Earned Income within the township an amount equal to or, in excess of, twelve thousand (\$12,000.00) dollars in that calendar year.

3. If a person has claimed exemption from the Tax under § 88-50 for a given calendar year, but either (a) the Employer has received notification from the person who claimed the exemption, or from the Collector that the person has received Earned Income and/or Net Profits from all sources within the township equal to or in excess of twelve thousand (\$12,000.00) dollars in that calendar year, or that the person is otherwise ineligible for the Tax exemption for that calendar year, or (b) the Employer has paid to the person Earned Income within the Township an amount equal to or in excess of twelve thousand (\$12,000.00) in that calendar year, then the Employer shall withhold the Tax for the remainder of that calendar year and the Employer shall withhold from the person, for the first payroll period after receipt of the notification described in clause (a) above, or for the first payroll period after payments described in clause (b) above have been made, a lump sum equal to the amount of tax that was not withheld from the person due to the exemption claimed by the person, plus the per payroll amount due for that first payroll period. The amount of tax withheld per payroll period for the remaining payroll periods in that calendar year shall be the same amount withheld for other employees. In the event the employment of a person subject to withholding of the tax under this subsection is subsequently severed in that calendar year, the person shall be liable for any outstanding balance of Tax due and the collector may pursue collection under this Article.
4. Each Employer shall ensure that Exemption Certificate forms are readily available to employees at all times and shall furnish each new employee with an Exemption Certificate form at the time of hiring and prior to the first pay period of each calendar year.
5. A person seeking exemption from the Tax under § 88-50 C. must annually file an Exemption Certificate with the Employer and the Collector.
6. Each employer within the township and each employer located outside the township who engages in business within the township is hereby charged with the duty of collecting the Tax from each of the employees engaged by the employer and performing work for the employer within the township.

H. The Township may make joint agreements for the collection of the tax levied under this Article. The same Collector may be employed by two or more political subdivisions to collect the Local Services Tax.

§ 88-52. Direct payment by taxpayers.

Every Taxpayer who is self-employed and has not filed an exemption certificate with the collector, or whose tax, for any other reason, is not collected under § 88-51, of this Article shall file a return on a form prescribed by the Collector and shall pay a pro rate share of the Tax directly to the Collector within thirty (30) days after the end of each calendar quarter. The pro rate share of the Tax assessed on a Taxpayer for a calendar quarter shall be determined by dividing the rate of the Tax levied (\$52) for the calendar year by four.

§ 88-53. Nonresident taxpayers.

Both resident and nonresident Taxpayers shall, by virtue of engaging in an Occupation within the township, be subject to the Tax and the provisions of this Article.

§ 88-54. Administration and enforcement.

The Collector, on behalf of the township, shall collect and receive the Taxes, interest, fines, and penalties imposed by this Article, and shall maintain records showing interest, fines, and penalties imposed by this Article, the amounts received and the dates such amounts were received. The Collector shall prescribe and issue all forms necessary for the administration of the Tax, and shall enforce regulations adopted by the governing body relating to any matter pertaining to the administration of this Article, including, but not limited to, requirements for collection through Employers, requirements for evidence and records, and provisions for the examination and correction of returns. The Collector and any designated agents may examine the records of any Employer or supposed Employer, or of any Taxpayer or supposed Taxpayer, in order to ascertain the Tax due or verify the accuracy of any return. Every Employer or supposed Employer and every Taxpayer or supposed Taxpayer shall give the Collector and any designated agent all means, facilities, and opportunity for the examinations hereby authorized. Any such examination shall be conducted within the township or at the office where the tax return is processed.

§ 88-55. Suits for collection of tax.

The township or its collector of the tax may collect unpaid taxes from the taxpayer or employer owing such taxes by suit as provided for in Act 511 of 1965, as amended, known as “the Local Enabling Tax Act.”

§ 88-56. Interest and penalties for unpaid tax.

If, for any reason, the tax is not paid when due, interest at the rate of six (6%) percent per annum on the amount of said tax, and an additional penalty of one-half of one percent of the amount of unpaid tax for each month or fraction thereof during which the tax remains unpaid shall be added and collected. Where suit is brought for the recover of any such tax, the taxpayer or employer liable for the tax shall, in addition, be liable for the costs of collection and the interest thereon imposed.

The penalties imposed under this Section shall be in addition to any other penalty imposed by any other section in this Article.

§ 88-57. Fines and penalties for violation of this article.

Any taxpayer or employer who fails, neglects, or refuses to make a return required, or who fails, neglects, or refuses to register or to pay the tax deducted from employees, or fails, neglects, or refuses to deduct or withhold the tax from employees, taxpayers, or employers, who refuses to permit the Collector to examine the books, records, and papers, and taxpayer or employer or employer who knowingly makes any incomplete, false, or fraudulent return or attempts to do anything whatsoever to avoid the full disclosure of the amount of tax due in order to avoid the payment of the whole, or any part of the tax imposed, shall, upon conviction thereof before the district magistrate, be sentenced to pay a fine of not more than five hundred (\$500.00) dollars for each offense, together with costs, and, in default of said fines and costs, shall be imprisoned for a period not exceeding thirty (30) days.

The failure of taxpayer or employer to receive or procure forms required for filing the required return does not excuse the taxpayer or employer from the filing requirement.

§ 88-57.1. Refunds.

Any person who has overpaid the Tax may obtain a refund by making a written application for a refund to the Collector no later than one (1) calendar year after payment of the tax, or three (3) years after the due date for payment of the Tax, whichever is later, and satisfactorily proves to the Collector that the taxpayer is entitled to the refund. Refunds made within seventy-five (75) days of a refund requested or seventy-five (75) days after the last day the Employer is required to remit the Tax to the Collector for the last quarter of the calendar year, whichever is later, shall not be subject to interest imposed under 53 Pa.C.S. §8426. A refund shall be provided only for an amount overpaid in a calendar year that exceeds one (\$1.00) dollar.

Refund requests must be submitted on the form approved by the Collector. It should be noted that incomplete refund requests will be deferred until the missing or incomplete information is provided. Refunds in the deferred status are not subject to the payment of interest requirements.

§ 88-57.2. Receipt.

The Collector shall provide a Taxpayer a receipt for payment of the Tax upon request by the Taxpayer. A stamped self-addressed envelope shall be furnished by the taxpayer, if a receipt via return mail is desired.

§ 88-57.3. Applicability.

The Tax shall not apply to any subject of Tax or person not within the taxing power of the township under the Constitution of the United States and the laws of the Commonwealth of Pennsylvania.

§ 88-57.4. Duration.

This Article shall continue in force from one calendar year to another without annual re-enactment.

ARTICLE VI
Tax Certifications
[Adopted 4-2-1991 by Ord. No. 91-1]

§ 88-58. Statement required.

From and after January 1, 1991, the duly elected Tax Collector of the Township of Ligonier shall provide, upon request, a written statement, certified by him/her, of the taxes and/or assessments collectible by the Tax Collector and paid to the Tax Collector for each taxable or property in the Township.

§ 88-59. Fee.⁴⁸

The fee for such tax certification shall be set from time to time by resolution of the Board of Supervisors, which fee shall be paid to the Tax Collector at the time of the request.

§ 88-60. Remittance of sums; reports.

The Tax Collector shall remit to the Treasurer of the township on or before the 10th day of each and every month all sums collected by him/her for the preceding calendar month for such tax certifications, along with a statement identifying the name of the requesting party, the property or taxable involved, the date of the request and certification and the sum charged and collected.

§ 88-61. Compensation of Tax Collector.

A. The Tax Collector shall be compensated on a monthly basis for the issuance of such tax certifications in an amount equal to the amount collected by the Tax Collector and remitted to the Township Treasurer for such tax certifications. Said compensation shall be paid to the Tax Collector on or before the 20th day of the month for the preceding calendar month.

B. The compensation paid to the Tax Collector for such certifications shall be in addition to the other compensation due and payable to the Tax Collector for the collection of township taxes and assessments.

⁴⁸ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

Chapter 92

VEHICLES AND TRAFFIC

ARTICLE I

No Parking Zone

§92-1. Limitation on parking.

§92-2. Posing of no parking areas.

§92-3. Violations and penalties; removal of vehicles.

ARTICLE II

Weight Limitations

§92-4. Title.

§92-5. Enactment.

§92-6. Definitions.

§92-7. Findings of the Board of Supervisors.

§92-8. Vehicle weight limits established.

§92-9. Permits and security.

§92-10. Erection of signs.

§92-11. Violations and penalties.

[HISTORY: Adopted by the Board of Supervisors of the Township of Ligonier as indicated in article histories. Amendments noted where applicable.]

ARTICLE I

No Parking Zone

[Adopted 7-13-1999 by Ord. No. 99-13]

§92-1. Limitation on parking.

- A. *Parking prohibited on State Route 711 in designated area in Ligonier Township; no parking zone created.* It shall be unlawful for any person, firm, partnership, or corporation, whether principal or agent, to park any motor vehicle, motorcycle, truck, trailers, etc. on the southeastern or southwestern berms or within the legal right-of-way of State Route 711 on the following described areas in Ligonier Township, Westmoreland County, Pennsylvania: From a point along the southeastern and southwestern edges or berms of State Route 711 from the Ligonier Township boundary line at the southern side of the bridge crossing the Loyalhanna Creek and continuing in a southerly direction on both sides of State Route 711 for a distance of 700 feet, more or less, 24 hours per day, seven days per week.

- B. *Parking prohibited on Old Lincoln Highway in designated area in Ligonier Township; no parking zone created.*⁴⁹ It shall be unlawful for any person, firm, partnership, or corporation, whether principal or agent, to park any motor vehicle, motorcycle, truck, trailers, etc. on either side of the road or within the legal right-of-way of Old Lincoln Highway West on the following described areas in Ligonier Township, Westmoreland County:
- a. From a point along the southern edges or berms of Old Lincoln Highway West across from the former Township Building and current Community Garden location identified as 106 Andi Lane, parcel number 51-16-00-0-047, and continuing in a westerly direction for a distance of 1,000 feet, 24 hours per day, seven days per week.
 - b. From a point along the northern edges or berms of Old Lincoln Highway West from the intersection with Main Street to the driveway of the home identified as 26 Old Lincoln Highway West, parcel number 51-16-00-0-048, a distance of 1,500 feet, 24 hours per day, seven days per week.

§92-2. Posting of no parking areas.

A. The Board of Supervisors of Ligonier Township shall cause the proper signs to be posted on the aforesaid road designating the areas as set forth in this article as no parking zones as soon as practicable after passage of this article.

B. All signs shall be installed in accordance with the relevant provisions of the Pennsylvania Department of Transportation Code.

§92-3. Violations and penalties; removal of vehicles.

A. Any person, firm, partnership, or corporation, whether principal or agent, stopping, standing, or parking vehicles in violation of this article shall be guilty of a summary offense and shall, upon conviction, pay a fine of \$50 for the first offense, \$100 for the second offense, and \$150 for any third or subsequent offense, plus the costs of prosecution for each offense. In default of payment of such fine and cost of prosecution, any person, firm, partnership, or corporation, whether principal or agent, shall be sentenced to imprisonment in the Westmoreland County Prison for a period not exceeding 30 days.

B. It is hereby declared that each and every day upon which a violation of this article occurs shall constitute a separate offense. It is also declared that each vehicle which is used in such a manner as to violate this article shall be considered as a separate offense, even if said vehicles are owned by the same person, firm, partnership, or corporation, whether principal or agent.

C. The Ligonier Township or Pennsylvania State police may cause to be removed any vehicle which is violation of the provisions of this article, and the costs and expenses of such removal shall be imposed upon the person, firm, partnership, or corporation, whether principal or agent, which owns said vehicle in addition to the fines and costs imposed pursuant to Subsection A.

⁴⁹ Amended/added June 25, 2024 by Ordinance No. 2024-OR-05

Ligonier Township shall have all rights under applicable municipal, state, and federal laws to collect such costs and expenses for removal of vehicles violating the provisions of this article.

D. The filing of a summary prosecution under this article does not prohibit Ligonier Township from proceeding with other actions, including an action in equity, to abate the violations or to collect all costs and expenses incurred in abatement of violations of this article.

ARTICLE II
Weight Limitations
[Adopted 2-12-2002 by Ord. No. 02-OR-02]

§92-4. Title.

This article shall be known as the “Ligonier Township Motor Vehicle Weight Limitation Ordinance.”

§92-5. Enactment.

This article is enacted pursuant to the authority conferred by the Vehicle Code, Act of 1976, June 17, P.L. 1962, No. 81, § 1, effective July 1, 1977 (75 Pa.C.S.A. § 101 et seq.), as amended, and is intended to include and be subject to all provisions of § 4902 of the Vehicle Code, 75 Pa.C.S.A., § 4902 and all Pennsylvania Department of Transportation regulations promulgated or to be promulgated under the Vehicle Code, by way of illustration and not limitation, under Sections 4902(f) and 6103 [75 Pa.C.S.A., §§ 4902(f) and 6103].

§92-6. Definitions.

The following words when used in this article shall have the following meanings, unless the context clearly indicates otherwise:

MOTOR VEHICLE – Any vehicle or combination as defined and/or governed by the Vehicle Code, 75 Pa.C.S.A., § 101 et seq., as amended.

LOCAL TRAFFIC – “Emergency vehicles” and “school buses,” defined in this section, vehicles and combinations of governmental entities and utilities where their contractors are engaged in construction or maintenance on a posted highway or in a location which can be reached only via a posted highway, and vehicles and combinations going to or coming from a residence or farm located on a posted highway or which can be reached only via a posted highway.

EMERGENCY VEHICLE – A fire department vehicle, police vehicle, ambulance, blood delivery vehicle, armed forced emergency vehicle, one private vehicle of a fire or police chief or assistant chief, or ambulance corps commander or assistant commander, or of a river rescue commander, used for answering emergency calls, or other vehicle designated by the State Police under § 6106 of the Vehicle Code (relating to designation of emergency vehicles by Pennsylvania State Police).

SCHOOL BUS – A motor vehicle designated for carrying more than 10 passengers, exclusive of the driver, and used for the transportation of school children.

§92-7. Findings of the Board of Supervisors.

The Board of Supervisors has determined, and hereby determines based upon engineering studies conducted in accordance with guidelines established by the Pennsylvania Department of Transportation and otherwise, that the following roads may be damaged or destroyed unless the permissible weight of motor vehicles is restricted to the weight limits listed.

Route Numbers	Street Name	Description	Weight Limit (tons)
T505	West Road	From segment 10/0000 to 10/3451	10
T509	Giesey Road	From segment 10/0000 to 10/4446	10
T611	Ross Road	From segment 10/0000 to 30/0219	10
T617	McKelvey Road	From segment 10/0000 to 20/2781	10
T632	Horner Hill Road	From segment 10/0000 to 10/4825	10
T644	Hall Road	From segment 10/0000 to 10/3895	10
T646	McCurdy Trail	From segment 10/0000 to 20/3787	10
T648	Clark Hollow Road	From segment 10/0000 to 20/2170	10
T649	Chrisner Road	From segment 10/0000 to 10/10126	10
T656	Matson Road	From segment 10/0000 at SR 259 to 20/7664 at Ligonier Township/Derry Township municipal line	10
T651	Austraw Road	From segment 10/0000 to 30/3618	10
T658	Weaver Mill Road	From segment 10/0000 at SR 2043 to 20/2425 at Ligonier Township/Cook Township municipal line	10
T664	Jinks Trail	From segment 10/0000 to 10/8788	10
T731	Turkey Inn Road	From segment 10/0000 at T663 Harvey Road to 20/2660 at Ligonier Township/Fairfield Township municipal line	10
T949	Orme Road	From segment 10/0000 to 10/7482	10
T978	Thomas Road	From segment 10/0000 to 10/2944	10
T982	Piper Road	From segment 10/0000 to 10/7336	10
T984	Hannawalt Way	From segment 10/0000 at T731 Turkey Inn Road to 10/2330 at Ligonier Township/Fairfield Township municipal line	10

Route Numbers	Street Name⁵⁰	Description	Weight Limit (tons)
T-520	Oakview Drive	From segment 10/0000 to segment 30/1000	10
T-795	Westview Drive	From segment 10/0000 to segment 30/1056	10

Route Numbers	Street Name⁵¹	Description	Weight Limit (tons)
T-634	McDowell Road	From Segment 10/0000 at the Cook Township/Ligonier Township Municipal Line at Segment 10/0000 to Segment 10/4359 at SR 2043	10
T-653	Woods Road	From Segment 10/0000 at SR 259 to Segment 10/1196 at T-954 Myers School Road	10
T-657	Nicely Road	From Segment 10/0000 at SR 711 to Segment 10/3475 at dead end (private drive)	10
T-666	Carey School Road	From Segment 10/0000 at the Ligonier Borough/Ligonier Township Municipal Line to Segment 30/7027 at T-719 Peoples Road	10
T-721	Tosh Road	From Segment 10/0000 at T-954 Myers School Road to Segment 10/6928 at SR 1019	10
T-954	Myers School Road	From Segment 10/0000 at T-719 Peoples Road to Segment 30/0905 at SR 259	10

Route Numbers	Street Name⁵²	Description	Weight Limit (tons)
T-619	Kissel Springs Road	From Segment 10/0000 at SR 1023 S. to Segment 20/5302 at SR 1023 N.	10
T-641	Clifford Woods Road	From Segment 10/0000 at SR 271 to Segment 10/4147 at SR 711	10

⁵⁰ This table added in 2007, by Ordinance No. 2007-OR-03. The companion Resolution that approved the related engineering and traffic studies was approved January 9, 2007, by Resolution No. 2007-R-04.

⁵¹ This table added March 5, 2008, by Ordinance No. 2008-OR-02

⁵² This table added October 5, 2009, by Ordinance No. 2009-OR-03

Route Numbers	Street Name⁵²	Description	Weight Limit (tons)
T-642	Robb Road	From Segment 10/0000 at SR 711 to Segment 10/5293 at SR 1017	10
T-650	Redd Arrow Road	From Segment 10/0000 at deadend to Segment 10/5049 at T-651	10
T-652	Berkley Road	From Segment 10/0000 at T646 to Segment 10/4666 at SR 259	10
T-654	Ramsey Road	From Segment 10/0000 at SR 1017 to Segment 10/4302 at SR 711	10
T-659	Wineland Road	From Segment 10/0000 at SR 1019 to Segment 10/6505 at Ligonier/Fairfield Twp. Line	10
T-660	Swank Road	From Segment 10/0000 at SR 1010 to Segment 10/5142 at SR 1023	10
T-662	Mill Road	From Segment 10/0000 at SR 271 to Segment 20/0514 at T-619	10
T-727	Murphy Road	From Segment 10/0000 at SR 1009 to Segment 10/3904 at Ligonier/Fairfield Twp. Line	10
T-741	Claycomb Road	From Segment 10/0000 at SR 1019 to Segment 20/2755 at Ligonier/Fairfield Twp. Line	10
T-950	Old Lincoln Highway	From Segment 10/0000 at SR 30 W to Segment 50/0593 at SR 30 E	10

Route Numbers	Street Name⁵³	Description	Weight Limit (tons)
T-444	Forbes Drive	From S.R. 0711 to Hillside Ave. (T-443)	10
T-443	Hillside Ave.	From Forbes Dr. (T-444) to Township Line	10
T-447	Gregg Ave.	From Hillside Ave. (T-443) to Township Line	10

§ 92-8. Vehicle weight limits established.

A. Pursuant to the findings under § 92-7 above, and my authority of § 4902 of the Vehicle Code and regulations promulgated thereunder, no motor vehicle or combination shall be operated upon

⁵³ This table added August 22, 2023, by Ordinance No. 2023-O-05 October 5, 2009

any of the roads listed in § 92-7 with gross weight in excess of the weight limits listed for said road in § 92-7.

B. Local traffic, as defined herein, shall be exempted from the restrictions imposed under Subsection A above. However, if the Board of Supervisors determines that any local traffic is likely to damage the road, the Board of Supervisors will so notify the registrants of the motor vehicle or combination and will also notify State Police. After two business days following delivery of the notice, or after five days following mailing of the notice, such local traffic vehicles shall not exceed the weight limits except in accordance with § 92-10 hereof.

§ 92-9. Permits and security.

A. The Board of Supervisors of Ligonier Township may issue permits for the movement of motor vehicles or combinations with weights in excess of the restrictions imposed under § 92-7, above, and may require such undertaking or security as it deems necessary to cover the costs of anticipated or probable repairs and restoration necessitated by the permitted movement of vehicles.

B. All actions taken under the authority of this section shall be taken in accordance with the rules and regulations adopted by the Commonwealth of Pennsylvania, Department of Transportation, as found in Title 67 of the Pennsylvania Code.

§ 92-10. Erection of signs.

The Township shall erect, or cause to be erected and maintained, restriction signs designating the restrictions at the end of the portion of road restricted as provided in this article. In the case of a restriction on a road which has not begun or ended at an intersection with an unrestricted highway, the Township shall also place an advance informational sign at the intersection nearest each end of the restricted portion of the road which would allow drivers to avoid the restricted portion of road.

§ 92-11. Violations and penalties.

Any person operating a motor vehicle or combination upon a road or bridge in violation of a prohibition or restriction imposed under § 92-7 is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$75, except that any person convicted of operating a vehicle with a gross weight in excess of a posted weight shall, upon conviction, be sentenced to pay a fine of \$150 plus \$150 for each 500 pounds, or part thereof, in excess of 3,000 pounds over the maximum allowable weight.

§ 92-12. Severability.⁵⁴

⁵⁴ Added October 5, 2009, by Ordinance No. 2009-OR-03

The provisions of this Chapter, as amended, are severable. If any sentence, clause, or section of this Chapter is, for any reason, found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, or sections of this Chapter. It is hereby declared to be the intent of the Board of Supervisors of Ligonier Township that this Chapter would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, or section not been included herein.

Chapter 97

WATER

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ARTICLE II

Tapping Fees

§97-2. Reserved

ARTICLE III

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§97-3. Reserved

ARTICLE IV

Mandating Connection to Water Systems

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Boucher Lane Waterline

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§ 97-17. Application.

§ 97-18. Severability.

§ 97-19. Repealer.

[HISTORY: Adopted by the Board of Supervisors of the Township of Ligonier as indicated in article histories. Amendments noted where applicable.]

ARTICLE I

Conservation

[A review of the water conservation regulations of the Township of Ligonier was being conducted at the time of completion of this volume. Upon completion of said review, the water conservation regulations will be inserted here.]

ARTICLE II Tapping Fees

[Water tapping fees will be determined from time to time by the Board of Supervisors and/or the Waterford Waterworks Commission. A copy of the current fees is on file in the township offices.]

ARTICLE III Water Rents

[The current Schedule of Water Rents for water usage by customers in the Waterford District is on file in the township offices.]

ARTICLE IV Mandating Connection to Water Systems [Adopted 9-8-2015 by Ord. No. OR-06-2015]

§ 97-4. Purpose.

This Chapter is adopted to mandate the provision of a tap to municipal water facilities; to confirm the utilization of the services of the Ligonier Township Municipal Authority (LTMA) or the Municipal Authority of Westmoreland County (MAWC) to construct and operate their respective municipal water systems; and to establish penalties for the violations of any provisions thereof.

§ 97-5. Connections to new municipal water systems.

- A. All structures or dwelling units situate within 150 feet of a municipal waterline are required to provide for a connection to said waterline. Ligonier Township, Ligonier Township Municipal Authority, or the Municipal Authority of Westmoreland County may or shall issue a tap-in notice to the owners of properties abutting such waterlines. Said tap-in notice shall provide a date which shall not be less than sixty (60) days from the date of said notice by which payment for the connection shall be made. The owners of each premises shall connect to the waterline at their own cost.

- B. Water rental charges shall commence on the date a connection is made to the municipal water system and utilization of that system commences by the property owner or upon expiration of sixty (60) days from the date of such notice, whichever first occurs.
- C. The tap-in notice shall be presumed to have reached the owner of the property if the same is mailed by United States Mail, postage prepaid, to the owner's last address or on the address shown on the tax records of the Westmoreland County Tax Assessment Office and is not returned. In the event that said notice is returned because of insufficient address, the tap-in notice shall be posted on the property in a conspicuous place by a competent adult. The affidavit of posting shall be sufficient proof of actual posting of the tap-in notice. At least sixty (60) days before the date provided in the notice by which connection shall be made, the tap-in notice shall be served personally upon the owner in the manner provided under the Rules of Civil Procedure for service of process in equity proceedings; mailed as set forth above, or posted as set forth herein. The tap-in notice may be issued and reissued as necessary to accomplish the notice as required herein.
- D. No person shall connect to the municipal water system without first having obtained a written permit from either the Ligonier Township Municipal Authority or the Municipal Authority of Westmoreland County, as applicable, setting forth conditions under which such connection shall be made and authorizing the construction. Application to the Ligonier Township Municipal Authority or the Municipal Authority of Westmoreland County shall be made upon a permit form to be prepared and supplied by said Authority.
- E. A separate permit shall be required for each physical connection to the municipal water system.
- F. Any person commencing work on the construction of a connection to the municipal water system without first having obtained a permit from either the Ligonier Township Municipal Authority or the Municipal Authority of Westmoreland County, as applicable, authorizing said connection shall be in violation of the terms hereof.
- G. As and to the extent determined by either Ligonier Township Municipal Authority or the Municipal Authority of Westmoreland County from time to time, said Authority shall inspect the waterline connection from the building or structure being served to the waterline where connection is made. The Ligonier Township Municipal Authority or the Municipal Authority of Westmoreland County, as applicable, shall establish standards, practices, and procedures relating to any such inspections.
- H. If any owner shall neglect or refuse to comply with the provisions of this Chapter or the written notice set forth herein, the Township and/or the Ligonier Township Municipal Authority or the Municipal Authority of Westmoreland County, if legally authorized to do so, may perform or cause to be performed such work and labor, and furnish or cause to be furnished such material as may be necessary to comply with the provisions hereof at the cost and expense of such owner or owners, together with 10% additional thereof and all charges and expenses incidental thereto, which sum shall be collected from said owner or owners for the use of the Township and/or said Authority, as debts are by law collectible, or the

Township and or said Authority may file an appropriate municipal claim or lien therefor against said premises as provided by law. Interest on the total of any unpaid charges assessed hereunder shall be charged at the rate of 10% per annum.

- I. The maintenance, repair, and replacement of the connecting waterline shall be the sole responsibility of the property owner.
- J. The mandatory connection provisions of this section are subject to those exemptions or exceptions for industries and farms utilizing their own supply of water for uses other than human consumption as the same are set forth in Section 2603 of the Second Class Township Code, 53 P.S. §67603.

§ 97-6. Administration and enforcement.

Ligonier Township and the Municipal Authority of Westmoreland County are designated by the Ligonier Township Board of Supervisors as the sole agency for the administration and enforcement of the provisions of this Chapter within their respective service areas with the Township.

§ 97-7. Violations and penalties.

All persons violating any of the provisions of this Chapter shall be subject to a fine or penalty of not less than \$100 nor more than \$1,000 or such other amount as shall be stipulated therein for each offense, to be collected as fines or penalties are recoverable by law; and whenever such person shall have been notified by the Township and either Ligonier Township Municipal Authority or the Municipal Authority of Westmorland County or by service of a summons in prosecution, or in any other way, that a violation exists of this Chapter, each day that the violation shall continue shall constitute a separate offense punishable by a like fine or penalty.

§ 97-8. Authorized to compel connection.

In addition to the foregoing, both Ligonier Township Municipal Authority and the Municipal Authority of Westmoreland County are authorized to pursue such other remedies available to compel connection to the municipal water system.

§97-9. Severability provisions.

If, for any reason, any section, phrase, word, or language in the foregoing chapter shall be declared illegal, invalid, unenforceable, or unconstitutional by any court of competent jurisdiction, those remaining sections, phrases, words, or language not declared illegal, invalid, unenforceable, or unconstitutional shall remain in full force and effect.

ARTICLE V
Boucher Lane Waterline
[Adopted 2-14-2012 by Ord. No. 2012-OR-01]

§ 97-10. Contract for services.

The Board of Supervisors of the Township of Ligonier is hereby authorized to contract with the Municipal Authority of Westmoreland County for services relating to the design, construction, installation, operation, and maintenance of the proposed upgrade to the existing private waterline (hereinafter “waterline”), which currently delivers public water to properties within the Boucher Lane Service Area in the Township of Ligonier, which shall hereafter be referred to, and designated, as the Boucher Lane Service Area.

§ 97-11. Assessment of costs.

The Board of Supervisors of the Township of Ligonier, at its sole discretion, shall determine by Resolution, the manner by which the costs of construction and installation of said waterline shall be collected from those properties thereby benefiting from the upgraded waterline. Said assessments shall be determined as follows:

- A. Pursuant to the provisions of Section 2612 of the Second Class Township Code, 53 P.S. §67612, as the same may be amended from time to time; or
- B. Pursuant to a specific assignment of the rights and claims of Ligonier Township to Authority for the purpose of allocating and collecting costs through a surcharge program in the event that Authority serves as the source of financing for the costs of construction and installation of the aforesaid waterline.

§ 97-12. Procedure for assessment.

If the district whose property valuation as assessed for the taxable purposes within the district amounts to fifty (50%) percent of the total property valuation so assessed, pursuant to section § 97-11 of this Article, or if the taxpayers representing fifty (50%) percent of the parcels within the district who are assessed in accordance with section § 97-11 present a petition within three (3) months of the adoption of a Resolution or Ordinance levying an assessment pursuant to § 97-11 of this Article to the Court of Common Please stating that the assessment insufficiently represents the benefits accruing to abutting properties, they may include in the petition, a request for the appointment of viewers to assess benefits. The Court shall appoint three (3) disinterested viewers, none of whom shall be a resident of that portion of the Township which is accommodated by the waterline in question, and the viewers shall proceed under this act for the assessment of damages and benefits of viewers, any assessment made by the Board of Supervisors, and any proceedings shall be stayed pending the disposition of the petition by the court.

§ 97-13. Liens for assessments; costs of proceedings.

After the amount of the assessment charged upon the several properties in the Boucher Lane Service Area has been established by Resolution or Ordinance in accordance with § 97-11 above, or by confirmation of any report of viewers, in whole or in part, the amount of all assessments are payable to the Township Treasurer. The Board of Supervisors shall make out bills for the amounts charged against each property, which shall be sent to all property owners whose property will be served by the upgraded waterline. If the assessment is not paid within sixty (60) days after the mailing of a bill therefore, the Board of Supervisors, or their designated agent, shall collect it by action of assumpsit, or under the law for the filing and recovery of municipal claims.

§ 97-14. Connections to the upgraded waterline which services the Boucher Lane service area

- A. All properties within the Boucher Lane Service Area shown on the attached Exhibit "A" requiring a potable water supply, or dwelling units situate within 150 feet of a newly installed municipal waterline, are required to provide for a connection to said waterline. Any vacant or underdeveloped parcel of record abutting upon the upgraded waterline shall provide for a minimum of one connection to said waterline for the benefit of such parcel. Ligonier Township, or the Municipal Authority of Westmoreland County, shall issue a tap-in notice to the owners of property abutting the newly constructed waterline. Said tap-in notice shall provide a date, which shall not be less than ninety (90) days from the date of said notice, by which time payments for the connection shall be made. The owners of each premises shall connect to the upgraded waterline at their own cost. The owners of each premises shall also be required to pay the then existing tap-in fee established by the Municipal Authority of Westmoreland County.
- B. Water rental charges shall commence on the date a connection is made to and utilization of the upgraded waterline commences by the property owner.
- C. The tap-in notice shall be presumed to have reached the owner of the property if the same is mailed by the United States Mail, postage prepaid, to the owner's last address, or to the address shown on the tax records of the Westmoreland County Tax Assessment Office, and is not returned. In the event that said notice is returned because of insufficient address, the tap-in notice shall be posted on the property in a conspicuous place by a competent adult. The affidavit of posting shall be sufficient proof of actual posting of the tap-in notice. At least ninety (90) days before the date provided in the notice by which connection shall be made, the tap-in notice shall be served: (a) personally upon the owner in the manner provided under the Rules of Civil Procedure for service of process in equity of proceedings; (b) mailed as set forth above; (c) or posted as set forth herein. The tap-in notice may be issued and reissued as necessary to accomplish the notice as required herein.

- D. No person shall connect to the upgraded waterline without first having obtained a written permit from the Municipal Authority of Westmoreland County setting forth conditions under which such connection shall be made, and authorizing the construction of the connection. Applications to the Municipal Authority of Westmoreland County shall be made upon a permit form to be prepared and supplied by said Authority.
- E. A separate permit shall be required for each physical connection to the upgraded waterline.
- F. Any person commencing work on the construction of a connection to the upgraded waterline without first having obtained a permit from the Municipal Authority of Westmoreland County authorizing said connection, shall be in violation of the terms hereof.
- G. As, and to the extent determined by the Municipal Authority of Westmoreland County, from time to time, said Authority shall inspect the waterline connection from the building or structure being served to the waterline where connection is made. The Municipal Authority of Westmoreland County shall establish standards, practices, and procedures relating to any such inspection.
- H. If any owner shall neglect or refuse to comply with the provisions of this article in the Boucher Lane Service Area, or written notice set forth herein, the Township and/or the Municipal Authority of Westmoreland County, if legally authorized to do so, may perform or cause to be performed, such work and labor, and furnish or cause to be furnished, such materials as may be necessary to comply with the provisions hereof at the cost and expense of such owner or owners, together with seven (7%) percent additional thereof and all charges and expenses incidental thereto, which sum shall be collected from said owner or owners for the use of the Township and/or said Authority, as debts are by law collectible, or the Township and/or said Authority may file an appropriate municipal claim or lien therefore against said premises as provided by law. Interest on the total of any unpaid charges assessed hereunder shall be charged at the rate of seven (7%) percent per annum. The Township may institute an Action in Equity in the Court of Common Pleas of Westmoreland County to enforce the mandatory connection required herein.
- I. The maintenance of the connecting lateral waterline shall be the sole responsibility of the property owner.
- J. The mandatory connection provisions of this section are subject to those exemptions or exceptions for industries and farms utilizing their own supply of water for uses other than human consumption, as the same are set forth in Section 2603 of the Second Class Township Code, 53 P.S. §67603.

§ 97-15. Violations and penalties.

All persons violating any of the provisions of this Article shall be subject to a fine or penalty of not less than One Hundred (\$100.00) Dollars, nor more than Five Hundred (\$500.00) Dollars, or such other amount as shall be stipulated therein for each offense, to be collected as fines or

penalties are recoverable by law; and whenever such person shall have been notified by the Township and/or the Municipal Authority of Westmoreland County, or by service of a summons in prosecution, or in any other way, that a violation exists of this Article, each day that the violation shall continue shall constitute a separate offense punishable by a like fine or penalty.

§ 97-16. Assignment and delegation of authority as Township's agent.

- A. The right to supply water to Township customers in the Boucher Lane Service Area is hereby delegated and assigned to the Authority, provided the Authority shall assume the duties, obligations, and financial liabilities for the upgraded waterline, in this Service Area of the Township.
- B. The cost of such water service shall be paid by the consumers thereof at rates adopted by the Authority.
- C. The Township of Ligonier hereby designates the Municipal Authority of Westmoreland County as its duly authorized Agent. Township further assigns and delegates all of the duties, obligations, and rights under this Article to the Authority, as its Agent, to perform the same, in the place and stead of the Township of Ligonier.

§ 97-17. Application.

It is understood that the provisions of this Article shall apply only to the Boucher Lane Service Area and the upgraded waterline presently contemplated which will serve the properties within the Boucher Lane Service Area in Ligonier Township as depicted on the map attached to the enabling ordinance as Exhibit "A."

§ 97-18. Severability.

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

§ 97-19. Repealer.

All ordinances or resolutions, or parts of ordinances or resolutions, not in accord with this Article are hereby repealed insofar as they conflict with this Article.