

Township of Washington
Franklin County, Pennsylvania

Ordinance No. 224

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

ARTICLE 1
Adoption of Code

BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of Washington, County of Franklin, Commonwealth of Pennsylvania, and it is enacted and ordained as follows:

SECTION 1.1 Approval, adoption and enactment of Code.

Pursuant to Section 1601(d) [53 P.S. § 66601(d)] of the Second Class Township Code, the codification of a complete body of legislation for the Township of Washington, County of Franklin, Commonwealth of Pennsylvania, as revised, codified and consolidated into chapters, articles and sections by General Code, and consisting of Chapters 1 through 360, together with an Appendix, are hereby approved, adopted, ordained and enacted as a single ordinance of the Township of Washington, which shall be known and is hereby designated as the "Code of the Township of Washington," hereinafter referred to as the "Code."

SECTION 1.2 Effect of Code on Previous Provisions.

The provisions of this Code, insofar as they are substantively the same as those of ordinances and resolutions in force immediately prior to the enactment of this ordinance, are intended as a continuation of such ordinances and resolutions and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior ordinance or resolution. All such provisions are hereby continued in full force and effect and are hereby reaffirmed as to their adoption by the Board of Supervisors of the Township of Washington,

and it is the intention of said Board of Supervisors that each such provision contained within the Code is hereby reenacted and reaffirmed as it appears in said Code. Only such provisions of former ordinances as are omitted from this Code shall be deemed repealed or abrogated by the provisions of Section 1.3 below, and only new or changed provisions, as described in Section 1.6 below, shall be deemed to be enacted from the effective date of this Code, as provided in Section 1.15 below.

SECTION 1.3 Inconsistent Ordinances Repealed.

All ordinances or parts of ordinances inconsistent with the provisions contained in the Code adopted by this ordinance are hereby repealed; provided, however, that such repeal shall only be to the extent of such inconsistency, and any valid legislation of the Township of Washington, Franklin County, which is not in conflict with the provisions of the Code shall be deemed to remain in full force and effect.

SECTION 1.4 Legislation Saved from Repeal; Matters not Affected by Repeal.

The adoption of this Code and the repeal of ordinances provided for in Section 1.3 of this ordinance shall not affect the following ordinances, rights and obligations, which are hereby expressly saved from repeal; provided, however, that the repeal of ordinances pursuant to Section 1.3 or the saving from repeal of ordinances pursuant to this section shall not be construed so as to revive any ordinance previously repealed, superseded or no longer of any effect:

- A. Any ordinance adopted subsequent to 12-4-2008.
- B. Any right or liability established, accrued or incurred under any legislative provision of the Township prior to the effective date of this ordinance or any action or proceeding brought for the enforcement of such right or liability or any cause of action acquired or existing.
- C. Any offense or act committed or done before the effective date of this ordinance in violation of any legislative provision of the Township or any penalty, punishment or forfeiture which may result therefrom.
- D. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this ordinance, brought pursuant to any legislative provision of the Township.
- E. Any franchise, license, right, easement or privilege heretofore granted or conferred by the Township or any lawful contract, obligation or agreement.

- F. Any ordinance appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond of the Township or other instruments or evidence of the Township's indebtedness.
- G. Any ordinance adopting an annual budget or establishing an annual tax rate.
- H. Any ordinance providing for the levy, imposition or collection of special taxes, assessments or charges.
- I. Any ordinance authorizing the purchase, sale, lease or transfer of property or acquiring property by acceptance of deed, condemnation or exercise of eminent domain.
- J. Any ordinance annexing land to the Township.
- K. Any ordinance providing for or requiring the construction or reconstruction or opening of sidewalks, curbs and gutters.
- L. Any ordinance or part of an ordinance providing for laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, sidewalk, park or other public place or property or designating various streets as public highways.
- M. Any ordinance establishing water, sewer or other special purpose districts and designating the boundaries thereof; providing for a system of sewers or water supply lines; or providing for the construction, extension, dedication, acceptance or abandonment of any part of a system of sewers or water supply lines.
- N. Any ordinance providing for the making of public improvements.
- O. Any ordinance providing for the salaries and compensation of officers and employees of the Township or setting the bond of any officer or employee.
- P. Any ordinance concerning changes and amendments to the Zoning Map.
- Q. Any ordinance relating to or establishing a pension plan or pension fund for municipal employees.
- R. Any ordinance or portion of an ordinance establishing a specific fee amount for any license, permit or service obtained from the Township.

SECTION 1.5. Inclusion of new legislation prior to adoption of Code.

All ordinances of a general and permanent nature adopted subsequent to the date given in Section 14A and/or prior to the date of adoption of this ordinance are hereby deemed to be a part of the Code and shall, upon being printed, be included therein. Attested copies of all such ordinances shall be temporarily placed in the Code until printed supplements are included.

SECTION 1.6. Changes and revisions in previously adopted legislation; new provisions.

A. Nonsubstantive grammatical changes. In compiling and preparing the ordinances and resolutions of the Township for adoption and revision as part of the Code, certain nonsubstantive grammatical and style changes were made in one or more of said ordinances and resolutions. It is the intention of the Board of Supervisors that all such changes be adopted as part of the Code as if the ordinances and resolutions so changed had been previously formally amended to read as such.

B. Substantive changes and revisions. In addition to the changes and revisions described above, changes and revisions of a substantive nature, as set forth in Schedule A attached hereto and made a part hereof, are hereby made to various ordinances and resolutions included in the Code. These changes are enacted to bring provisions into conformity with the desired policies of the Board of Supervisors, and it is the intent of the Board of Supervisors that all such changes be adopted as part of the Code as if the legislation so changed had previously formally amended to read as such. All such changes and revisions shall be deemed to be in effect as of the effective date of the Code specified in Section 1.15.

C. Nomenclature. Throughout the Code, references to the following agencies or officials are updated as indicated:

(1) "Department of Environmental Resources" or "DER" to "Department of Environmental Protection" or "DEP."

(2) "Department of Community Affairs" or "DCA" to "Department of Community and Economic Development" or "DCED."

(3) "Justice of the Peace," "District Magistrate" and "District Justice" to "Magisterial District Judge."

(4) "Soil Conservation Service" or "SCS" to "Natural Resources Conservation Service" or "NRCS."

SECTION 1.7. Interpretation of provisions.

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

SECTION 1.8. Titles and headings; editor's notes.

A. Chapter and article titles, headings and titles of sections and other divisions in the Code or in supplements made to the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the legislation.

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

SECTION 1.9. Filing of copy of Code.

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

SECTION 1.10. Amendments to Code.

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

SECTION 1.11. Code books to be kept up-to-date.

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

SECTION 1.12. Publication of Notices.

The Township Secretary, pursuant to law, shall cause to be published in the manner required by law proper advertisements for the adoption of the Code.

SECTION 1.13. Altering or tampering with Code; penalties for violation.

It shall be unlawful for anyone to improperly change or amend, by additions or deletions, or to alter or tamper with the Code or any part or portion thereof, in any manner whatsoever, which will cause the law of the Township to be misrepresented thereby. Any person who violates or permits a violation of this section of this ordinance, upon being found liable therefore in a civil enforcement proceeding, shall pay a fine of not more than \$600, plus all court costs, including reasonable attorney's fees, incurred by the Township in the enforcement of this chapter. No judgment shall be imposed until the date of the determination of the violation by the District Justice and/or Court. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day a violation exists shall constitute a separate offense. Further, the appropriate officers or agents of the Township are hereby authorized to seek equitable relief, including injunction, to enforce compliance herewith.

SECTION 1.14. Severability.

The provisions of this ordinance and of the Code adopted hereby 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, chapter or part thereof rendered illegal, invalid or unconstitutional. It is hereby declared to be the intent of the Board of Supervisors that this ordinance and the Code would have been adopted if such illegal, invalid or unconstitutional clause, sentence, subsection, section, article, chapter or part thereof had not been included therein.

SECTION 1.15. Effective Date.

All provisions of this ordinance and of the Code shall be in force and effect on and after November 23, 2009.

**WASHINGTON TOWNSHIP
BOARD OF SUPERVISORS**

ATTEST:

By Karen S. Hargrave
Karen S. Hargrave, Secretary

BY Carol Peterson
Chairman

Cheryl A. Jones
Kim A. Blalock
John J. ...
...

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**Township of Washington
Code Adoption 2009**

**Schedule A
Specific Revisions at Time of Adoption of Code**

Fees.

In the following sections, the fees are deleted and in place thereof is inserted the provisions that fees shall be as set from time to time by resolution of the Board of Supervisors: §§ 109-6, 240-2A and 360-62G(11).

Penalties.

In the following sections, the penalty is standardized to read as shown below:

§§ 109-14, 128-6, 145-5, 171-5A, 193-19, 216-5A, 232-5, 232-9A, 232-13, 232-18, 232-23, 240-8, 271-5, 271-13, 271-24, 271-36A, 288-21, 288-27, 288-39, 295-24 (opening paragraph), 295-51, 348-14B, and 348-21

Any person who violates or permits a violation of this chapter/article shall, upon conviction in a summary proceeding brought before a Magisterial District Judge under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not more than \$1,000, plus costs of prosecution. In default of payment thereof, the defendant may be sentenced to 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, and each section of this chapter/article that is violated shall also constitute a separate offense. The minimum fine to be imposed is \$50 per day or portion thereof for a first offense; \$100 per day or portion thereof for a second offense and \$500 per day or portion thereof for each subsequent offense. The Magisterial District Judge may impose a fine of more than the minimum amounts set forth above.

Chapter 1, General Provisions.

Article I, General Penalty.

This article is adopted to read as follows:

§ 1-1. Penalties established.

Whenever, in this Code or any ordinance of the Township, any act is prohibited or is made or declared to be unlawful or an offense, or whenever in this Code or in any ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is otherwise provided in the Code, ordinance or applicable statute, the violator of any such provision or ordinance shall be subject to the following:

- A. For violation of ordinances regulating building, housing, property maintenance, health, fire, public safety, parking, solicitation, curfew or water, air or noise pollution: upon conviction in a summary proceeding brought before a Magisterial District Judge under the Pennsylvania Rules of Criminal Procedure, said violator shall be guilty of a summary offense and shall be punishable by a fine of not more than \$1,000, plus costs of prosecution. In default of payment thereof, the defendant may be sentenced to 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, and each section of the ordinance that is violated shall also constitute a separate offense. The minimum fine to be imposed is \$50 per day or portion thereof for a first offense; \$100 per day or portion thereof for a second offense and \$500 per day or portion thereof for each subsequent offense. The Magisterial District Judge may impose a fine of more than the minimum amounts set forth above.
- B. For violation of all other Township ordinances: Upon being found liable therefor in a civil enforcement proceeding commenced by the Township before a Magisterial District Judge, said violator shall pay a fine of not more than \$600, plus all court costs, including reasonable attorney's fees incurred by the Township in the enforcement of the ordinance. No judgment shall be imposed until the date of the determination of the violation by the Magisterial District Judge. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable Rules of Civil Procedure. Each day a violation exists shall constitute a separate offense. The minimum fine to be imposed is \$50 per day or portion thereof for a first violation; \$100 per day or portion thereof for a second violation and \$500 per day or portion thereof for each subsequent violation. The Magisterial District Judge may impose a fine of more than the minimums amounts set forth above. Further, the appropriate officers or agents of the Township are hereby authorized to seek equitable relief, including injunction, to enforce compliance herewith.

Article II, Terminology.

This article is adopted to read as follows:

§ 1-2. Word usage.

As used in this Code, words in the singular include the plural and vice versa. When a reference is made to one gender, it is to be construed as also referring to the other. Words using the present tense include the future tense and vice versa.

Chapter 12, Council of Governments.

Section 12-2 is amended to change "attached hereto" to "dated March 2, 2005".

Chapter 49, Manager.

- A. Section 49-4 is amended as follows: "Before entering upon his duties, the Township Manager shall give a bond to the Township, with a bonding company as surety, in the sum of a minimum of \$100,000 conditioned for the faithful performance of his duties. The premium for said bond to be paid by the Township of Washington. The bond of the Township Manager may be included in, and the Manager may be bonded under and covered by, the blanket bond now in force and effect for all Township employees in the aforesaid minimum of \$100,000."
- B. Section 49-7 is amended as follows: "The Township Manager may also hold the offices of Zoning Officer and Township Engineer and may perform all the duties of such offices."
- C. Section 49-8F is amended to change "the Manager shall perform the duties" to "the Manager may perform the duties".

Chapter 62, Planning Commission.

Article I, Creation; Composition.

This article is amended to read as follows:

§ 62-1. Establishment.

A Planning Commission consisting of five members is hereby created and established for the Township of Washington, Franklin County, Pennsylvania, pursuant to the provisions of Article II, Section 201, of the Pennsylvania Municipalities Planning Code, as established by the Act of July 31, 1968, P.L. 805, No. 247, as amended and reenacted.

§ 62-2. Composition; terms of office.

The Planning Commission shall be comprised of five members who shall be appointed for terms of office of four years, except that the terms of the members first appointed pursuant to this article shall be so fixed that no more than two shall be reappointed or replaced during any future calendar year.

§ 62-3. Powers and duties.

The Planning Commission shall have all the powers and duties conferred and imposed upon it as set forth in the Pennsylvania Municipalities Planning Code, established by the Act of July 31, 1968, P.L. 805, No. 247, as amended and reenacted.

Chapter 77, Salaries and Compensation.

Article I, Township Supervisors.

Original Section 2, regarding change in rate, is deleted.

Chapter 109, Amusements.

Article I, Outdoor Amusements.

- A. Section 109-4 is amended to delete the bond amount of \$25,000 and substitute in place thereof that the bond amount shall be as set from time to time by resolution of the Board of Supervisors.
- B. Section 109-5 is amended to change "in amounts of not less than \$300,000 for one person and \$500,000 for any one accident" to "in amounts as shall be set from time to time by resolution of the Board of Supervisors".

Chapter 145, Construction Codes, Uniform.**Article I, Administration and Enforcement.**

Section 145-4 is amended to change "A Board of Appeals shall be established by resolution" to "A Board of Appeals shall be established by ordinance or resolution."

Chapter 149, Curfew.

Section 149-1 is amended to change the reference to the Second Class Township Code to refer to Article XV.

Chapter 193, Junkyards and Junk Dealers.

- A. Section 193-2 is amended in the definition of "conditional approval" to change "develop his yard" to "develop his property".
- B. Section 193-2 is amended to add the following definition of "scrap yard":
SCRAP YARD – Another name for "junkyard."
- C. Section 193-2 is amended to change the definition of "junkyard" to read as follows:
JUNKYARD (SALVAGE YARD) — A lot, land or structure, or part thereof, used for the collection, storage, and/or sale of wastepaper, rags, scrap metal, junk or discarded material, or for the collecting, dismantling, storage, and salvaging of machinery or vehicles not in running condition, and/or for the sale of parts thereof.
- D. 193-7G is amended to delete the second sentence thereof and substitute in its place the following: "No burning allowed in junkyards."
- E. Sections 193-16, 193-17 and 193-18 are added, as follows:

§ 193-16. Records to be kept.

Persons licensed under this chapter shall maintain permanent records of all junk received in or removed from the junkyard premises. The records shall state who delivered or who received the junk, the date and time thereof and a description of

the junk. The records shall be open to inspection at all reasonable times by the Board of Supervisors or representatives thereof or the Township Police Department.

§ 193-17. Hours of operation.

Junkyards and businesses licensed under this chapter shall not operate between the hours of 9:00 p.m. and 6:00 a.m. prevailing time, except to remove any wrecked vehicle from any public highway or road.

§ 193-18. Delay in disposal.

Persons licensed under this chapter shall keep and retain upon the licensed premises, for a period of 48 hours after the purchase or receipt thereof, all junk received or purchased by them. The junk shall not be disturbed, reduced or altered from the original shape, form or condition until the aforesaid forty-eight-hour period has expired.

Chapter 208, Municipal Claims and Liens.

Section 208-2A is amended to delete the fee schedule therefrom and otherwise amend the wording thereof as follows:

Washington Township hereby approves a schedule of attorneys' fees as shall be adopted from time to time by resolution of the Board of Supervisors for services in connection with the collection of accounts, which is hereby determined to be fair and reasonable compensation for the services set forth therein, all in accordance with the principles set forth in the Act, 53 P.S. § 7106, as amended.

Chapter 216, Nuisances.

- A. Section 216-2A(2) is amended to add to the end thereof: "Junkyards are exempt from this Subsection A(2)."
- B. Section 216-2A(3) is amended to add to the end thereof: "Junkyards are exempt from this Subsection A(3)."

Chapter 232, Parks and Recreation Areas.

Article I, Play Areas.

- A. Section 232-2 is amended to add the words "prevailing time" after "sunset" and "sunrise."
- B. Section 232-3 is amended to add the following subsections:
 - X. *No person shall climb any tree or sit, stand or walk on any play area sign, play area structure or play area building not customarily utilized for such purposes.*

- Y. *No remote control and/or hobby devices are permitted to be operated within the confines of the play area unless approval is obtained from the Township.*

Chapter 288, Solid Waste.

Article I, Municipal Waste Collection and Disposal; Recycling.

Section 288-5B(7) to amended to add the following to the end thereof:

Empty containers shall be removed to the premises from the agreed location for pickup by the end of the day of collection. Containers shall not be kept at the agreed location for pickup between scheduled collections, and they shall be stored on the premises at such locations to be unseen from the public streets or roads or from the front yards of immediate neighboring property.

Chapter 295, Stormwater Management.

Article I, General Regulations.

- A. Section 295-8D is amended as follows:

Friction losses in the pipe shall be calculated using the Manning formula.

- B. Section 295-24D is amended to change “shall not be construed as estopping” to “shall not be construed as preventing.”

Article II, Antietam Creek Watershed.

- A. Section 295-37D is amended to change “the Design Storm Curves in Figure 1” to “Table II in § 295-37C”.
- B. In Table 1 at the end of the chapter, Note “e” is deleted.

Chapter 310, Subdivision and Land Development.

- A. In § 310-5, the definition of “common open space” is amended to change “and areas of the mid-point of the lot” to “and areas set aside for public facilities” at the end thereof.
- B. In § 310-5, Subsection C of the definition of “land development” is amended to change “in accordance with this ordinance” to “in accordance with this Chapter.”
- C. In § 310-5, the definition of “public notice” is amended to change the last sentence as follows: “The first publication shall not be more than 30 days and the second publication shall not be less than seven days from the date of the hearing.”
- D. Section 310-10E is amended to revise the first sentence as follows:

The Board of Supervisors shall take official action on the preliminary plat after it has received the report of the Planning Commission and within 90 days of the

date of the regular meeting of the Planning Commission next following the date the complete application was filed or after a final order of court remanding an application, provided that should the said next regular meeting occur more than 30 days following the filing of the application or the final order of the court, said ninety-day period shall be measured from the 30th day following the day the application has been filed.

- E. Section 310-12E is amended to revise the first sentence as follows:

The Board of Supervisors shall take official action on the preliminary plat after it has received the report of the Planning Commission and within 90 days of the date of the regular meeting of the Planning Commission next following the date the complete application was filed or after a final order of court remanding an application, provided that should the said next regular meeting occur more than 30 days following the filing of the application or the final order of the court, said ninety-day period shall be measured from the 30th day following the day the application has been filed.

- F. Section 310-34B(9) is amended to add the word "sites" to the end thereof.

- G. Section 310-54A is amended as follows:

Schedule of fees. The Board of Supervisors shall establish a schedule of fees and a collection procedure. No action shall be made on any application until all application fees have been paid in full. The schedule of fees shall be available in the Township offices and may be amended from time to time by the Board of Supervisors in order to reflect changing costs. The schedule of fees shall include:

Chapter 317, Taxation.

Article I, Earned Income Tax.

- A. In § 317-3, the definition of "employer" is revised as follows:

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.

- B. Section 317-8 is revised to read:

The failure of any person to receive or procure forms required for making the declaration or returns required by this article shall not excuse him from making such declaration or return.

- C. Section 317-9A, B and C are revised to read as follows:

- A. If for any reason the tax is not paid when due, interest at the rate of 6% per annum on the amount of said tax, and an additional penalty of 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.

- B. Any person who fails, neglects, or refuses to make any declaration or return required by this article, any employer who fails, neglects or refuses to register or to pay the tax deducted from his employees, or fails, neglects or refuses to deduct or withhold the tax from his employees, any person who refuses to permit the officer or any agent designated by him to examine his books, records, and papers, and any person who knowingly makes any incomplete, false or fraudulent return, or attempts to do anything whatsoever to avoid the full disclosure of the amount of his net profits or earned income in order to avoid the payment of the whole or any part of the tax imposed by this article, shall, upon conviction thereof before any Magisterial District Judge or court of competent jurisdiction in Franklin County, be sentenced to pay a fine of not more than \$500 for each offense, and costs, and, in default of payment of said fine and costs, to be imprisoned for a period not exceeding 30 days.
- C. Any person who divulges any information which is confidential under the provisions of this article, shall, upon conviction thereof before any Magisterial District Judge or court of competent jurisdiction, be sentenced to pay a fine of not more than \$500 for each offense, and costs, and, in default of payment of said fines and costs, to be imprisoned for a period not exceeding 30 days.
- D. Section 317-9D is added:
- D. *The penalties imposed under this section shall be in addition to any other penalty imposed by any other section of the ordinance or resolution.*

Article II, Occupational Privilege Tax.

Section 317-21 is amended to change the penalty amount from \$300 to \$600.

Article III, Per Capita Tax.

Section 317-26 is added, as follows:

§ 317-26. Violations and penalties.

Any person who violates or permits a violation of this article shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township before a Magisterial District Judge, pay a fine of not more than \$600, plus all court costs, including reasonable attorney's fees, incurred by the Township in the enforcement of this article. No judgment shall be imposed until the date of the determination of the violation by the Magisterial District Judge. If

the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable Rules of Civil Procedure. Each day a violation exists shall constitute a separate offense. The minimum fine to be imposed is \$50 per day or portion thereof for a first violation; \$100 per day or portion thereof for a second violation and \$500 per day or portion thereof for each subsequent violation. The Magisterial District Judge may impose a fine of more than the minimums amounts set forth above. Further, the appropriate officers or agents of the Township are hereby authorized to seek equitable relief, including injunction, to enforce compliance herewith.

Article IV, Realty Transfer Tax.

- A. In § 317-29, the definition of "family farm corporation" is revised add the following immediately following "by members of the same family":

The business of agriculture shall include the leasing to members of the same family of property which is directly and principally used for agricultural purposes.

- B. The following definitions are added to § 317-29:

FAMILY FARM PARTNERSHIP -- *A partnership of which at least 75% of its assets are devoted to the business of agriculture and at least 75% of the interests in the partnership are continuously owned by members of the same family. The business of agriculture shall include the leasing to members of the same family of property which is directly and principally used for agricultural purposes. The business of agriculture shall not be deemed to include:*

- A. Recreational activities, such as but not limited to hunting, fishing, camping, skiing, show competition or racing.*
- B. The raising, breeding or training of game animals or game birds, fish, cats, dogs or pets or animals intended for use in sporting or recreational activities.*
- C. Fur farming.*
- D. Stockyard and slaughterhouse operations.*
- E. Manufacturing or processing operations of any kind.*

LIVING TRUST -- *Any trust, other than a business trust, intended as a will substitute by the settlor which becomes effective during the lifetime of the settlor, but from which trust distributions cannot be made to any beneficiaries other than the settlor prior to the death of the settlor.*

ORDINARY TRUST -- *Any trust, other than a business trust or a living trust, which takes effect during the lifetime of the settlor and for which the trustees of the trust take title to property primarily for the purpose of protecting, managing or conserving it until distribution to the named beneficiaries of the trust. An ordinary trust does not include a trust that has an objective to carry on business and divide gains, nor*

does it either expressly or impliedly have any of the following features: the treatment of beneficiaries as associates, the treatment of the interests in the trust as personal property, the free transferability of beneficial interests in the trust, centralized management by the trustee or the beneficiaries, or continuity of life.

C. Sections 317-32A (8) and (10) are amended as follows; § 317-32A(9), (11) and (12), are added, as follows:

- (8) *Certain transfers to trustees. A transfer for no or nominal actual consideration to a trustee of an ordinary trust where the transfer of the same property would be exempt if the transfer was made directly from the grantor to all of the possible beneficiaries that are entitled to receive the property or proceeds from the sale of the property under the trust, whether or not such beneficiaries are contingent or specifically named. A trust clause which identifies the contingent beneficiaries by reference to the heirs of the trust settlor as determined by the laws of the intestate succession shall not disqualify a transfer from the exclusion provided by this clause. No such exemption shall be granted unless the recorder of deeds is presented with a copy of the trust instrument that clearly identifies the grantor and all possible beneficiaries.*
- (9) *A transfer for no or nominal actual consideration to a trustee of a living trust from the settlor of the living trust. No such exemption shall be granted unless the recorder of deeds is presented with a copy of the living trust instrument.*
- (10) *Transfers from trustee to beneficiary. A transfer for no or nominal actual consideration from a trustee of an ordinary trust to a specifically named beneficiary that is entitled to receive the property under the recorded trust instrument or to a contingent beneficiary where the transfer of the same property would be exempt if the transfer was made by the grantor of the property into the trust to that beneficiary. However, any transfer of real estate from a living trust during the settlor's lifetime shall be considered for the purposes of this article as if such transfer were made directly from the settlor to the grantee.*
- (11) *A transfer for no or nominal actual consideration from a trustee of a living trust after the death of the settlor of the trust or from a trustee of a trust created pursuant to the will of a decedent to a beneficiary to whom the property is devised or bequeathed.*
- (12) *A transfer for no or nominal actual consideration from the trustee of a living trust to the settlor of the living trust if such property was originally conveyed to the trustee by the settlor.*

D. The following wording is hereby added to the end of § 317-31A(21):

or a transfer from such a conservancy to the United States, the Commonwealth or to any of their instrumentalities, agencies or political subdivisions; or any transfer from such a conservancy where the real estate is encumbered by a perpetual agricultural conservation easement as defined by the act of June 30, 1981 (P.L. 128, No. 43), known as the "Agricultural Area Security Law," and such conservancy has owned the real estate for at least two years immediately prior to the transfer.

E. Section 317-32A(23) is added and A(24) is amended, as follows:

- (22) *A transfer of real estate devoted to the business of agriculture to a family farm partnership by a member of the same family, which family directly owns at least 75% of the interests in the partnership.*
- (23) *Transfers of family ownership of family farm corporations or family farm partnerships. A transfer between members of the same family of an ownership interest in a real estate company, family farm corporation or family farm partnership which owns real estate.*

Chapter 333, Vehicles and Traffic.

Article I, Speed Limits.

In § 333-1, the entry for Mentzer Gap Road between Route 16 and Glen Furney Road is deleted.

Article II, Weight Limits on Bridges.

Section 333-2, Violations and penalties, is added, as follows:

This article shall be enforced in accordance with the provisions of the Vehicle Code of Pennsylvania as it pertains to fines and other penalties.

Chapter 348, Water.

Article I, Wells for Domestic Purposes.

Section 348-16 is revised as follows:

Approval of an application and issuance of a permit for a well on the property described in the application does not constitute any guarantee or warranty by Washington Township regarding quantity or quality of water that may be obtained as a result of any well drilled under the permit. The permit provides Washington Township's approval to drill a well at the site shown on the application, and does not provide any other guarantees, approval, warranties, etc.

Chapter 360, Zoning.

- A. In § 360-5B, the definition of "building, height of" is deleted.
- B. In § 360-5B, the definition of "concentrated animal operations" is amended to delete the second and third sentences and in their place insert:

“An animal equivalent unit (AEU) is equal to 1,000 pounds of live weight of any livestock or poultry animals, regardless of the actual numbers of animals.”

- C. In § 360-5B, Subsection (3) of the definition of “land development” is amended to read: “Development in accordance with this Chapter.”
- D. Section 360-5B is amended to add the definition of “no-impact home-based business,” as follows:
- NO-IMPACT HOME-BASED BUSINESS — A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:*
- (1) The business activity shall be compatible with the residential use of the property and surrounding residential uses.*
 - (2) The business shall employ no employees other than family members residing in the dwelling.*
 - (3) There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.*
 - (4) There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.*
 - (5) The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.*
 - (6) The business activity may not generate any solid waste or sewage discharge in volume or type which is not normally associated with residential use in the neighborhood.*
 - (7) The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.*
 - (8) The business may not involve any illegal activity.*
- E. In § 360-5B, the definition of “Nutrient Management Act, Act 6,” is amended to delete “Act 6” therefrom.
- F. In § 360-5B, the definition of “obstruction” is amended to delete the word “rectification” preceding the word “culvert.”

- G. In § 360-5B, the definition of “quarry, sand pit, gravel pit, borrow pit, top soil stripping,” is amended to change the phrase “has been made” to “being issued.”
- H. In § 360-5B, the definition of “sign” is amended to read as follows:
- SIGN — Any device visible from a location whose essential purpose and design is to convey either commercial or noncommercial messages by means of graphic presentation of alphabetic or pictorial symbols or representations, excluding noncommercial flags or any flags displayed from flagpoles or staffs.
- I. Section 360-8B is amended to change “10 feet therefrom” to “10 feet from the lot line.”
- J. Section 360-11 is amended to add Subsection H thereto, as follows:
- H. No-impact home-based businesses shall be permitted in all residential zones of the Township as a use permitted by right, except that such permission shall not supersede any deed restriction, covenant or agreement restricting the use of land nor any master deed, bylaw or other document applicable to a common interest ownership community.
- J. Section 360-36A(3) is amended to change “base of the sign” to “base of the ground sign.”
- K. Section 360-46B(5) is amended as follows:
- (5) Building permit. All signs over 20 square feet or using electric power for lighting or any other such use of electricity at the sign shall obtain a building permit and comply with the building permit and Uniform Construction Code. This permit is in addition to the sign permit and any other permits required by the Township.
- L. In § 360-47, Subsection B of the definition of “changeable sign – electrically activated” is amended to change “See also ‘electronic message sign or center’” to “See also: ‘electronic message board.’”
- M. In the following sections, the term “mobile home” is changed to “manufactured home”: §§ 360-114C(1)(c)[7], 360-114C(2)(b)[1], 360-115D and 360-115F(1)(a).
- N. Section 360-130C is amended to delete the phrase “as per Public Law 333, Number 93 of 1972” therefrom.
- O. Section 360-62G(11) is amended to delete the word “be” in the second sentence and replace it with the word “by”.

Chapter A400, Cable Television Franchise Agreement.

Article I, Telco.

Section A400-3 is amended to remove the bond amounts and substitute in place thereof the provision that such bond amounts shall be as set by resolution of the Board of Supervisors.

Article II, TeleCable Communications Corporation.

Section A400-6 is amended to remove the bond amounts and substitute in place thereof the provision that such bond amounts shall be as set by resolution of the Board of Supervisors.