

**SHAMOKIN DAM BOROUGH
42 W. 8TH AVENUE, P O BOX 273
SHAMOKIN DAM, PA 17876**

TO: New Shamokin Dam Borough Residents and Property Owners

FROM: Shamokin Dam Borough Office

As a result of numerous inquiries we have compiled a list of the most frequently asked questions regarding the Borough' Ordinances.

We hope this will be helpful and informative to you. If you have any additional questions we would be glad to speak with you at the Borough Office located at 42 W. 8th Avenue or by phone 570-743-7565. If you wish to correspond by letter please submit to P O Box 273, Shamokin Dam, PA 17876. Office hours are 8:30-12:00 and 1:00-4:30 Monday through Friday.

Additionally, the Borough provides curbside recycling the second Thursday of each month for aluminum, glass and #1 and #2 plastics. Please have your recyclables rinsed, bagged, separated and curbside Wednesday night before the scheduled pickup.

CHAPTER 2 – ANIMALS

PART 1- ANIMALS RUNNING AT LARGE:

101. Definitions:

The following terms have the meaning indicated, unless a different meaning clearly appears from the context:

Owner – Any person having a right of property in any dog or having custody of any dog, or any person who harbors or permits a dog to remain on or around his or her property.

Running At Large – Being upon any public highway, street, alley, park, or any other public land, or upon property of another person other than the owner, and not being accompanied by or under control of the owner.

102. Unlawful To Allow Dogs To Run At Large:

It shall be unlawful for the owner of any dog to allow or permit such dog to run at large in the Borough of Shamokin Dam.

103. Seizing Of Dogs:

Any police officer or dog warden may seize any dog found at-large in the Borough of Shamokin Dam. Such dogs are to be impounded in a licensed kennel.

104. Licensed Dogs:

Owners of licensed dogs are to be notified by registered or certified mail, with return receipt, that the dog is impounded. Five (5) days after the return receipt has been received, and the dog is not claimed, the dog may be sold or destroyed in accordance with the 1982 Dog Law.

Shamokin Dam Borough Ordinances - Continued

105. Unlicensed Dogs:

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

106. Threatening Dogs:

Dogs that, in the opinion of any police officer or dog warden, constitute a threat to public health and welfare may be killed by the officer or dog warden.

107. Penalty:

Any person, firm or corporation who shall violate any provision of this Part 1 shall, upon conviction thereof, be sentenced to pay a fine of not less than \$10.00 and not more than \$300.00; and/or to imprisonment of a term not to exceed 90 days. Every day that a violation of this Part 1 continues shall constitute a separate offense.

PART 2 – ANIMALS DEFECATION CONTROL

201. Animal Defecation On Public And Private Property Restricted:

No person, having possession, custody or control of any animal, shall knowingly or negligently permit any dog or other animal to commit any nuisance, i.e. defecation upon any gutter, street, driveway, alley, curb or sidewalk in the Borough of Shamokin Dam or upon the floors or stairways of any building or place frequented by the public or used in common by the tenants, or upon the outside walls, walkways, driveways, alleys, curbs or stairways of any building abutting on a public street or park, or upon the grounds of any public park or public area, or upon any private property other than the property of the owner of such animal.

202. Disposal Of Animal Feces:

Any person having possession, custody or control of any dog or other animal which commits a nuisance, i.e. defecation in any area other than the private property of the owner or such dog or other animal, as prohibited in section 201 shall be required to immediately remove any feces from such surface and either:

- A. Carry it away for disposal in a toilet.
- B. Place same in a nonleaking container for deposit in a trash or litter receptacle.

203. Dogs Accompanying Blind Or Handicapped Person Exempt:

The provisions of sections 201 and 202 hereof shall not apply to a guide dog accompanying any blind persons, or to a dog used to assist any other physically handicapped person.

204. Penalty:

Any person, firm or corporation who shall violate any provision of this Part 2 shall upon conviction thereof, be sentenced to pay a fine not less than \$10.00 and not more than \$300.00; and/or to imprisonment for a term not to exceed 90 days. Every day that a violation of this Part 2 continues shall constitute a separate offense.

Shamokin Dam Borough Ordinances - Continued

CHAPTER 6 – CONDUCT

PART 1 – PROHIBITING DISCHARGE OF FIREARMS

101. Prohibiting Discharge Of Firearms:

It shall be unlawful for any person to discharge within the Borough limits a firearm of any description or air rifle or spring-gun or any implement, which impels with force a metal pellet of any kind. This section shall not be construed to prohibit the Chief of Police or persons designated by him from discharging firearms in the performance of their duties as policemen in the Borough.

102. No Hunting With Firearms In The Borough:

All hunting with firearms of any description, or air rifles, spring-guns or any implement which impels with force a metal pellet of any kind is hereby prohibited within the limits of the Borough.

103. Penalty:

Any person, firm or corporation who shall violate any provision of this Part 1 shall upon conviction, be sentenced to pay a fine of not more than \$300.00 and/or imprisonment for a term not to exceed 90 days.

PART 2 – LOUD, UNNECESSARY OR UNREASONABLE NOISE PROHIBITED

201. Noise Prohibited:

It shall be unlawful for any person with purpose to cause public inconvenience or annoyance or to make, continue or cause to be made of continued any loud, unnecessary or unreasonable noise within the limits of the Borough which serves no legitimate purpose.

202. Noise Defined:

The following acts, among others, are declared to be loud, unnecessary or unreasonable noises in violation of this section, but not to be deemed exclusive:

1. Horns, signaling devices, etc. The creation by means of any horn or signaling device of any unnecessary or unreasonable loud or harsh sound, the sounding of any such horn or signaling device for an unnecessary and unreasonable period of time and the sounding of any horn or signaling device on any automobile, motorcycle or other vehicle on any street or public place of the Borough, except as a danger of warning.
2. Radios, phonographs, amplifiers, musical instruments, etc. The operating of any such set, instrument, phonograph, machine or device in such a manner as to be plainly harboring or audible from the property or the lot upon which the building or structure in or upon which the set, instrument, phonograph or machine which is the source of the noise is situate shall be violation of this section when the noise occurs between the hours of 8:00 P.M. and 10:00 A.M.
3. Yelling, shouting, etc. Yelling, shouting hooting, whistling or singing in the Borough between the hours of 11:00 P.M. and 7:00 A.M.
4. Squealing tires, causing the tires of any automobile or other vehicle to make a squealing noise or other harsh or loud sound except in the event of an emergency.

Shamokin Dam Borough Ordinances - Continued

5. Animal Noise Disturbances. The owning, possessing, control of any animal which makes any noise continuously and/or incessantly for a period of ten (10) minutes or makes such noise intermittently for ½ hour or more to the disturbance of any person any time of the day or night regardless of whether the animal is physically situated in or on private property.

203. Fireworks Limitation:

It shall be unlawful for any person to light or fire off or have in his possession or expose to sale any fireworks except devices in which paper caps containing .25 grain or less of explosive compound are used and which are so constructed that the hand cannot come into contact with the cap when in place for the explosion and except, further, toy pistol paper caps containing less than .25 grain of explosive compound.

204. Penalty:

Any person, firm or corporation who shall violate any provision of this Part 2 shall, upon conviction, be sentenced to pay a fine of not more than \$300.00; and/or to imprisonment for a term not to exceed 90 days. Every day that a violation of this Part 2 continues shall constitute a separate offense.

CHAPTER 7 – FIRE PREVENTION AND PROTECTION

PART 2 – REGULATION OF OUTDOOR FIRED AND OPEN BURNING

203. Purpose:

This Chapter is enacted to promote the general health, welfare and safety of the community by setting forth regulations on outdoor burning, enforceable by the Borough, that are more stringent than the outdoor burning regulations of the PA DEP.

204. Prohibited Burning:

No person shall burn garbage, rubbish, rubber, plastic, sylvan materials or related materials in any manner within the Borough unless otherwise authorized in writing by the PA DEP. Except as otherwise provided in this chapter, all outdoor burning is prohibited within the Borough.

205. Exceptions:

The prohibition of 204 above shall not apply where the burning results from:

- A. A fire set to prevent to abate a fire hazard, when approved by the Borough Manager and set by or under the supervision of the Fire Chief or Chief of Police of Shamokin Dam.
- B. Any fire set for the purpose of instructing personnel in fire fighting, when approved by the Borough Manager.
- C. A fire set for the prevention and control of disease or pests, when approved by the Borough Manager.
- D. A fire set solely for ceremonial purposes.
- E. A fire set solely for cooking food.

Shamokin Dam Borough Ordinances - Continued

206. Fire Warning:

By duly enacted resolution, the Council may from time to time during periods of drought or other dry conditions issue a fire warning and prohibit all burning within the Borough except as otherwise authorized by PA DEP. The prohibition may also include the discharge or ignition of sparklers and other devices otherwise not classified as fireworks and controlled as such by the laws of the Commonwealth.

Notice of such warning and prohibition shall be advertised one (1) time in a newspaper of general circulation within the Borough. Violations of any such resolutions shall constitute a violation of this chapter and shall be subject to the penalties provided herein.

208. Violations And Penalties:

Any person who violates any provision of this chapter shall, upon conviction, be sentenced to pay a fine of not less than \$100.00 and not more than \$1000.00, plus costs, for each and every offense and, in default of said fine and costs, to undergo imprisonment in the Snyder County Prison for a period not in excess of 30 days. Every day of violation shall be considered a separate violation. In addition to these penalties, the Borough may assess whatever other penalties are allowable under the Air Pollution Control Act.

CHAPTER 10 – HEALTH AND SAFETY

PART 1 – ABANDONED OR JUNKED MOTOR VEHICLES

101. Definitions:

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

Abandoned Vehicle means a vehicle shall be presumed to be abandoned under this Ordinance if any one or more of the following criteria are present:

- I. the vehicle is legally or physically inoperable
- II. The vehicle does not bear all of the following: a valid registration certificate and license plate, a valid certificate of inspection, a valid insurance card, and an ascertainable vehicle identification number.
- III. The vehicle has been left unused, unmoved or unattended for a period of 10 days or more after notice to the owners of the vehicle or to the owner or tenant to the property upon which it is stored.
- IV. A mobile or modular style home or structure that has not been occupied for a period of at least 1-year or more or for which the owner has no certificate of title.
- V. The vehicle or mobile or modular structure is so unsightly or blighted as to create a nuisance for surrounding property owners.

Junked Vehicle or Junked Motor Vehicle means worn out, discarded, incapable of operation under its own power, useful only for parts or salvage, uninspected, unlicensed by the Commonwealth of Pennsylvania or cannot be legally operated.

Motor Vehicle; means any self-propelled land vehicle which can be used for towing or transporting people or materials, including but not limited to automobiles, trucks, buses, motor homes, motorized campers, motorcycles, motor scooters, tractors, snowmobiles, dune buggies, and other off-the-road vehicles.

Shamokin Dam Borough Ordinances - Continued

Motor Vehicle Accessories; means any part or parts of any motor vehicle.

Notice of Removal shall mean;

- a. Notice to the owner means a written statement signed by any member of the Borough Police Department or the Borough Secretary and taped to some portion of a motor vehicle or motor vehicle accessory which declares the intention of the Borough to treat that motor vehicles accessories as abandoned or junked. Whenever the person signing the statement knows the identity and whereabouts of the owner of said motor vehicle or motor vehicle accessories, a copy of the statement shall also be handed to him personally, or sent to him by certified mail in order to constitute notice.
- b. Notice to the owner or tenant of private property means a written statement personally served on said owner or tenant of private property or sent to said owner or tenant by certified mail.

Removal means the physical relocation of a motor vehicle or motor vehicle accessories to an authorized location.

Storage means parking, keeping, leaving or allowing an abandoned or junked vehicle, motor vehicle, vehicle accessories or motor vehicle accessories to rest in one place for a period of 10 days or longer.

Vehicle in addition to a motor vehicle, a vehicle includes a trailer or mobile home or modular structure even if said mobile home is no longer mobile or if it is used for storage and any vehicle required to be licensed by PA DOT.

102. Prohibited Storage: It shall be unlawful for any person owning or having custody of any abandoned or junked vehicle, motor vehicle, vehicle accessories or motor vehicle accessories to store or permit any such vehicle or accessories or motor vehicle or motor vehicle accessories to remain on any private property within the Borough for a period of more than 10 days after the expiration of the 10 day period following receipt of a notice requiring such removal, and it shall be further unlawful for any person owning or leasing any private property in the Borough to store or to permit to remain any such vehicles or accessories on his property for more than a like period. It shall be further unlawful to store such vehicle or accessories upon any portion of the right-of-way of any street or alley within the Borough or other public property. Such storage is declared to be a public nuisance and may be abated or removed and penalties imposed as provided in this Part.

This section shall not apply to any vehicle, motor vehicle, vehicle accessories or motor vehicle accessories stored within an enclosed building or with an area enclosed by a solid wall or fence at least 6-feet high.

103. Abatement Of Nuisance:

The owner of any abandoned or junked motor vehicle or motor vehicle accessory or the owner or tenant of any land within the limits of the Borough whereon an abandoned or junked motor vehicle or motor vehicle accessory is stored shall remove within 10 days after notice of the Borough's intention to treat said motor vehicle as abandoned or junked and an order to remove same, or an order to remove motor vehicle accessory. In default the Borough may cause the abandoned or junked motor vehicle or motor vehicle accessory to be removed and collect the cost of removal, together with a penalty of 10% of such cost, in the manner provided by law for collection of municipal claims, by action of assumpsit, or the Borough may seek relief by an action in equity.

Shamokin Dam Borough Ordinances - Continued

105. Penalty:

Any person, firm or corporation who shall violate any provision of this Part 1 shall upon conviction thereof, be sentenced to pay a fine of no more than \$300.00; and/or to imprisonment for a term not to exceed 90 days. Every day that a violation of this Part 1 continues shall constitute a separate violation.

PART 2 – WEEDS CONTROL

201. Nuisance Declared:

The uncontrolled growth of grass, weeds and other similar vegetation not planted for some useful or ornamental purpose on lands within the Borough creates fire hazards, provides breeding places for insects and rodents and is detrimental to the health, cleanliness, comfort and safety of the citizens of the Borough and is, therefore hereby declared to be a nuisance. For the purpose of this Part the growth of grass, weeds and other similar vegetation shall be deemed to be uncontrolled when the average height above ground is 10 inches or more.

202. Prohibition:

No owner of lands within the Borough shall permit grass, weeds or other similar vegetation not planted for some useful or ornamental purpose to grow uncontrolled or to remain upon his lands.

203. Abatement of Nuisance:

The owner of any lands within the Borough who violates the prohibitions of 202 hereof shall be given written notice to cut and remove the grass, weeds or other similar vegetation within 24 hours after receipt of the notice. No notice shall be required to be sent for second and subsequent violations in the same year. If the owner fails to so cut and remove, the Borough or persons designated by the Borough may cut and remove the grass, weeds and other similar vegetation from the owner's land and the cost shall be collected from said owner in a summary proceeding before a district justice.

204. Multiple Offenses:

Each day that any owner shall violate the prohibitions of section 202 shall constitute a separate offense.

205. Penalties:

Any person, firm or corporation who shall violate any provision of this Part 2 shall, upon conviction thereof, be sentenced to pay a fine of not less than \$10.00 no more than \$300.00; and/or to imprisonment for a term not to exceed 90 days.

Shamokin Dam Borough Ordinances - Continued

CHAPTER 20 – SOLID WASTE

PART 1 – REGULATION OF SOLID WASTE DISPOSAL

101. Definitions:

The following words and phrases when used in this Part shall have, unless the context clearly indicates otherwise, the meanings given to them in this section.

Compost – A process of controlled biological decomposition of organic materials, producing a stable, aerobic humus-like product.

Disposal– The incineration, deposition, injections, dumping, spilling, leaking, or placing of municipal waste into or on the land or water in a manner that the solid waste or a constituent of solid waste enters the environment, is emitted into the air, or is discharged to the water of the Commonwealth of PA.

Management – The entire process or any part thereof, of storage, collection, transportation, processing, treatment and disposal of municipal waste by any person engaging in such process.

Refuse – All materials which are discarded as useless.

102. Dumping:

It shall be unlawful for any person to store, dispose, dump, discard or deposit, or permit the storage, dumping, discarding or depositing of any municipal waste upon the surface of the ground or underground within the jurisdiction limits of the Borough except in proper containers for purposes of storage or collection and except where the waste is of such size or shape as not to permit it being placed in such containers. This section is not intended to prohibit the use of a properly maintained home compost pile. It shall be unlawful for any person to dump or deposit municipal waste in any stream or body of water within the jurisdiction of the Borough.

Nothing contained in this Part shall prohibit a farmer or Gardner from carrying out the normal activities of his farming or gardening operation, including composting and spreading manure or other farm produced agricultural wastes.

104. Preparation And Storage Of Solid Waste:

The storage of all solid waste shall be practiced so as to prevent the attraction, breeding or harborage of insects or rodents and to prevent conditions which may create potential hazards to the public health or which create fire and other safety hazards, odors, unsightliness or public nuisance.

Any person accumulating or storing garbage on private or public property in the Borough for any purpose whatsoever (including waste being stored temporarily for ultimate disposal in a bulk container, as well as waste being stored for door-to-door collection) shall place the same or cause the same to be placed in sanitary closed or covered containers.

Solid waste to be collected on a door-to-door basis shall be prepared for such collection in a manner agreed upon by the property owner and hauler.

Solid waste of a highly flammable or explosive nature or highly infectious or contagious wastes shall not be stored for ordinary collection, but shall be disposed of in accordance with the directions of the Commonwealth of PA, DEP.

Shamokin Dam Borough Ordinances - Continued

108. Penalties And Remedies:

Any person violating any of the provisions of this Part shall be guilty of a summary offense and shall upon conviction thereof before a district Magistrate, be sentenced to pay a fine of not less than \$100.00 and not more than \$1000.00 together with the cost of prosecution or to undergo imprisonment for a period of not more than 30 days. Every violator of the provisions of this Part shall be deemed guilty of a separate offense for each day and every day that such violation shall continue and shall be subject to the penalty imposed by this section for each and every such separate offense.

In addition to the foregoing penalty, the borough may require the owner or occupier of a property to remove any accumulation of solid waste and should said person fail to remove the same within 10 days after written notice, the Borough may cause the same to be done and collect the costs together with a penalty of 10% of such costs in the manner provided by law for the collection of municipal claims or by action in assumption or may seek relief by bill or equity.

It is hereby designated that the borough official to whom all notices under this Part are to be given and by whom all provisions of this Part are to be enforced is as follows: Borough Codes and Enforcement Officer, Borough manager, Municipal Building, 42 W. 8th Avenue, P O Box 273, Shamokin Dam, PA 17876 Phone 570-743-7565.

CHAPTER 27 – ZONING

CHAPTER 8, SECTION 801

9. Construction Dumpsters prohibited without permit in R-1 Zones. Large size Construction Dumpsters in R-1 Zones are prohibited except for use in connection with a permit for construction or demolition and shall be removed when the permit has expired and in no case shall the use of such construction size dumpsters exceed six (6) months. Under no circumstances shall such dumpster be used to collect any organic waste and shall be limited to use for the collection of construction and demolition debris. For purposes of this Ordinance a Large Size Construction Dumpster shall be defined as any dumpster holding five (5) cubic yards or more of debris.

CHAPTER 6 – CONDUCT

PART 3 – CURFEW FOR MINORS

3.02 Unlawful conduct of minors – It shall be unlawful for any minor under the age of 18 years to remain in or upon any public place or any establishment, upon the streets, walkways, roads, Alleys, parks or playgrounds, public buildings, vacant lots or other unsupervised places within the Borough of Shamokin Dam between the hours of 11:00 PM and 6:00 AM the following day, provided however, that the provisions of this section do not apply to a minor accompanied by his or her parent, guardian or other adult person having the care and custody of the minor or to a minor who is upon an emergency errand or legitimate business directed by his or her parent, guardian or other adult person having the care and custody of the minor.

Shamokin Dam Borough Ordinances - Continued

3.03 Unlawful conduct of parents within the Borough– It shall be unlawful for any parent, guardian or other adult person having the care and custody of a minor under the age of 18 years to knowingly permit such minor to be in or upon any public place or any establishment, upon the streets, walkways, roads, alleys, park or playgrounds, public buildings vacant lots or other unsupervised places within the Borough of Shamokin Dam between the hours of 11:00 PM and 6:00 AM the following day.

3.04 Enforcement; violations and penalties – Any police officer who finds a minor violating the provisions of this Chapter shall obtain information from such minor as to his name, age and address and the name and address of his parent or parents. The police officer shall thereupon instruct the minor to proceed to his home forthwith; and/or if the police officer deems it advisable, he shall accompany said minor to his home. The police officer shall ascertain, if possible, if the parent or parents are at home and if so, shall notify them verbally of the violation. In all cases, the police officer shall make a report of the violations to his superior officer. A written notice shall be mailed to the parent or parents of the minor advising them of the violation of this Chapter

Any parent who shall permit a minor to violate the provisions of this Chapter after having received notice of one (1) prior violation shall be fined not less than \$50.00 and not more than \$300.00 for each violation.