

COUNCIL BILL NO. 1961

INTRODUCED BY: SHANNON GABRIEL

ORDINANCE NO. 1862

AN ORDINANCE TO ADOPT SUBSTANTIVE REVISIONS TO THE CODIFICATION OF ORDINANCES OF THE CITY OF DUBOIS, PENNSYLVANIA

Be it enacted and ordained by the City Council of the City of DuBois, County of Clearfield, Commonwealth of Pennsylvania, and it is enacted and ordained as follows:

ARTICLE II
Adoption of Code Revisions

§ 1-16. Enactment of Code revisions.

The codification of legislation of a general and permanent nature was adopted as the Code of the City of DuBois as set forth in Article I of this chapter. The City officials subsequently completed a comprehensive review of the Code provisions, and, as authorized by 11 Pa.C.S.A. § 11018.15(b), the City Council wishes to enact substantive revisions to various chapters, articles and sections of the Code as a single ordinance of the City of DuBois.

§ 1-17. Substantive changes and revisions in previously adopted legislation.

- A. In addition to the changes and revisions described in § 1-6 of Article I of this chapter, the 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 City Council, and it is the intent of the City Council that all such changes be adopted as part of the Code as if the legislation so changed had been previously formally amended to read as such. All such changes and revisions shall be deemed to be in effect as of the effective date set forth in § 1-20 of this article.
- B. Statutory reference change. Chapter 5 is amended to change references to "the Home Rule Charter and Optional Plans Law (Council-Manager Plan), Act of April 13, 1972, No. 62, 53 P.S. § 1-101 et seq." to "the Home Rule Charter and Optional Plans Law (Council-Manager Plan), Act of 1996, Dec. 19, P.L. 1158, No. 177, codified at 53 Pa.C.S.A. § 2901 et seq.

§ 1-18. Publication of notices.

The City Secretary shall cause to be published in the manner required by law a notice of the introduction of this Code Revisions Ordinance in a newspaper of general circulation in the City. The enactment of this ordinance, coupled with the publication of the notice of introduction, the availability of a copy or copies of this the Code Revisions Ordinance for inspection by the public and the filing of an attested copy of this ordinance with the county, as required by law, shall be deemed, held and considered to be due and legal publication of all provisions of this Code Revisions Ordinance for all purposes.

§ 1-19. Severability.


The provisions of this ordinance 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 City Council that this ordinance would have been adopted if such illegal, invalid or unconstitutional clause, sentence, subsection, section, article, chapter or part thereof had not been included therein.

§ 1-20. When effective.

All provisions of this ordinance and of the Code shall be in force and effect ten (10) days after adoption of this ordinance.

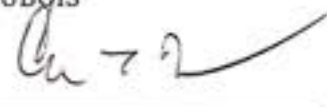
ENACTED AND ORDAINED by the City Council of the City of DuBois this 26 day of April 2021.

Attest:



John "Herm" Suplizio
City Manager

CITY OF DUBOIS


BY: _____
Edward L. Walsh
Mayor

City of DuBois
Adoption of Code Changes 2021

Schedule A
Specific Revisions at Time of Adoption of Code

Penalties.

The following sections are amended to change the maximum penalty fine to \$1,000 and maximum imprisonment to 90 days: §§ 110-6B, 114-4, 118-6, 118-14 (minimum fine deleted), 122-2 (minimum fine deleted), 122-10B (minimum fine deleted), 122-16 (minimum fine deleted), 122-20 (minimum fine deleted), 122-24 (minimum fine deleted), 127-4, 149-3, 154-6, 175-8, 204-5, 211-9, 215-16B (minimum fine changed to \$50), 218-7, 230-4, 248-12, 266-22, 292-13A, 292-18, 321-8, 340-11, 340-20, 350-8, 362-16, 379-30A, 385-6, 385-10, 385-19, 385-38, 385-52, 385-55, 385-58, 385-61, 385-64, 385-68, 385-89, 385-99, 385-101, 397-12, 397-16, 403-47, 414-5, 421-6, 425-48B, 425-62B, 440-85,

Chapter 5, Administration of Government.

- A. Section 5-3. Subsection C, City Council shall organize itself into committees on an annual basis, is repealed.
- B. Section 5-6A(30) is amended to delete the last sentence thereof.
- C. Section 5-10 is amended to delete the first two sentences thereof.
- D. Section 5-19.
 - (1) Subsection E is amended to delete the second sentence thereof.
 - (2) Subsection G, All persons employed by the City of DuBois shall be residents of the City, is repealed.

Chapter 17, Civil Service Board.

- A. Sections 17-3 and 17-5 are amended to change Superintendent of the Department of Public Affairs to Chief of Police.
- B. Section 17-7 is amended to change "Bureau of Police" to "Police Department."
 - (1) Section 17-7B is amended to change the reference to the Municipal Police Officers Education and Training Law to 53 Pa.C.S.A. §§ 2161 to 2164. Said subsection is further amended

Chapter 33, Fire Department.

Section 33-7 is amended to change the reference to 53 P.S. § 8501 et seq. to 35 Pa.C.S.A. § 7411 et seq.

Chapter 51, Personnel.

- A. The following statutory changes are made in the sections noted:
 - (1) 53 P.S. § 1-101 et seq. to 53 Pa.C.S.A. § 2901 et seq. in §§ 51-3 and 51-10A.
 - (2) 53 P.S. § 1-307 to 53 Pa.C.S.A. § 2961 to 2967 in § 51-10B.
 - (3) 53 P.S. § 1-401 to 53 Pa.C.S.A. § 2971 in § 51-10B.
 - (4) 53 P.S. § 1-1245 to 53 Pa.C.S.A. § 3141 to 3146 in § 51-12B.
- B. Section 51-39, Residency requirement, is repealed.
- C. Section 51-17. Subsection D(2), § 4405, Grading for discharged servicemen, and Subsection D(3), § 4407 (Part), is repealed.
- D. Section 51-40A is amended to change the maximum fine to \$1,000 and the maximum imprisonment to 90 days.

Chapter 60, Property Maintenance Board of Appeals.

Section 60-3 is amended to change "BOCA Codes adopted by the City" to "International Property Maintenance Code of the City" and to change subsequent references to BOCA Code to IPMC.

Chapter 67, Records.

- A. Section 67-3 is amended to change Mayor to City Manager.
- B. Section 67-4. Subsection A(1) and (3) is amended to change \$0.50 to \$0.25. Subsection A(2) is amended to add "If applicable" to the beginning thereof.

Chapter 71, Recreation Board.

This chapter is repealed.

Chapter 110, Alarm Systems.

- A. Section 110-3A(4) is amended to change BOCA National Building Code to Pennsylvania Uniform Construction Code.
- B. Section 110-3D(4) is amended as follows:

"Users who fail to obtain an alarm permit within 60 days after the alarm system is activated, ~~or within 60 days after the alarm system is activated,~~ or within 60 days after the effective date of this chapter, shall, in addition to the permit fee, be liable to pay a late charge penalty in an amount as established, from time to time, by resolution of the City Council for each calendar month or part thereof that the permit is not obtained."

Chapter 122, Animals.

- A. Sections 122-7 and 122-8 are amended to add "or given to a humane society or association for the prevention of cruelty to animals" following "destroyed."
- B. Section 122-10A is amended to change \$15 to \$50.

Chapter 149, Buildings, Numbering of.

- A. Section 149-1 is amended to replace the second sentence with the following: *Address numbers shall be Arabic numerals or alphabet letters, minimum of four inches high, with a minimum stroke width of 0.5 inch, and of contrasting color.*
- B. Section 149-2 is amended the following phrase from the first sentence thereof: *where the DuBois Deposit Bank, the Commercial Hotel, the George R. Vosburg and Long and Brady Buildings are located.*

Chapter 170, Construction Codes.

Section 170-7 is amended to change 2003 International Electrical Code to 2015 International Electrical Code.

Chapter 211, Fireworks.

Section 211-2 is amended to change "designated official" to City of DuBois Mayor or Police Chief or Code Enforcement Officer.

Chapter 223, Furnaces, Outdoor.

Section 223-4 is amended as follows:

"Fuel used in outdoor furnaces shall be only natural, untreated wood or ~~wood fuel~~ specifically permitted by the manufacturer such as coal, fuel oil, natural gas, or kerosene..."

Chapter 279, Noise.

Section 279-4 is amended to read:

Any person, firm or corporation who shall violate § 279-2 shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment, to imprisonment for a term not to exceed 90 days. Each day that a violation continues shall constitute a separate offense.

Chapter 292, Parks and Recreation Areas.

- A. Section 292-11.1 is added:
 - § 292-11.1. Fishing in Juniata Lake.
 - Fishing will be permitted in Juniata Lake, commonly known as "Tannery Dam," between the hours of 6:00 a.m. and 10:00 p.m., inclusively, each day of the week, and at no other time.
- B. Article II, Juniata Lake Regulations, is repealed.

Chapter 298, Peddling and Soliciting.

Section 298-15 is amended to change the maximum fine to \$500.

Chapter 310, Property Maintenance.

Section 310-1 is amended to read:

The 2018 International Property Maintenance Code, as published by the International Code Council, Inc., is hereby adopted as the Property Maintenance Code of the City of DuBois.

Chapter 317, Property, Sale of.

Section 317-10A is amended to change "offense" to "misdemeanor," revise fine to \$1,000 and change imprisonment term to one year.

Chapter 340, Sewers and Sewage Disposal.

A. Section 340-24 is amended to change "Director of Streets and Public Property" to "City Engineer."

B. Section 340-42 is amended to read: "Any person failing to comply with the provisions of this article shall be subject to the summary offense penalties of 35 P.S. § 750.13 and, in addition thereto, may be subject to the civil penalties of 35 P.S. § 750.13a. Each day of noncompliance shall constitute a separate offense."

Chapter 385, Streets and Sidewalks.

Section 385-17. The opening paragraph is amended to delete the phrase "that can be repaired by an expenditure of \$50" and further amended to add the following subsections thereto:

- A. *General rule. Any city may make emergency repairs to sidewalks, within its corporate limits, if an officer or designated individual representing the department in charge of repairs to sidewalks upon inspection determines that a substantial and immediate danger exists to public health, safety and welfare.*
- B. *Written report. The officer or individual shall prepare a written report of those conditions which shall be conclusive evidence of the existence of the emergency justifying the repair.*
- C. *Additional remedy for city. This section is intended to provide an additional remedy for cities in connection with emergency repairs of sidewalks.*
- D. *Notice. The following shall apply:*
 - (1) *A copy of the written report shall be served upon the abutting property owner, along with a notice to make emergency repairs to the sidewalk within 48 hours of service of the notice and report.*
 - (2) *The notice and copy of the report shall be served as provided in this chapter for constructing and maintaining sidewalks and curbs.*
 - (3) *The report shall expressly state that emergency repairs are required.*
 - (4) *If the owner fails to make the emergency repairs within the prescribed time, the City may make the emergency repairs to the sidewalk.*
- E. *Costs. Upon the completion of any emergency repairs, the cost of the repairs shall be a charge against the owner of the abutting property and shall be a lien, until paid, upon the abutting property, provided that a claim is filed for the lien in accordance with the law providing for the filing and collection of municipal claims.*
- F. *Action in assumpsit. The amount of the claim against the owner of the abutting property may also be collected from the owner by an action in assumpsit.*

Chapter 390, Subdivision and Land Development.

Section 390-35, Floodplain area regulations, is repealed.

Chapter 397, Swimming Pools.

A. Section 397-14, Speed limit established, is repealed.

B. Section 397-15 is amended to change "Borough" to "City."

Chapter 403, Taxation.

A. Article I, Realty Transfer Tax, is amended in its entirety to read as follows:

§ 403-1. Imposition of tax.

The City of DuBois adopts the provisions of Article XI-D of the Tax Reform Code of 1971 (72 P.S. § 8101-D et seq.) and imposes a realty transfer tax as authorized under that article subject to the rate limitations therein. The tax imposed under this section shall be at the rate of 1%.

§ 403-2. Administration.

The tax imposed under § 403-1 and all applicable interest and penalties shall be administered, collected and enforced under the Act of December 31, 1965 (P.L. 1257, No. 511), as amended, known as the "Local Tax Enabling Act" (53 P.S. § 6901 et seq. and 53 P.S. § 6924.101 et seq.), provided that, if the correct amount of the tax is not paid by the last date prescribed for timely payment, the City of DuBois, pursuant to Section 1102-D of the Tax Reform Code of 1971 (72 P.S. § 8102-D), authorizes and directs the Department of Revenue of the Commonwealth of Pennsylvania to determine, collect and enforce the tax, interest and penalties.

§ 403-3. Interest.

Any tax imposed under § 403-1 that is not paid by the date the tax is due shall bear interest as prescribed for interest on delinquent municipal claims under the Act of May 16, 1923 (P.L. 207, No. 153; 53 P.S. § 7101 et seq.), as amended, known as the "Municipal Claims and Tax Liens Act." The interest rate shall be the lesser of the interest rate imposed upon delinquent commonwealth taxes as provided in Section 806 of the Act of April 9, 1929 (P.L. 343, No. 176; 72 P.S. § 806), as amended, known as the "Fiscal Code," or the maximum interest rate permitted under the Municipal Claims and Tax Liens Act for tax claims.

B. Section 403-36 is amended so that the following definitions read as provided below:

EARNED INCOME — The compensation as required to be reported to or as determined by the Department of Revenue under Section 303 of the Act of March 4, 1971 (P.L. 6, No. 2), known as the "Tax Reform Code of 1971," and rules and regulations promulgated under that section subject to the following:

A. Employee business expenses as reported to or determined by the Department of Revenue under Article III of the Tax Reform Code of 1971 shall constitute allowable deductions in determining earned income.

B. The term does not include:

- (1) Wages or compensation paid to individuals on active military service, regardless of whether it is earned for active military service inside or outside this commonwealth.
- (2) Offsets for business losses.
- (3) The amount of any housing allowance provided to a member of the clergy.

C. For purposes of collection of earned income and net profits taxes under this article and for crediting purposes under Section 317, the term shall include all taxes on earned income or net profits whether authorized by this article or any other law of this commonwealth unless the law expressly provides otherwise.

NET PROFITS — The net income from the operation of a business, other than a corporation, as required to be reported to or as determined by the Department of Revenue under Section 303 of the Act of March 4, 1971 (P.L. 6, No. 2), known as the "Tax Reform Code of 1971," and rules and regulations promulgated under that section. The term does not include income under any of the following subsections:

A. Income which:

- (1) Is not paid for services provided; and
- (2) Is in the nature of earnings from an investment.

B. Income which represents:

- (1) Any gain on the sale of farm machinery;
- (2) Any gain on the sale of livestock held 12 months or more for draft, breeding or dairy purposes; or
- (3) Any gain on the sale of other capital assets of a farm.

Chapter 425, Vehicles and Traffic.

A. Section 425-27B is amended, in part, as follows: "a fine of not less than \$25 and not more than \$100 \$500 and costs."

B. Section 425-68 is amended to change \$25 to \$50 and to change \$10 to \$25.

C. Section 425-71 is amended, in part, to read as follows: "...be guilty of a summary offense, punishable: (a) for a first offense, by a fine of \$100; and (b) for a subsequent offense, by a fine of not less than \$200 nor more than \$500 or imprisonment for not more than 90 days, or both..."

D. Section 425-73 is amended to change "designated official" to "City Manager."

Chapter 440, Water.

A. Section 440-13, Charges for taps outside City limits, is repealed.

B. Section 440-42, Sprinkling of streets, is repealed.

- C. Section 440-74D, providing penalties for violations, is repealed.
 D. Sections 440-86 and 440-87 are amended to read as follows:

§ 440-86. Water rates for customers under jurisdiction of Pennsylvania Public Utility Commission.

The water rates imposed by the City of DuBois on customers outside of the corporate boundaries of the City of DuBois shall be billed as follows:

	Consumption in Gallons		Rate Per 1,000 Gallons
	Per Month	Per Quarter	
For the first	100,000	300,000	\$5.50
For all usage over	100,000	300,000	\$4.14

§ 440-87. Minimum customer charges.

The minimum monthly charges based on the size of the meter shall be as follows:

Meter Size	Per Meter Per Month	Per Meter Per Quarter
5/8- to 3/4-inch	\$7	\$21
1-inch	\$10.50	\$31.50
1 1/2-inch	\$30.30	\$90.90
2-inch	\$47.80	\$143.40
3-inch	\$78.20	\$234.60
4-inch	\$152.80	\$458.40
6-inch	\$196	\$588.00
8-inch	\$262.50	\$787.50

Chapter 450, Zoning.

- A. Section 450-14, Floodplain regulations, is repealed.
 B. Section 450-20A(2), regarding challenges to the validity of a land use ordinance, is repealed.
 C. Sections 450-31C, 450-40C(4) and 450-40D(4) are amended to change references to the BOCA Building Code to the Uniform Construction Code.
 D. Sections 450-39E, 450-40A(6), 450-40C(9), 450-40D(9), 450-49, 450-58, 450-67O, 450-77, and 450-89 are amended to change references to "Article III of this chapter" to "Chapter 350, Signs and Billboards."
 E. Section 450-107B.

- (1) The following definitions are added:

FORESTRY – The management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve any land development.

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.

(2) The following definition is amended to read as provided below:

FAMILY -- One or more persons, related by blood, adoption or marriage, living and cooking together as a single housekeeping unit, or a number of persons living and cooking together as a single housekeeping unit though not related by blood, adoption or marriage.