

ARTICLE 5 Supplemental Lot Regulations

5.1 Access to Structures

5.1.1 – Every dwelling or commercial structure hereafter erected or moved shall be on a lot adjacent to a public street, or with access by a private street approved under the applicable Subdivision and Land Development Ordinance. All structures shall be located on lots to provide safe and convenient access for servicing, fire protection, and required off-street parking.

5.1.2 – Ingress and egress from buildings shall be placed in relation to the finished entrance floor levels and the natural terrain and in a safe manner which will minimize concentration of traffic.

5.1.3 – Pedestrian access to public buildings, open space and parking facilities shall include considerations for disabled and handicapped persons and comply with the current editions of ADA standards and the PA Uniform Construction Code PA Act 45 of 1999.

5.2 Accessory Uses and Structures - Zoning Permit Required

Accessory structures shall comply with all requirements for the principal structure except where specifically modified by this Ordinance and shall comply with the following limitations:

5.2.1 Fences or walls – not exceeding six (6) feet may be constructed in required yards

5.2.1.1 – The vision of motor vehicle operators is not impeded at intersecting streets or driveways (See Intersection Visibility regulations found in Section 5.8).

5.2.1.2 – Fences and walls, except those designated for agricultural purposes, shall be setback a minimum of two (2) feet from any lot line to maintain their integrity or if on the property line to a distance of less than two (2) feet on the side of that fence shall face the written permission of the neighbor if the finished side of a fence shall face the lot exterior.

5.2.2 Accessory Storage or Utility Buildings and Detached Garages – Storage, utility buildings or other accessory structures may be maintained accessory to the dwelling. It shall not exceed a building height of 15 feet or one and one-half (1½) stories, except two-story garages, provided that said garage is not located in the front yard of the principal building for human occupancy. An accessory structure shall not be located in any area of less than 2 acres in size. All accessory buildings shall comply with the minimum yards specified for accessory structures in Article 3.

5.2.3 Carports in Village District – Carports in the Village District shall be anchored in accordance with the manufacturer's recommendation or attached to a permanent footer or foundation and shall comply with Section 5.2.2.

5.2.4 Pump Island Canopies – Canopies when used to protect pump islands at gas stations or convenience stores: a 10 ft. minimum building setback line is maintained, and the height of the canopy shall not exceed 24 ft.

5.2.5 Accessory Apartment – An accessory apartment may be constructed for a direct family member (parent, sibling or child) within an existing single-family detached dwelling pursuant to the following standards.

5.2.5.1 – The lot upon which an accessory apartment for a single-family detached dwelling is located shall meet the minimum requirements for a lot in the applicable zoning district.

5.2.5.2 – Accessory apartments may only be authorized for structures which were erected prior to the adoption of this Ordinance. No more than one (1) accessory apartment shall be permitted on a lot.

5.2.5.3 – The habitable floor area of the accessory apartment shall be a minimum of 400 sq. ft² and a maximum of 800 sq. ft², except that the floor area of the accessory unit shall not exceed 25% of the habitable floor area of the original dwelling.

5.2.5.4 – The architectural treatment of the structure shall be such as to portray the character of the single-family detached dwelling. Only one main entrance will be permitted on the front side of the building; all other entrances will be at the side or in the rear.

5.2.5.5 – One dwelling must be owner-occupied.

5.2.5.6 – Sewage facilities shall be provided which can treat the volume of effluent anticipated from both the accessory apartment and the existing dwelling. A certification from the municipal Sewage Enforcement Officer, verifying the acceptability and/or suitability of an existing sub-surface system or a sewage permit for the installation of a new system shall be submitted as part of an application for accessory apartment use.

5.2.5.7 – One off-street parking space shall be provided for the accessory apartment in addition to the number required for the existing dwelling (see Article 9).

5.2.6 Temporary Roadside Stands – Temporary roadside stands or shelters may be permitted in all Zoning Districts. All applications for such uses shall also meet the standards outlined below.

5.2.6.1 – Temporary roadside stands shall not exceed 400 square feet in size and shall be removed from the site during the seasons(s) when they are not in use for the sale or display of products.

5.2.6.2 – Where a temporary roadside stand is established, a minimum of three (3) off-street parking spaces, located outside of the adjoining street right-of-way, shall be provided.

5.2.6.3 – Temporary stands shall be set back at least 20 feet from the edge of the adjoining street right-of-way and at least 50 feet from any intersection.

5.2.6.4 – A Zoning Permit shall be required for temporary roadside stands. The permit is valid for a period of six (6) months from the date of issuance; one permit is allowed per property each calendar year.

5.2.6.5 – All signs used to advertise such facilities shall meet the requirements set forth in Article 8 of this Ordinance and shall be removed when the temporary stand is removed.

5.2.6.6 – Temporary roadsides stalls shall be limited to the sale of farm, nursery, or greenhouse products.

5.2.6.7 – A Highway Occupancy Permit may be required.

5.2.7 – Placement of Recreational Vehicles In the 100 Year Floodplain

Recreational vehicles, including travel trailers, campers, motor homes, or other similar self-propelled or towable vehicles designed and used for temporary living quarters, whether temporarily or permanently placed on a lot, shall be subject to the following regulations.

5.2.7.1 Permit Requirements –

5.2.7.1.1 – A Zoning Permit shall be required where a recreational vehicle is proposed to be placed on a lot for more than six (6) months in any given year or on a permanent basis.

5.2.7.1.2 – A Seasonal Permit shall be required where a recreational vehicle is proposed to be placed on a lot for less than six (6) months in any given year. Seasonal Permits shall be renewed annually.

5.2.7.2 Foundation Requirements –

5.2.7.2.1 – Recreational vehicles placed on a lot for more than six (6) months in any given year or on a permanent basis shall be placed on a foundation in accordance with the applicable building code and may contain less than the minimum floor area required for a single-family detached dwelling per that code so long as no year-round or full-time occupancy occurs.

5.2.7.2.2 – Recreational vehicles placed on a lot for less than six (6) months in any given year or on a temporary basis shall be placed on a suitable at the grade pad or stand, designed to be level, durable and capable of supporting the maximum anticipated loads. Pads shall be constructed of compacted crushed stone or other suitable material. Such units may contain less than the minimum gross floor area required for a single-family dwelling under the applicable building code.

5.2.7.3 Sewage Disposal and Water Supply –

5.2.7.3.1 – Every recreational vehicle shall be provided with adequate sewage disposal and water supply facilities. Subject to the applicable rules and regulations of the PA Department of Environmental Protection. Satisfactory evidence that all necessary permits of this type have been obtained shall be submitted as part of an application for such a use. Self-contained holding tanks within the recreational vehicle may be utilized in conjunction with a Seasonal Zoning Permit when the owners of such units have written permission to periodically dump at a DEP approved dumping station. Alternatively, portable toilets may be utilized provided that they are serviced by a licensed waste hauler.

5.2.7.4 General Requirements –

5.2.7.4.1 – There shall be no permanent placement of recreational vehicles in a Floodway area. Where such uses are to be located in a Special Flood Hazard Area on a permanent basis, all requirements regarding floodproofing contained in the Nippenose Township Floodplain Ordinance 2016-79, as amended, shall be met.

5.2.7.4.2 – Temporary placement of recreational vehicles in any floodplain area may be permitted pursuant to the standards of Section 5.2.7.5 below.

5.2.7.4.3 – There shall be no decks, porches or other auxiliary buildings or structures permanently attached to recreational vehicles located in designated floodplain areas.

5.2.7.5 Off Season Removal and Emergency Evacuation of Recreation Vehicles in Floodplain Areas –

5.2.7.5.1 – An annual Seasonal Zoning Permit shall be required. The landowner shall be responsible for obtaining the Seasonal Zoning Permit and shall be considered the Permittee. Where the Permittee is other than the landowner, the application shall bear the signature of the landowner in addition to the applicant's signature as a verification of the information provided. Such permits shall be valid from May 1 to October 31 in any calendar year.

5.2.7.5.2 – The Seasonal Zoning Permit is only good for the applicant or Permittee and the site set forth in the application/permit. No Permittee may assign his or her rights to any other or entity at any time during the season.

5.2.7.5.3 – All units shall be removed from the floodplain during the off-season by the landowner or Permittee.

As part of the permit application, the Permittee shall provide written assurance to the Township that the unit will be removed from the floodplain prior expiration of the Seasonal Permit.

5.2.7.5.4 – The Permittee shall also submit a workable evacuation plan for removal of the unit should there be imminent danger of flooding, by whom they will be removed, and the temporary storage site that will be utilized. The Permittee shall be ultimately responsible for removal of the unit in a flood emergency.

5.2.7.5.5 – Nothing in this Section shall prohibit a Permittee from moving a unit on or off the site during the season for any reason. However, in the event the unit shall be removed for the purpose of replacing it with another unit at any time during the season, the Permittee must notify the Zoning Officer of the change so that the Township records may be kept accurate and up to date at all times.

5.2.7.5.6 – In obtaining a Seasonal Permit, applicants acknowledge that it is their responsibility to be aware of all declared flood emergencies, and any other situation in which it appears reasonable that flooding could occur and to take whatever steps are necessary to accomplish evacuation of the unit. The Township, in issuing such Seasonal Permits, assumes no liability or responsibility for providing information to a Permittee.

5.2.7.5.7 – The failure of a Permittee to remove a unit during a flood emergency shall result in the immediate revocation of the current permit for the remainder of the season, and the unit must be removed from the site as soon as conditions allow. In addition, this failure shall result in the forfeiture of the Permittee's right to lease or use the subject a lot for the following season.

5.2.7.5.8 – Where a Permittee fails to remove a unit at the end of any season but does so before the Township must take legal steps to enforce removal, the Permittee shall forfeit the right to lease or use the subject lot(s) for the next season. If the Township must take legal steps to enforce removal or a unit(s), this shall result in an automatic forfeiture of the Permittee's right to lease or use the lot for the next two seasons.

5.2.7.5.9 – There shall be no storage of camping units, portable toilets, picnic tables, pallets, wood piles or other materials on the lot during the off-season. The Permittee shall be

responsible for compliance with this requirement. Failure to comply will result in the forfeiture of the Permittee's right to lease or use the subject a lot for the following season.

5.2.7.5.10 – Units placed within any designated floodplain area must remain on wheels and be capable of being towed from the site at all times. Such units may not be placed on blocks or similar supports and no activity may take place on the site which would interfere with the prompt and safe evacuation of the unit in time of flood danger. Units shall be fully licensed and shall be ready for highway use at all times.

5.3 Accessory Uses and Structures – Exempt from Permit Requirement – Conformance with the Following Specifications Shall Be Maintained:

Certain accessory uses and structures shall be exempt from obtaining a zoning permit if they comply with all requirements specified below:

5.3.1 – Fences designated for agricultural purposes may be located on the property line.

5.3.2 – A single storage building and other accessory structures such as swing sets, play gyms, playhouses, doghouses, and dog runs of the dimension 12 x 12 ft. or smaller shall comply with all Section 5.2.2 requirements.

5.3.3 – When located in the R, A and COS Districts, carports shall be anchored in accordance with the manufacturers recommendation or attached to permanent footers or foundation to prevent movement and shall with comply Section 5.2.2.

5.3.4 – Landscape plantings may be constructed in required yards provided that the vision of motor vehicle operators is not impeded at intersecting streets or driveways (See Intersection Visibility regulations found in Section 5.8).

5.3.5 Swimming Pools – Any structure intended for swimming, recreation bathing or wading that contains or is designed to contain water over 24 inches (610 mm) deep. This includes in-ground, above-and on-ground pools; hot tubs, spas and fixed-in place wading pools.

5.3.5.1 Locations – The swimming pool shall be located only to the rear or side of the principal building. It shall be located no closer than fifteen (15) feet to the side or rear lot lines, and no closer than twenty-five (25) feet to the front lot line.

5.3.5.2 Enclosure and Access Considerations – Swimming pool installations including required fencing shall be governed by the current adopted edition of the International Residential Code for One- and Two-Family Dwellings.

5.3.6 – Private tennis courts shall be permitted within required side or rear yard areas provided that such facility shall not be less than ten (10) feet from side or rear property lines and shall comply with Floodplain regulations if appropriate.

5.3.7 – Sidewalks and driveways may be located within front, rear, and side yards and do not require zoning permits.

5.3.8 Hobby Farm – A Hobby Farm may be established on a lot or on a contiguous lot on which poultry or livestock secured within the premises may be raised for home use either on pasture or within animal housing. A Hobby Farm shall not be operated as an Agricultural Operation engaged in commercial raising of livestock

for market. A Hobby Farm shall not exceed 1 animal equivalent unit (A.E.U.) per acre based on the following schedule. Note that 1 A.E.U is considered to be 1,000 pounds on average of live animal weight.

- Slaughter or feeder cattle: 1 = 1.0 A.E.U.
- Mature dairy cow: 1 = 1.3 A.E.U.
- Swine: 1 = 0.5 A.E.U.
- Sheep/Goats: 1 = 0.5 A.E.U.
- Horse: 1 = 1.0 A.E.U.
- Poultry, ducks, geese etc.: maximum of 25 birds regardless of lot size

5.3.8.1 – For an animal species not listed above, the hobby farm shall not exceed 1000 lbs. of animal weight per acre based on the typical live weight of mature animals of the species.

5.3.8.2 – The fenced area and structure for the housing of animals shall be at least 50 ft. away from any habitable structure on adjoining property.

5.3.8.3 Hobby Farm Definition – The raising or boarding of animals, livestock or poultry for personal use on a small farm operated for pleasure or supplemental income rather than for primary income.

5.3.8.4 – Domesticated animals or pets are exempt from the regulations of this section.

5.4 Conversion or Replacement of Buildings

5.4.1 – The conversion of any non-residential building into a dwelling, or the conversion of any dwelling to accommodate an increased number of dwelling units or households, shall be permitted only within a district in which a new building for a similar occupancy would be permitted under this Ordinance. The resulting dwelling(s) shall comply with all requirements governing new construction in such a district.

5.4.2 – A mobile home that has been replaced or discontinued as a residential dwelling shall be removed from the lot within sixty (60) days of the termination of the residential use. A permit may be obtained from the Zoning Officer to defer the removal of the mobile home pending its sale for a period not to exceed six months. The fee for said permit shall be established by the resolution of the Board of Supervisors.

5.4.3 – A mobile home that is no longer suitable for residential purposes shall not be converted to an accessory structure.

5.5 Design Standards for Driveways and Access Drives to Streets

To minimize traffic congestion and control street access in the interest of public safety, and to encourage the appropriate development of street and road access, the following standards shall apply to the construction or creation of all new driveways:

5.5.1 – Every building or lot shall have access to a public street or an approved private street. Where possible, residential lots shall access onto a local street rather than a collector road or arterial highway. Compliance shall be required with permit requirements of PennDOT (Highway Occupancy Permit) and the Nippenose Township Driveway Permit Ordinance. The permit for a new driveway shall be secured prior to the issuance of any related zoning permit. The driveway permit fee as established in the fee resolution for this ordinance is due prior to the issuance of a permit.

5.5.2 – A scaled drawing of proposed off-street parking and loading areas, access drives, and walks shall be submitted as part of any required plot plan.

5.5.3 – The general layout for driveways shall be such that there will be no need for motorists to back over or into the public street right-of-way. Single and two-family dwelling uses shall be exempt from this requirement.

5.5.4 – Access to the public highway or street shall be controlled in the interest of public safety. The off-street parking, loading and service areas on all properties used for any purpose other than single-family residences required by this Article shall be physically separated from the highway or street by a curb, pipe rail or fence and/or planting strip.

5.5.5 – Driveways shall be constructed of durable, all-weather material, shall be maintained in good condition and shall not exceed thirty-five (35) feet in width, except as increased by the curb radii. The number of driveways shall not exceed two (2) per lot on any one (1) street frontage. Residential lots with less than 200 feet of street frontage shall be limited to one driveway.

5.5.6 – Driveways should be located where street alignment and profiles are favorable, where there are no sharp curves or steep grades, and where sight distance related to the driveway is sufficient to avoid creating hazardous traffic conditions.

5.5.7 – Driveways shall be designed and constructed in such a manner to avoid impairing drainage within a street right-of-way or any adjacent area. Where determined necessary by a PennDOT or township official, a drainage pipe of at least fifteen (15) inch diameter or equivalent shall be installed under the driveway at the property owner's expense. The size or diameter of such pipe and the installation, location, slope and angle of intersection of any new driveway accessing onto a Township road shall be approved by the appropriate official. The pipe shall be maintained and cleaned by the property owner. The driveway grade should run to the ditch line rather than to the roadway pavement.

5.5.8 Minimum Dimensional Requirements for Driveways – Driveways shall not cross a street right-of-way line within:

5.5.8.1 – 40 feet of the right-of-way line of the intersection of a local street, nor within 100 feet of the right-of-way line of the intersection of a collector road or arterial highway;

5.5.8.2 – five (5) feet of a fire hydrant, catch basin or drainage inlet;

5.5.8.3 – three (3) feet of a property line unless adjoining property owners mutually agree to a common driveway.

5.5.9 – In addition to the above, the following driveway design guidelines shall be met:

Type of Development	Driveway		Min. Curb Radius ⁶	Min. Intervals	Min. Sight Distance ⁴
	Min. Width	Max. Grade ¹			
Single Family	10 ft.	15%	10 ft.	40 ft. ²	150 ft.
Multi-Family ⁵	15 ft.	12%	15 ft.	40 ft. ³	100 ft.
Non-Residential	15 ft.	8%	15 ft.	40 ft. ³	300 ft.

1. All driveways should provide a stopping or leveling area which extends from the edge of the shoulder or curb to the right-of-way line. This leveling area shall not exceed a maximum of 5% in grade nor intersect the shoulder of roads to produce a change in grade exceeding 8%. The leveling area shall intersect the street or road at an angle of no less than 60° and preferably 90°

2. Between an intersection and the first driveway only.

3. Between any two (2) points of access, including both driveway and public streets.

4. Minimum sight distance shall be measured from the point of intersection of the driveway centerline and the street right-of-way line to a point on the cartway centerline. No significant obstructions or plantings higher than thirty (30) inches or tree limbs lower than fourteen (14) feet shall be permitted within this area.

5. For the purpose of driveway design, the multi-family residential design criteria shall be used for driveways providing access to five or more dwelling units.

6. Where drop curbs are used to provide driveway access, the minimum width of the drop curb shall be 20 feet for single family residential use and 35 feet for multi-family and non-residential uses. The transition from the normal driveway width to the width of the dropped curb shall begin 10 feet back from the edge of the curb for single family residential and 15 feet back for multi-family and non-residential.

5.6 Exceptions to Height Regulations

5.6.1 – The height limitations of this Ordinance shall not apply to church spires, farm structures when permitted by other provisions of this Ordinance (i.e., silos, grain bins, elevator legs etc.), belfries, cupolas, mechanical penthouses, and domes not used for human occupancy, solar energy systems, wind energy facilities, nor to chimneys, ventilators, skylights, water tanks, storage silos, utility poles, standards, above roof level, and necessary mechanical appurtenances usually carried above roof level. This height exception shall not apply to any Communications Antenna and Communication Tower (see Section 4.9).

5.7 Hazardous Materials and Substances

Any use or activity which involves the production, processing, utilization or storage of greater than 550 gallons (or comparable volume) of hazardous materials or substances such as: acetone, ammonia, benzene, calcium carbide, carbon disulfide, celluloid, chlorine, hydrochloric acid, nitrogen oxides, petroleum products (gasoline, fuel oil, etc.), phosphorous, potassium, sodium, sulfur and sulfur products, pesticides, herbicides, fungicides or similar elements, chemicals or agents (including any amount of radioactive substances) which when released into the natural environment may be detrimental to the health, safety and welfare of residents shall require conditional use approval by the Board of Supervisors. Such uses and activities shall comply with the following performance standards:

5.7.1 – All above ground fuel tanks (except propane tanks), containment structures and storage facilities shall be located in a depressed area sized to hold all of the contained volume, with a one-foot freeboard, in the event of accidental spillage or release. Such depressions shall be lined with materials that prevent the hazardous substance or material from soaking into the ground and shall have a positive drainage to an area for pumping up any spill.

5.7.2 – Tanks or storage facilities for greater than 4,000 gallons (or comparable volume) shall be enclosed in a chain link, barbed-wire topped fence.

5.7.3 – Chain-link, barbed-wire topped fencing is required for any such use or actively posing a potential hazard to residents or passersby. Such enclosures shall be screened with hedges.

5.7.4 – Facilities housing any volume of such materials or substances shall be designed and constructed to prevent pollution of the environment or public harm in the event of accidental spillage or release.

5.7.5 – The applicant shall provide documentation verifying that the appropriate emergency preparedness and/or spill response plan (such as a PPC, SPR or SPCC Plan) has been approved by the DEP and is on file with the Lycoming County Emergency Services and other local emergency response agencies.

5.7.6 – No discharge of toxic or noxious matter in such quantity as would be detrimental or injurious to public health, safety or welfare or would cause damage to property shall be permitted.

5.7.7 – The applicant shall provide adequate safety devices against the hazard of fire and explosion. Adequate firefighting and suppression measures, devices and equipment shall be provided in accordance with industry standards.

5.8 Intersection Visibility

5.8.1 – No obstruction to vision (other than an existing building, post, column, tree, or proposed or existing public utility pole) exceeding twenty-four (24) inches in height shall be erected, planted or maintained on any lot within a clear sight triangle within that part of the required front or side yard which is within a horizontal clear-sight triangle bounded by the two curb lines (paved street lines) and a straight line drawn between points on each such line fifty (50) feet from the intersection of said lines or extension thereof. All plant material shall be kept trimmed to ensure uninterrupted vision for motor vehicle traffic.

5.8.2 – At each point where an alley or a private driveway intersects a public street, a clear sight triangle of twenty (20) feet measured from the point of intersection of the street line and the edge of the driveway shall be maintained within which vegetation and other visual obstructions shall be limited to height of not more than twenty-four (24) inches above the street grade.

5.9 Nuisance Standards for the Village District

5.9.1 Requirements for All Uses – No use shall be permitted which is noxious or offensive in the immediate surrounding areas by reason of odor, dust, smoke, gas, vibration, illumination, or noise, or which constitutes a public hazard whether by fire, explosion, toxicity, or otherwise. In determining whether a proposed use is noxious, hazardous, or offensive, the following standards shall apply. The proposed operation should not:

5.9.1.1 – Constitute a nuisance beyond the boundary of a site on which the use is located by reason of dissemination of noxious, toxic, or corrosive fumes, smoke, odor, or dust.

5.9.1.2 – Result in noise or vibration exceeding the average intensity of ambient noise or vibration occurring from other causes at the boundary line.

5.9.1.3 – Endanger surrounding areas by reason of fire or explosion.

5.9.1.4 – Produce objectionable heat, glare, or radiation beyond the property line.

5.9.1.5 – Result in major electrical disturbance in nearby residences or adversely affect the operation of equipment other than on the property on which the disturbance is located, when such equipment can be shown to be designed in accordance with relevant industry standards and in proper functional condition.

5.9.2 – When required by the Zoning Administrator, an applicant for a proposed use shall demonstrate, as a condition of approval that adequate provisions will be made to reduce and minimize any objectionable elements to the degree necessary to ensure that the proposed use will not be noxious, hazardous, or offensive as defined above. If required, the applicant shall submit supplemental information, plans, and technical studies prepared by a qualified specialist. The Zoning Administrator may require the expert advice of official agencies or private consultants, and such reasonable tests as are deemed necessary; the costs of which shall be borne by the applicant.

5.9.3 Odor Protection Levels – No use shall generate odor, odorous gas, or odorous material in such quantities as can be readily detectable at any point along lot lines without the use of instruments. Odor shall not exceed the odor limit beyond the lot line.

5.9.3.1 – Odor limit is defined as the lowest concentration of odorous matter that produces an olfactory response in human beings.

5.9.3.2 – The above requirements shall not apply to odors created by permitted agricultural uses, nor to odors normally coincident with permitted land uses so long as the odor characteristics are non-offensive as judged by the Zoning Administrator based on the odor, strength, characteristics, and duration.

5.9.3.3 – In an instance a proposed use in any category is to be a source of odor in accordance with Section 5.9.3.1 above, the steps that follow are used to mitigate odor:

1. The applicant shall prepare and show the ability to comply with an odor abatement plan for all buildings, structures and outdoor compounds. Recognition must be given that certain uses and activities produce odors, but the applicant shall show that odors can be reduced to a minimum or abated. Odor plume movement data, plumes, and odor chemical composition shall be provided with the study. The abatement plan shall show that steps will be taken as may be necessary to abate odors or to allow odors at times where there would be minimal interference with neighbors.
2. The applicant shall dispose of solid and liquid waste in the manner that will avoid creating insect or rodent problems or public nuisance.
3. The applicant shall show that they can meet the standards and guidelines as may be set forth in treatises of best management practices of the use in the business and industry recognized by appropriate authorities or as produced by the PA Department of Agriculture, PA Department of Environmental Protection, Penn State University-College of Agricultural Sciences, or similar entities. Site suitability assessment as provided by the above shall be submitted with the application.

5.9.4 Noise Protection Levels – The sound level of any operation (other than the operation of motor vehicles or other transportation facilities, operations involved in the construction or demolition of structures, emergency alarm signals or time signals) shall not exceed the decibel levels in the designated octave bands stated below. The sound-pressure level shall be measured with a Sound Level Meter and an Octave Band Analyzer that conforms to the specifications published by the American Standards Association.

5.9.4.1 – No person shall operate or cause to be operated on private or public property any source of sound in such a manner as to create a sound level which exceeds the limits set forth in this Section, when measured at property line upon which the emission occurs. The maximum permissible sound-pressure levels for smooth and continuous noise shall be as follows:

Maximum Permitted Sound Pressure Levels	
Frequency Bank Cycles Per Second	Maximum Permitted Sound Pressure Level Decibels
0 – 150	67
150 – 300	59

300 – 600	52
600 – 1200	46
1200 – 2400	40
2400 – 4800	34
Above 4800	32
*if the noise is not smooth and continuous or is radiated during sleeping hours, one or more of the corrections below shall be added to or subtracted from each of the decibel levels given herein:	
Type of Operation or Character of Noise	Corrections in Decibels
Noise between the hours of 10pm and 7am	-3
Noise occurring less than 5% of any one-hour period	+5
Noise of periodic character (hum, scream, etc.) or impulsive character (hammering, etc.); in case of impulsive noise, the correction shall apply only to the average pressure during an impulse, and impulse peaks shall not exceed the basic standards given above	-5

5.9.4.2 Exemptions to Noise Standards – The maximum permissible sound level limits set forth in the above table shall not apply to any of the following noise sources:

1. Sound needed to alert people about an emergency or building, equipment, or facility security alarms.
2. Repair or construction work to provide electricity, water, or other public utilities between the hours of 7 am and 9 pm, except for clear emergency repairs which are not restricted by time.
3. Household power tools and lawn mowers between the hours of 8 am and 9 pm.
4. Construction operations (including the occasional use of blasting in construction) and repairs of public facilities (including sidewalks and streets) within the hours of 7 am and 9 pm, except for clearly emergency repairs which are not restricted by time.
5. Forestry and agricultural activities.
6. Motor vehicles traveling on public streets.
7. Public celebrations, specifically authorized by the municipal government body or a county, state, or federal government agency or body.
8. Railroads and aircraft.
9. Unamplified human voices.
10. Routine ringing of bells and chimes by a place of worship or municipal clock.
11. Hunting and Target Shooting.
12. Roofing contractors between 5 am and 9 pm to avoid mid-day extreme heat conditions.

5.9.5 Vibration Protection Levels – No use shall generate vibration which can cause damage to building structures, equipment alignment, or structural soundness.

5.10 Outdoor Lighting on Private Premises

All outdoor flood lighting and spot lighting on private premises shall be mounted and shielded to effectively eliminate direct glare on adjacent properties or upon public streets.

5.11 Projections into Required Yards

The following projections shall be permitted into required yards and shall not be considered in the determination of yard size or lot coverage:

5.11.1 – Projecting architectural features – bay windows, cornices, eaves, fireplaces, chimneys, windowsills, or other architectural features, provided they do not extend more than four (4) feet into any required yard nor closer than five (5) feet to any adjacent property line.

5.11.2 – Patios, decks, paved terraces, or open porches shall be permitted in all yards provided that no impermeable surface shall be within five (5) feet of any property lines.

5.11.3 – Open balconies or fire escapes provided such balconies or fire escapes are not supported on the ground and do not project more than five (5) feet into any required yard nor closer than five (5) feet to any adjacent property line.

5.11.4 – Covered porches shall be considered part of the main building and shall not project into any required yard.

5.12 Public Utilities Exempt

This Ordinance shall not apply to any existing or proposed building, or extension thereof, used by a public utility corporation, if, upon petition of the corporation, the Pennsylvania Public Utility Commission shall, after a public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public. It shall be the responsibility of the Pennsylvania Public Utility Commission to ensure that both the corporation and the Township have notice of the hearing and are granted an opportunity to appear, present witnesses, cross-examine witnesses presented by other parties and otherwise exercise the rights of party to the proceedings. See Section 619 of the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, as amended.

5.13 Screening and Landscaping

Screen planting as may be required elsewhere in this Ordinance, or where determined to be necessary by the Board of Supervisors or Zoning Hearing Board in a Conditional Use or Special Exception application shall serve as a barrier to visibility, glare, and noise between adjacent properties.

5.13.1 Screening –

5.13.1.1 – Natural screening shall consist of trees or shrubs at least six (6) feet in height and spaced in such a manner as to visually separate the properties. Fencing shall be at least six (6) feet high and be of a type that provides a similar level of visual screening as natural growth.

5.13.1.2 – Screen planting shall be maintained permanently by the lot owner, and any plant material which did not survive shall be replaced within one (1) year.

5.13.1.3 – Screen planting when mature shall not encroach into any road right-of-way nor into a driveway or intersection clear sight triangle.

5.13.2 Substitution of a Landscaping Plan for Screening – In lieu of a solid hedge, wall, or fence barrier the appropriate board may consider the substitution of an attractive and coordinated landscaping design. This design should be detailed on the site plan or on a separate drawing. Emphasis shall be given to the integration of the parking into the landscape plan to minimize its visual impact upon adjacent lots and upon the

neighborhood. Landscaping shall be maintained to achieve the desired effect. The Zoning Officer shall notify property owners in the event that required or approved screening or landscaping is not maintained.

5.14 Small Wind Energy System

5.14.1 Definition – See Article 17.

5.14.2 Controls

5.14.2.1 – Lot size shall not be less than one (1) acre inclusive of the permitted principal use.

5.14.2.2 – The tower height inclusive of blade tip shall not exceed one-hundred-twenty (120) feet measured from the ground level below the base of the tower.

5.14.2.3 – Setbacks from all lot lines shall be a factor of 1.1 times the tower height. Towers are prohibited from being located in the front yard.

5.14.2.4 – Monopole tower style is encouraged. Guy wires of towers shall be located on the premises of the applicant.

5.14.2.5 – The small wind energy system is to operate on the same lot to serve the principal use.

5.14.3 Discontinuance of Use – If a Small Wind Energy System remains unused for a period of twelve (12) consecutive months, the property owner shall dismantle and remove the tower and related equipment within six (6) months of the expiration of such twelve (12) month period.

5.15 Storage of Junk and Certain Vehicles

5.15.1 Storage of Junk as an Accessory Use in All Districts – The outdoor storage of any junk as an accessory use including automotive vehicles or trailers of any kind (except operable farm trailers) without current license plates or inspection, or other inoperative machinery (including farm machinery) shall be:

5.15.1.1 – Screened from view from any street right-of-way or property line using vegetative screening (see Section 5.13), fencing or topographic or natural features of the lot. The proposed screening shall be evaluated by the Zoning Officer to determine its effectiveness and shall be maintained in good order and appearance.

5.15.1.2 – Limited to the occupancy of no more than 1,000 sq. ft. of lot area.

5.15.2 Junkyard/Salvage Yard – See the special exception criteria for this use in Section 4.16.

5.16 Unique Lots and Building Locations

5.16.1 Two or More Buildings on a Lot - Land Development – Two or more principal buildings located on a parcel in single ownership shall conform to all the requirements of this Ordinance which would normally apply to each building if each were on a separate lot. A land development plan will be required in order to place an additional principal building on a single parcel (see the applicable Subdivision and Land Development Ordinance).

5.16.2 Side Yard of a Corner Lot – The side yard of a corner lot which abuts a street, shall be equal to the required front yard for that street.

5.17 Water Supply and Sewerage Facilities Required

In the interest of protecting the public health, safety and welfare, every building or structure hereafter altered or moved upon any premises, or used in whole or in part for dwelling, commercial or recreational business or industrial purpose shall be provided with safe and sanitary means of collection and treatment or disposal of sewage. Such facilities shall conform to minimum requirements set forth by the Pennsylvania Department of Environmental Protection, and any other applicable federal, state or local laws or regulations.

5.18 Yard and Garage Sales

For the purposes of this ordinance, yard and garage sales shall be considered as an accessory used to a residential dwelling and shall not require a zoning permit, provided that:

5.18.1 – No more than 3-yard sales shall be conducted per year by a resident from the same lot; and

5.18.2 – The duration of one yard sale shall not exceed 3 consecutive days.

5.18.3 – Should a resident desire to conduct yard sales in excess of the frequency or duration stated above, a Conditional Use shall be required using the Home Occupation regulations of Article 4 as the review criteria.

5.18.4 – Yard sale signs shall be removed within 24 hours of the last day of the sale.

5.19 Mandatory Water Connection

5.19.1 – This Ordinance is adopted for the following purposes:

5.19.1.1 – To protect and provide for the public health, safety and general welfare of the residents of the Township.

5.19.1.2 – To ensure an adequate and safe water supply for the people of the Township.

5.19.1.3 – To authorize rules and regulations pertaining to the making of connections to the water supply and distribution system of the Authority serving portions of the Township.

5.19.2 – The recitals set forth above are incorporated herein by reference.

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

- **AUTHORITY** – Jersey Shore Area Joint Water Authority, a municipality authority organized and operating under the laws of the Commonwealth of Pennsylvania.
- **IMPROVED PROPERTY** – Any property within this Township upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals. "Improved Property" shall not include any structure to be used solely for "dry storage" provided that "dry storage" is the proposed use noted on a zoning permit application and/or building code application submitted to the Township.
- **LATERAL** – That part of the water system extending from a main to the curb line or if there shall be no curb line, to the street right-of-way line or, if no such lateral shall be provided, then "lateral" shall mean that portion of, or place in, a main which is provided for connection of any water service line.
- **MAIN** – Any pipe or conduit constructing a part of the water system used or usable for water distribution purposes.

- OWNER – Any person vested with ownership, legal or equitable, sole or partial, of any improved property.
- PERSON – Any individual, partnership, company, association, society, trust, corporation, municipality, municipality authority or other group or entity, and the members of such partnership or association and the officers of such corporation.
- TOWNSHIP – The Township of Nippenose, Lycoming County, Pennsylvania, acting by and through its Board of Supervisors or its designee, the Jersey Shore Area Joint Water Authority.
- WATER SERVICE LINE – The extension from the water system of any structure to the lateral of a main.
- WATER SYSTEM – All facilities, as of any particular time, for production, transmission, storage or distribution of water in, to and for this Township and owned by the Authority.

5.19.4 – Use of public water system required. The owner of any improved property abutting the water system, where the principal building is either located within 150 feet of the water system or any part or extension of the water system or where the principal building has no supply of water which is safe for human consumption, shall connect such improved property with and shall use such water system, in such manner as the Township or its designee may require, within 60 days after notice to such owner from the Township or its designee to make such connection; subject, however, to such limitations and restrictions as shall be established herein or otherwise shall be established by the Township or its designee, from time to time.

5.19.5 – Notwithstanding the provisions of Section 5.19.4, a property owner who is subject to the mandatory connection set forth in that section shall not be required to connect to the water system if all the following conditions exist:

5.19.5.1 – The water system or part or extension of the system that is within 150 feet of the principal building was in existence as of the effective date of this Ordinance

5.19.5.2 – The principal building has its own supply of water which is safe for human consumption; and

5.19.5.3 – Prior to the effective date of this Ordinance, the property owner was not required to connect to the existing water system.

5.19.5.4 – The property owner shall submit full and complete information and documentation to the Authority justifying the requested exemption.

5.19.5.5 – The Authority may attach reasonable conditions to any exemption request or may issue a temporary exemption which would expire upon the occurrence of certain events.

5.19.6 – All owners of property that is not an improved property as of the effective date of this Ordinance that may abut the water system or any extension thereof, upon erection of any private dwelling or living unit, commercial establishment or industrial establishment, shall make connection with the water system at their expense prior to occupying the improved property.

5.19.7 – All connections to the water system shall be made in compliance with the applicable ordinances, resolutions and regulations as may from time to time be enacted, adopted or promulgated by the Township and/or the Authority.

5.19.8 – The notice by the Authority to make a connection to a lateral, referred to in this Ordinance, shall consist of a copy of this Ordinance, including any amendments and/or supplements at the time in effect, or a summary of each section hereof, and a written or printed document requiring the connection in accordance with the provisions of this Ordinance and specifying that such a connection shall be made within 60 days

after notice is given or served. The notice shall also include a copy of the rates, rules and regulations of the Township and/or Authority then in effect. Such notice may be given or served at any time after a lateral is in place that can deliver water to the improved property. Such notice shall be given or served upon the owner by personal service or by registered or certified mail to his last known address.

5.19.9 – Industries and farms otherwise required to connect which have their own supply of water for uses other than human consumption may continue to use their own water for that purpose but are required to use the water system to provide water for human consumption notwithstanding the foregoing supply.

5.19.10 – Failure to connect, in case any owner of property required to connect to the water system who does not receive an exemption fails to connect within the time-period specified in the notice, the following actions may occur in the discretion of the Township and/or Authority:

5.19.10.1 – The Authority or its agents may enter upon such property after 48-hour notice and construct said connections.

5.19.10.2 – The Authority shall, upon completion of the work, send an itemized bill of the cost of its construction of such connection to the owner of the property to which the connection has been made which bill shall be due and payable in full within thirty (30) days.

5.19.10.3 – Upon failure of the owner of such property to pay the itemized bill, the Authority shall cause a municipal claim and/or lien to be filed in the full amount of the bill within six months of the date of completion of the connection which claim and/or lien shall be filed and collected together with the maximum lawful rate of interest and reasonable attorney's fees and costs as is then provided by law.

5.19.11 – For each violation of the provisions of this Ordinance, the owner, agent, lessee or contractor or any other person who commits, takes part in or assists in any such violation shall be liable, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than \$200.00 nor more than \$19000.00 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Ordinance continues or each section of this Ordinance which shall be found to have been violated shall constitute a separate offense.

5.19.12 – All ordinances or parts of ordinances in conflict with this Ordinance are repealed.

5.19.13 – The invalidity of any section or part of this Ordinance shall not affect the validity of any other part.

5.19.14 – This Ordinance shall take effect five (5) days after the enactment.

5.20 Stormwater Management

The Second Class Township Code, as amended, empowers Townships of the Second Class to enact stormwater management ordinances; and to regulate activities that affect public health, safety, and welfare. In addition, and where applicable, Act 167 of October 4, 1978, "The Stormwater Management Act," authorizes the regulation of land and water use for flood control and stormwater management purposes, imposing duties and conferring powers on PA DEP, municipalities, and counties. Below, this complete ordinance is summarized to provide its title, purpose(s), key regulations, and enforcement. **You may view the complete ordinance in office or provided on our website.**

5.20.1 – This ordinance shall be known, and may be cited, as the "Nippenose Township Stormwater Management Ordinance".

5.20.2 – This ordinance is enacted for the following purposes:

5.20.2.1 – To manage stormwater runoff problems at their source by regulating activities that cause such problems, to utilize and preserve desirable existing natural drainage systems, to encourage recharge of groundwater, to prevent the deterioration of groundwater quality, to maintain the existing flows and quality of streams and watercourses in the Municipality, to preserve and restore the flood carrying capacity of streams, to reduce stormwater runoff volumes, to reduce accelerated erosion, to reduce scour, to reduce aggradation and degradation, and to provide procedures and standards for proper operation and maintenance of stormwater Best Management Practices (BMPs).

5.20.2.2 – To provide minimum standards for the design, installation, and maintenance of all Stormwater Management Facilities in the Municipality.

5.20.2.3 – To assure, at a minimum, that peak rates of runoff (peak discharges) are no greater after development than prior to development within the Municipality.

5.20.2.4 – To minimize danger to public health and safety, and damages to property by providing for proper management of stormwater runoff.

5.20.2.5 – Meet legal water quality requirements under State law, including regulations at 25 Pa. Code 93 to protect, maintain, reclaim, and restore the existing and designated uses of the waters of this Commonwealth.

5.20.2.6 – Provide standards to meet applicable NPDES permit requirements.

5.20.3 – This ordinance shall apply to the following:

5.20.3.1 – All activities involving the alteration or development of land that may impact stormwater runoff characteristics.

5.20.3.2 – All activities related to the proper operation and maintenance of Stormwater Management Facilities and stormwater BMPs; and permanent erosion and sediment pollution control facilities.

5.20.3.3 – All activities that may contribute non-stormwater discharges to receiving streams.

5.20.3.4 – The installation of Stormwater Management Facilities and/or appurtenances thereto.

5.20.4 – Municipal Liability: The degree of stormwater management sought by this Ordinance is considered reasonable for regulatory purposes. This Ordinance shall not create any liability on the part of the Municipality; any appointed or elected official of the Municipality; or any officer, engineer, or employee thereof for any damage(s) that may result from the application and/or enforcement of this Ordinance

5.20.5 – Fees payable to the Municipality by an Applicant/Developer shall be established from time to time by Resolution of the Municipality for the following:

5.20.5.1 – Administrative/clerical processing.

5.20.5.2 – Escrow deposit(s) for the following:

5.20.5.2.1 – Review and processing of Stormwater Management Plans (including any supplemental information), and any related documents.

5.20.5.2.2 – Review by the Municipal Engineer of Stormwater Management Plans (including any supplemental information), and any related documents.

5.20.5.2.3 – Review by the Municipal Engineer of any and all information concerning the construction of Stormwater Management Facilities.

5.20.5.2.4 – Any and all consultation with the Municipal Engineer during construction of Stormwater Management Facilities.

5.20.6 – The party responsible for the operation and maintenance of Stormwater Management Facilities, and permanent erosion and sediment pollution control facilities shall perform the following:

5.20.6.1 – Complete a visual inspection of all Stormwater Management Facilities, and permanent erosion and sediment pollution control facilities at least once every three (3) months, and immediately after storm events. Such a visual inspection shall at least involve an examination of all Stormwater Management Facilities, and permanent erosion and sediment pollution control facilities for debris deposition (such debris may include, but shall not be limited to aggregate material, leaves, grass clippings, and soil material), settlement, sinkholes, seeps, structural cracking, animal burrows, excessive vegetation, foundation movement, erosion, depressions, water retention times that exceed seventy-two (72) hour, and inadequate hydraulic capacity.

5.20.6.2 – Remove any accumulation of debris from all Stormwater Management Facilities, and permanent erosion and sediment pollution control facilities; maintain vegetation within any above-ground Stormwater Management Facilities to a height that does not exceed three (3) inches; humanely remove any burrowing animal(s), and backfill animal burrows with soil, and re-vegetate repaired areas in accordance with the specifications contained in the applicable erosion and sediment pollution control plan; and immediately repair any erosion damage by placing topsoil on all areas that experience minor erosion, and seeding and mulching such areas immediately in accordance with the specifications contained in the applicable erosion and sediment pollution control plan.

5.20.6.3 – Remove plastic trash bags and other similar “litter” from the outlets of Stormwater Management Facilities during periods between storm events.

5.20.6.4 – Engage a qualified Professional Engineer and/or a qualified Professional Geologist to prepare a corrective action plan for stormwater quality/infiltration facilities that do not drain within seventy-two (72) hours. Said corrective action plan shall be submitted to the Municipal Engineer for review and approval prior to initiating any corrective, repair, and/or reconstruction activities.

5.20.6.5 – Engage a qualified Professional Engineer to prepare a corrective action plan for stormwater collection and/or conveyance facilities that are designed and/or required to collect and convey stormwater runoff from a 100-year design storm event and that fail in any way to do so. Said corrective action plan shall be submitted to the Municipal Engineer for review and approval prior to initiating any corrective, repair, and/or reconstruction activities.

5.20.6.6 – At least once per year, engage a qualified Professional Engineer and/or a qualified Professional Geologist to thoroughly inspect and evaluate the operational conditions of all Stormwater Management Facilities, and permanent erosion and sediment pollution control facilities; and provide a written report regarding the operational conditions of same to the Municipality.

5.20.6.7 – Maintain a written record of all inspections, repairs, and maintenance activities associated with all Stormwater Management Facilities, and permanent erosion and sediment pollution control facilities.

5.20.6.8 – Immediately notify the Municipality and the Lycoming County Conservation District prior to initiating any “major” repair activities (such as repairs that may be required as a result of settlement, sinkholes, seeps, structural cracking, foundation movement, water retention times that exceed seventy-two hours, and/or inadequate hydraulic capacity within any stormwater management collection and/or conveyance facility). All “major” repairs shall be conducted under the direction and supervision of a qualified Professional Engineer and/or a qualified Professional Geologist.