

NOVEMBER COUNCIL MEETING**November 9, 2021**

The November council meeting of the St. Clair Borough Council was held on Tuesday, November 9, 2021, in Council Chambers, St. Clair Municipal Building, 16 S. Third Street, St. Clair. The meeting began at 6:30 pm.

Answering the roll call were council persons: Thomas Adamchick, Joann Brennan, Cheryl Dempsey, Thomas Dempsey, John Houseknecht, William Dempsey, and Mayor Richard Tomko. Council person Anthony Klazas was absent.

Also, in attendance included Treasurer Carol Sutzko, Edward Brennan, Esq, Brian Baldwin, P.E, Electric Light Department Superintendent Robert Petrozino, Fire Chief Frank Uhrin, Jude Stednitz-Councilwoman-elect, Street Superintendent Kevin Dempsey, George and Cheryl Putzman, Kevin Sponnenburg, Jodi Forney, and Jessica Knapp-Pottsville Republican Herald.

Pledge of Allegiance

Councilwoman Joann Brennan read the council prayer.

Copies of the minutes of the previous council meetings have been given to borough council members and Mayor Tomko. Are there any errors or corrections? The minutes stand approved.

Council President Dempsey thanked Councilman John "Red" Houseknecht for his devotion to the St. Clair Borough. He has contributed a lot over the years, and he was always willing to do the right thing. We appreciate everything he has done for the Borough of St. Clair.

PUBLIC COMMENT

George and Cheryl Putzman of 305 S. Second Street inquired what the plans are for their property. It is part of the Panko estate. Solicitor Brennan responded Attorney William Burke has been appointed administrator of the estate. He is working on it.

Kevin Sponnenburg and Jodi Forney wanted to speak to Chief Dempsey concerning a police matter that occurred several weeks ago. Chief Dempsey made an appointment with them for the following day.

MAYOR'S REPORT

Now that the holiday season is upon us, residents are asked to use designated drivers if they anticipate consuming alcoholic beverages to celebrate the holidays.

2. Residents are urged to collect packages delivered to their homes as soon as possible. Porch thieves will appear as the holiday season approaches.

3. I urge all residents who have been vaccinated for covid -19 to obtain the booster shot as soon as their physician determines their eligibility.

4. I wish to commend Street Department Superintendent Kevin Dempsey and the employees of our Street Department for a job well done on the Carroll Street Bridge and the Pike Street drainage problem. This work by Kevin and his crew has saved the taxpayers a great deal of money.

On a motion made by Houseknecht, seconded by T. Dempsey, to accept the report; approved.

SOLICITOR'S REPORT

On a motion made by Houseknecht, seconded by C. Dempsey, to accept the report; approved.

Three ordinances have been prepared and ready for adoption.

Solicitor Brennan did discuss some procedural matters with Attorney Burke concerning the Panko estate.

Concerning the Conservership, the title search has been returned for 41 Pike Street and also for 438 S. Front Street.

Solicitor Brennan prepared a petition to allow bidding for the 212 N. Second Street Property. The solicitor was advised one of the interested parties withdrew and is no longer interested.

Mayor Tomko requested 26 S. Front Street be placed on the conservership list. The rear of the structure is collapsing.

ENGINEER'S REPORT

On a motion made by Brennan, seconded by C. Dempsey, to accept the engineer's report; approved.

Police Chief Dempsey requested the borough engineer send a letter to the owners of Coal Creek requesting the dirt access road be maintained and proper signage is erected.

DEPARTMENTAL REPORTS

STREET DEPARTMENT REPORT

On a motion made by Houseknecht, seconded by T. Dempsey, borough council unanimously approved the report and it was made part of the minutes by reference.

ELECTRIC LIGHT DEPARTMENT REPORT

On a motion made by T. Dempsey, seconded by Adamchick, borough council unanimously approved the report and it was made part of the minutes by reference.

Electric Light Department Superintendent Petrozino recommended the security deposit system be replaced with a nonrefundable processing fee of \$100.00.

The servers in the Electric Light Department are in dire need of updating. This item will be discussed at the budget hearing next week.

C. Dempsey requested price quotes be secured to paint the light poles on Second Street.

TREASURER'S REPORT

On a motion made by T. Dempsey, seconded by C. Dempsey, borough council unanimously approved the report and it was made part of the minutes by reference.

TAX COLLECTOR'S REPORT

On a motion made by Houseknecht, seconded by T. Dempsey, borough council unanimously approved the report and it was made part of the minutes by reference.

POLICE DEPARTMENT

On a motion made by T. Dempsey, seconded by C. Dempsey, borough council unanimously approved the report and it was made part of the minutes by reference.

Heim Construction held an affair last month honoring first responders. A donation of \$1,000.00 towards the police department was made. The check was handed to the borough treasurer.

Training was held by the Attorney General's Office on how to bring in the Law Enforcement Treatment initiative at the St. Clair of Assisi Church. Sixty law enforcement officials attended the event. If a minor crime is committed, and the culprit has a substance abuse issue, treatment can be sought instead of a conviction.

Chief Dempsey related several successful stories of the use of Narcan by the St. Clair Police Force. Chief Dempsey commended Patrolman Wiest and Patrolman Zebertavage in having the ability to act, critically think in administering the Narcan by saving several lives.

ZONING DEPARTMENT – No Report

FIRE DEPARTMENT REPORT

On a motion made by T. Dempsey, seconded by C. Dempsey, the report was unanimously approved by Borough Council and it was made part of the minutes by reference.

CODE OFFICERS REPORT

On a motion made by Houseknecht, seconded by C. Dempsey, the report was unanimously approved by Council and it was made part of the minutes by reference.

COMMUNICATIONS

To Whom It May Concern:

My name is Pastor Vincent Murray, Director of the Open Arms Ministries Resource Center and Women's Recovery Housing, at 220 S 2nd Street, St Clair Pa. We have graciously occupied this address for over 12 years here in St Clair, our resource Center provides help for the homeless, addicted, those in need of food, clothing, and other resources, we are the only point in time count location for the homeless in St Clair for the past 5 years which provides a census of homelessness for Schuylkill County each year and each year we also donate turkeys for the holidays. Numerous seniors that operate automobiles pull in for food and other resources in and out of St Clair; we also have our food delivery from the food bank as well as numerous churches from St Clair and Ringtown weekly. On October 21, 2021 we immediately noticed that our sign was removed without notification or phone call, we hope that the borough sees the value in our services, loyalty and dedication to St Clair and its residents as well as the surrounding communities and the importance of this parking space during our business hours as before. We are a nonprofit 501c3 organization member of the Schuylkill Chamber of Commerce who has been serving in Schuylkill county for over 10 years, please take into consideration the vitality of having this parking space compared to double parking unloading/loading on South 2nd Street.

Pastor Vincent Murray, Director
Open Arms Ministry and Women's Recovery Housing
220 S 2nd street

OLD BUSINESS

On a motion made by Houseknecht, seconded by C. Dempsey, to adopt an ordinance amending Ordinance No. 389, defining and regulating noise prohibiting unnecessary noise or other sounds tending to disturb the peace and quiet of the community. A ROLL CALL VOTE WAS TAKEN WITH THE FOLLOWING RESULTS: ADAMCHICK-YES, BRENNAN- YES, C. DEMPSEY-YES, T. DEMPSEY-YES, HOUSEKNECHT-YES, and W. DEMPSEY-YES. The motion was approved.

NEW BUSINESS

Councilman T. Dempsey left the meeting at 7:18 pm.

On a motion made by Houseknecht, seconded by C. Dempsey, to adopt an ordinance establishing temporary parking regulations for businesses located within the borough. A ROLL CALL VOTE WAS TAKEN WITH THE FOLLOWING RESULTS: ADAMCHICK-YES, BRENNAN- YES, C. DEMPSEY-YES, HOUSEKNECHT-YES, and W. DEMPSEY-YES. The motion was approved.

On a motion made by Brennan, seconded by D. Dempsey, to adopt an ordinance establishing procedures and requirements pertaining to the implementation of act 50 of 201 and regulating Small Wireless Facilities to be placed within the public right-of-way. A ROLL CALL VOTE WAS TAKEN WITH THE FOLLOWING RESULTS: ADAMCHICK-YES, BRENNAN- YES, C. DEMPSEY-YES, HOUSEKNECHT-YES,, and W. DEMPSEY-YES. The motion was approved.

On a motion made by Houseknecht, seconded by C. Dempsey, to authorize the borough to engage a real estate agent in the sale of the property located at 500, 501, 502 and 503 E. Lawton Street, approved.

Council President Dempsey announced the 2022-Budget Work Sessions will be held Wednesday and Thursday, November 17th and 18 beginning at 6:00 pm.

Councilwoman C. Dempsey requested an executive session to discuss personnel issues.

Council President Dempsey called an executive session of council to discuss personnel issues at 7:27 pm.

The executive session adjourned at 7:52pm.

On a motion made by Houseknecht, seconded by C. Dempsey, to place 26 S. Front Street under the conservership program; approved.

On a motion made by Houseknecht, seconded by C. Dempsey, to pay all bills and claims properly approved by council; approved.

On a motion made by Houseknecht, seconded by C. Dempsey, to adjourn the meeting at 7:53 pm; approved.

**Roland Price
Borough Secretary**

November 9, 2021 Agenda

November St. Clair Borough Council Meeting

Roll Call

Pledge of Allegiance.

Council Prayer

Copies of the minutes of the previous council meetings have been given to borough council members and Mayor Tomko, are there any errors or corrections? If not, they stand approved.

PUBLIC COMMENT

Mayor's Report

Solicitor's Report

- **Review three proposed ordinances that have been advertised and ready for adoption.**
 - 1. Amending the Noise Ordinance**
 - 2. Temporary Business No Parking**
 - 3. Regulating small Wireless facilities**

An executive session is requested to discuss personnel issues.

Engineer's Report

Discussion Topics

- **Current Projects**
- **Subdivision & Land Developments**
- **Pending Grant Application Updates**

Departmental Reports

Street Department Report

Electric Light Department

- **Discuss alternatives and authorize purchase of replacing the onsite computer equipment.**

- Amend Security Deposit fee policy by eliminating security deposit and create processing fee of \$100.00 for new accounts (non-refundable).

Treasurer's Report

Tax Collector's Report

Tax Collector's Report to September 30, 2021.

Occupational	\$ 11.55
Per Capita Tax	\$ 44.00
Real Estate Tax	\$ 403.11

Total amount collected \$458.66

Respectfully submitted William Umbenhaur Tax Collector.

Police Department Report

Zoning Officer's Report

Fire Chief's Report

Code Official Report

COMMUNICATIONS

To Whom it May Concern:

My name is Pastor Vincent Murray, Director of the Open Arms Ministries Resource Center and Women's Recovery Housing, at 220 S 2nd Street, St Clair Pa. We have graciously occupied this address for over 12 years here in St Clair, our resource Center provides help for the homeless, addicted, those in need of food, clothing, and other resources, we are the only point in time count location for the homeless in St Clair for the past 5 years which provides a census of homelessness for Schuylkill County each year and each year we also donate turkeys for the holidays. Numerous seniors that operate automobiles pull in for food and other resources in and out of St Clair, we also have our food delivery from the food bank as well as numerous churches from St Clair and Ringtown weekly. On October 21, 2021 we immediately noticed that our sign was removed without notification or phone call, we hope that the borough sees the value in our services, loyalty and dedication to St Clair and its residents as well as the surrounding communities and the importance of this parking space during our business hours as before. We are a nonprofit 501c3 organization member of the Schuylkill Chamber of Commerce who has been serving in Schuylkill county for over 10 years, please take into consideration the vitality of having this parking space compared to double parking unloading/loading on south 2nd street.

Sincerely

**Pastor Vincent Murray, Director
Open Arms Ministry and Women's Recovery Housing
220 S 2nd street**

OLD BUSINESS

Accept a motion to adopt an ordinance amending Ordinance No. 389, defining and regulating noise prohibiting unnecessary noise or other sounds tending to disturb the peace and quiet of the community.

New Business

Accept a motion to adopt an ordinance establishing temporary parking regulations for businesses located within the borough.

Accept a motion to adopt an ordinance establishing procedures and requirements pertaining to the implementation of act 50 of 201 and regulating Small Wireless Facilities to be placed within the public right-of-way.

Announced the 2022-Budget Work Sessions will be held Wednesday and Thursday, November 17th and 18 beginning at 6:00 pm.

Executive Session

Accept a motion to pay all bills and claims properly approved by council.

Accept a motion to adjourn



Alfred Benesch & Company
400 One Norwegian Plaza
Pottsville, PA 17901
www.benesch.com
P 570-622-4055
F 570-622-1232

November 8, 2021

Mr. William Dempsey
Council President
St. Clair Borough Council
16 S Third Street
St. Clair, PA 17970

**RE: Consulting Engineer's Report (CER)
Benesch Project No. 31226.02**

Dear Mr. Dempsey:

The following is the status of engineering services performed by our firm as of this date:

ENGINEERING CONSULTATIONS

COPS Hiring Program (31226.02, Task 5)

The COPS Hiring Program (CHP) originally indicated award announcements would be made by Sep 30, 2021, but JustGrants has indicated that award announcements might be made as late as Dec 31, 2021.

Route 61 & Terry Rich Blvd Traffic Signal (31226.02, Task 3)

On November 1, 2021, the Borough received a letter from PennDOT regarding maintenance items at Route 61 and Terry Rich Blvd. They request the Borough address any missing pavement markings and signs. The Borough might wish to consider evaluating all signalized intersections and address any deficiencies.

CONSTRUCTION PROJECTS

Lawton Street Bridge Replacement (30839.21)

On May 13, 2021, a final inspection was held and construction on the project was deemed 100% complete. Since that time, all Contractor paperwork has been submitted and addressed. We will continue to work with the Borough Secretary to finalize all contract paperwork required by both the CFA and PEMA.

Little League Field Development (31226.20)

Our office is still preparing the bid package. There are several approvals required by DCNR before we can advertise.

SUBDIVISIONS & LAND DEVELOPMENTS

Taco Bell LD (30567.32, Task 2)

We are still awaiting the Developer to address all outstanding items associated with this project. The last major outstanding item of work is the paving of the pathway along Mill Street to Taco Bell. This path might become a part of the Schuylkill River Trail. Taco Bell has been in operation since late 2015.

Coal Creek Commerce Center – Phase III LD (30839.32, Task 2)

As of early 2019, work in the area of the medical office building is essentially complete, although a majority of the remainder of Phase III – including stormwater features – have not yet been started. The NPDES Permit associated with Phase III expires on June 28, 2023. There are three (3) more buildings and associated infrastructure yet to be completed.

STS LD (31137.31, Task 1)

Our office will continue to perform periodic site visits to ensure that all stormwater features are constructed in general conformance with the land development plans. The contractor is focusing on the building. We will revisit remaining site work closer to project completion.

AutoZone LD

On September 16, 2021, our office received a resubmission of the AutoZone land development plan proposed along Route 61 at Ann St. Our office will review the submission and prepare a comment letter in advance of the St. Clair Planning Commission Meeting scheduled for November 22, 2021.

POTENTIAL FUNDING/GRANT SOURCES (31226.02, Task 5)

RECREATION

COMMUNITY FACILITIES AND VEHICLES

DEP: Driving PA Forward, Onroad Rebate Program – Trucks and Buses

- Currently **OPEN**
- Application Deadline: **Nov 12, 2021 or issuance of \$6M in rebate vouchers, whichever comes first**
- Background: Fund rebates for projects that replace or repower fleets of 5 or fewer class 4-8 trucks, port drayage trucks, school buses, shuttle buses, and/or transit buses.
- Uses: Class 4-8 trucks with Model Years 1992-2009 with at least three years remaining useful life are eligible for rebates for repower or replacement with new diesel, electric or alternative fuel. **Vehicles must be scrapped.**
- Funding: **Max 70% up to the following Maximums per Vehicle:**

Truck Class	Diesel	Alt Fuel
4-5	\$56,000	\$70,000
6-7	\$70,000	\$105,000
8 (>33,000 lbs)	\$122,500	\$157,500

USDA Rural Development: Community Facilities Direct Loan & Grant Program

- Currently **OPEN**
- Application Deadline: Applications accepted continuously throughout the year.
- Uses: Funds can be used to purchase, construct, and/or improve essential community facilities (including police and fire stations), purchase equipment (including vehicles), and pay related project expenses.
- Funding: Low interest direct loans and/or grants (max 75%). **Most funding via low-interest loans.**

TRANSPORTATION/INFRASTRUCTURE

PENDING GRANT APPLICATIONS

2021 Commonwealth Financing Authority (CFA): Greenways, Trails, Recreation Program (GTRP)

Project	SCASD Recreational Improvements
Total Project Estimate	\$237,300
<i>SCASD Portion</i>	\$35,595 (15%)
Date Submitted	May 28 2021
Anticipated Award Notification	Nov 2021
Application Status	Under Review

2021 Commonwealth Financing Authority (CFA): Greenways, Trails, Recreation Program (GTRP)

Project	John Siney Park Improvements
Total Project Estimate	\$133,330
<i>Borough Portion</i>	\$20,000 (15%)
Date Submitted	May 30 2021
Anticipated Award Notification	Nov 2021
Application Status	Under Review

FY21 COPS Office Hiring Program

Project	Additional Full-time Police Officer
Date Submitted	Jun 30 2021, supplemental info submitted Aug 24 2021
Anticipated Award Notification	Dec 2021
Application Status	Under Review

2021 Commonwealth Financing Authority (CFA): Multimodal Transportation Fund (MTF)

Project	Lawton Street Drainage Improvements
Total Project Estimate	\$313,000
<i>Borough Portion</i>	\$0 (0%)
Date Submitted	Jul 31 2021
Anticipated Award Notification	Nov 2021
Application Status	Under Review

2021 DEP: Driving PA Forward, Onroad Rebate Program – Trucks and Buses

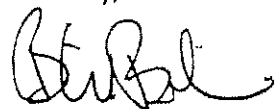
Project	Replacement Trash Truck
Total Project Estimate	TBD (\$200k-\$250k)
<i>Borough Portion</i>	TBD – Grant is for \$70k for Class 6-7 diesel truck or \$122,500 for Class 8
Application Deadline	Nov 12 2021
Anticipated Award Notification	Dec 2021
Application Status	Pending (awaiting final COSTARS quotes and supplemental info from Boro)

ST. CLAIR ACTION ITEMS

1. None.

Thank you for your time and consideration in this matter. If you have any questions or comments concerning the above, please contact our office.

Sincerely,



Brian W. Baldwin, PE
Project Manager

cc: Atty. Edward M. Brennan, Solicitor

Street Dept.

Cleared Northward playground of all debris and prep it to seal and paint basketball court.

John Siney Park we fabricated gazebo and painted it.

Pike Street Drainage Projected – 9 days completed which included the following:

- 75 feet of drainage pipe

- 10 ton of stone

- 6 ton of Blacktop

Posted South Third Street – No Parking signs to paint it yellow

Preparation for Halloween parade which included the following:

- Cleaning of Main Street & Side Streets

- Cleared all sidewalks of weeds and debris

- Hung No Parking signs

- Barricades installed throughout the town

Mechanic Shop

Removed body from S-7 pickup and replaced all body mounts.

Removed box and welded all new bed rails, installed new brakes, shocks; and installed new brake lines.

Cut and welded all new metal for the snowplows. We also sanded and painted them.

All salt spreaders were repaired, new batteries installed, replaced chains, belts and spreading wheels.

S-11 had to have a new floor installed along with new brake lines.

All trucks received oil changes along with the spreaders.

All trucks are now winterized.

Garbage truck repaired handles and installed bushings in them, welded all new clutch basins on the body of the truck.

Electric Light Department Work Log for October 2021

Week ending 10-01-2021

Borough wide outage Tuesday morning 8:04 AM approx. 15 minutes - PPL – 22,000 customers affected.

Rick drove Recycling truck on Friday.

Time cards and sheet to front office. Weekly generator check and exercise. Sharon off Personal Day. Continued trimming trees 200 block north Front Street. Respond to PA ONE call Water Company working at 318 south Second Street. Finished up trimming trees on 200 north block Front Street. Ran generator under load for 1 hour (done every 3 months) Un-booted at 111 south Nicholas Street paid in full. Changed street light fixture on Dick Street. Reposted NO PARKING for tree trimming on north Front Street had to post pone due to rain on Tuesday. Re-set master controller for Town clock. Line clearing on 200 north block Front Street completed. Started to sand down rust and paint Town clock. George to Wal-Mart for new sweeper for Borough Hall. Hung Halloween Parade Banners. As per Council President made calls to bucket truck salesman for information on leasing options. Printed 56 48 hour disconnect notices to be posted Monday.

Week ending 10-08-2021

Posted 55 – 48 hour disconnect notice for non-payment.

Rick and Rudy off all week vacation. Time cards and sheet to Sharon. Weekly generator check and exercise. Speed warning sign on East Hancock Street not working, repaired. Received call from Resident on north Mill Street, neighbor whose power was terminated for non-payment running generator in basement all weekend, on site no one answered took pictures of open windows gave to and explained situation to Code Officer. Spoke to several customers on payment arrangements. Bob off Thurs. /Fri. Medical procedure. Located and marked underground feed for Bypass / Hancock Traffic signal.

Week ending 10-15-2021

Terminated Electric service to 6 customers due to non-payment.

September Energy cost = \$126,872.18 / 1,587,087 KWH – 9 /2021 > 9 / 2020 = \$ 22,386.84 / + 1,188 KWH

Electric Bills taken to Pottsville Post Office on Tuesday.

Trimmed 3 trees on Hancock Street for Assisi Church.

Time cards and sheet to Sharon. Weekly generator check and exercise. Replace photo cell street light 412 south Second Street. Replaced photo Cell Street light on east Lawton Street. Took down spring banners and some flags on Second Street. Replaced photo Cell Street light on east Lawton. Rudy completed painting Town Clock. Started hanging Christmas pole decorations. Model ordinance for wireless facilities sent to Borough Solicitor. Located, marked and responded to PA ONE call for sewer line work at 111 west Hancock Street. Spoke with new owner of 400 / 402 east Hancock Street in regards to new service install done without notification or inspection. New Service hookup at 105 South Morris. New Service hookup at 402 East Hancock also took down service drop to 400 East Hancock. Unbooted 3 accounts paid in full. Hung NO PARKING signs tree trimming Friday at Assisi Church. Responded to another PA ONE call for 111 west Hancock. Rick off Friday Personal Day.

Week ending 10-22-2021

Out for Halloween Parade setup PA system and lighting.

Power Blip 12:02 am Friday, Breaker tripped at PPL substation.

Rick off Monday and Friday Personal Days. Time cards and sheet to Sharon. Weekly generator check and exercise. Christmas decorations on Gazebo and tree. Sharon off Wed thru Fri. personal days, Michelle covering. Spoke with our IT person Joe to schedule a day for Edmunds program upgrade. Call to Biros to remove porta potty from playground. Checked power and also floodlights are operational, also loaded PA system and chairs in truck for Halloween Parade. Responded to PA ONE call for work being done on route 61 north of Terry Rich Blvd. Spoke with a very upset, crying tenant whose electric service was cut for non-payment. Responded to PA ONE call for sidewalk replacement at 2 south Nicholas Street. Spoke with an Electrician who is doing work at 217 south Morris Street, many electrical problems found day of fire so I terminated service until corrected! Started hanging skyline decorations on Second Street. Hung temporary electric service for Halloween Parade. Placed order for C-7 amber bulbs for pole decorations. Responded to PA ONE call PPL pole removal 700' to the north of Terry Rich Blvd. Took down temp electric service also removed Halloween Parade advertising banners. Started working on Christmas Decorations i.e.: changing bulbs, bad connections, etc. Decorated Christmas tree in Boone Park.

Week ending 10/29/2021

Outage Friday 6:44 am -32 homes affected – power restored 7:42 am

Posted 59 – 48 hour disconnect notices.

Rick off Mon, Tues, Friday Personal / vacation day also off Wed, Thurs sick days. Weekly generator check and exercise. Time cards and sheet to Sharon. Continued working on Christmas decorations. Call from resident concerned on pole possibly sinking, checked on it returned call left message on my findings. Joe from S.A.M. here working with Tony from CVI to restore accessibility to security camera footage. Report that traffic signal Hancock and bypass not working correctly sat and watched through 5 cycles found to be working correctly at that time. Call from Police Chief 12:06 pm Tuesday person stealing electricity from neighbor. Extension cord from switch yard for smoke trailer. Guys continued working on decorations on Second Street. Replaced flag on Second Street. Repaired Hero Banner on East Lawton Street. Joe from S.A.M. here setup laptop for new part time Administrator help, set up filing system for security footage on my P.C. also worked at Police Station.

Respectfully Submitted;

Robert Petrozino

Superintendent

Saint Clair Borough Electric Light Dept.

11/09/2021

Borough of St. Clair
Treasurer's Report - General Fund
September 2021

	TOTAL
Ordinary Income/Expense	
Income	
301.10 · Real Estate Tax, Current	1,826.87
301.30 · Real Estate Tax, Delinquent	2,403.85
310.01 · Per Capita Tax, Current	121.00
310.03 · Per Capita Tax, Delinquent	256.15
310.10 · Real Estate Transfer Tax	2,761.15
310.20 · Earned Income Tax	16,447.47
310.30 · Business Privilege Tax	1,333.00
310.41 · Occupation Tax, Current	41.58
310.43 · Occupation Tax, Delinquent	106.26
310.50 · Local Service Tax	3,610.77
331.21 · Police Fines	1,152.99
342.20 · Rental Income - Boro Property	500.00
355.05 · Gen Mun Pension Sys State Aid	100,742.93
355.07 · Foreign Fire Insurance Premium	11,025.21
356.05 · Payment in Lieu of Taxes	950.18
361.33 · Variance/Zoning Permits	255.00
362.10 · Police Protection Services	6,250.00
364.30 · Solid Waste Collection Fees	26,975.64
389.20 · Workers Com Reimbursements	3,631.84
392.18 · Transfers from Electric Light	100,000.00
393.00 · Proceeds from Loan	1,213.67
Total Income	281,605.56
Expense	
Administration Department	25,589.02
Health & Sanitation Department	27,452.52
Miscellaneous Department	15,899.81
Planning & Zoning Department	102.38
Police Protection Department	39,063.17
403.00 · Tax Collection Department	266.67
409.00 · Borough Buildings Department	5,756.16
411.00 · Fire Department	15,080.82
430.00 · Streets & Bridges Department	31,548.12
452.00 · Recreation Department	1,365.43
487.00 · Employer Benefits & W/H	46,324.35
66000 · Payroll Tax Expense	3,340.18
Total Expense	211,788.83
Net Ordinary Income	69,816.93
Other Income/Expense	
Other Income	
341.000 · Interest, Dividend Income	1,231.07
Total Other Income	1,231.07
Other Expense	
492.00 · Transfers Department	
492.120 · Transfer to Home Program	306.05
492.130 · Transfer to Sinking Fund	25,000.00
492.160 · Transfers to Demolition Fund	6,000.00
492.190 · Transfers to Payroll Acct	72,274.64
492.300 · Transfer to Gen Fund Cap Res	3,000.00
Total 492.00 · Transfers Department	106,580.69

ENDING BALANCE: \$141,928.21

Borough of St. Clair
Treasurer's Report - Electric Light Fund
September 2021

	<u>TOTAL</u>
Ordinary Income/Expense	
Income	
7372.40 · Electric Energy Sales	280,985.26
7372.50 · Sales Tax Discounts	25.00
7372.57 · Service Fees	<u>600.00</u>
Total Income	281,610.26
Expense	
66000 · Payroll Tax Expense	1,876.79
7401.00 · Electric Light	
7401120 · Superintendent	4,912.84
7402114 · Treasurer	1,214.40
7405300 · Secretary	2,102.16
7409300 · Rental Expense	195.16
7442141 · Office Manager	3,667.20
7442142 · Administrative Assistant	1,769.79
7442143 · Lineman	7,827.20
7442144 · Assistant Lineman	3,552.00
7442210 · Office Supplies	848.01
7442220 · Electrical Materials & Supplies	1,659.29
7442231 · Gasoline & Oil	937.36
7442321 · Telephone	244.31
7442361 · AMP - Ohio	161,305.75
7442372 · Technology/Computer Expenses	1,125.00
7442374 · Vehicle Maintenance & Repairs	<u>1,296.27</u>
Total 7401.00 · Electric Light	<u>192,656.74</u>
Total Expense	<u>194,533.53</u>
Net Ordinary Income	87,076.73
Other Income/Expense	
Other Income	
341.000 · Interest, Dividend Income	<u>5.78</u>
Total Other Income	5.78
Other Expense	
492.00 · Transfers Department	
492.130 · Transfer to Sinking Fund	11,500.00
492.190 · Transfers to Payroll Acct	25,845.11
492.50 · Transfer to Elec. Lgt. Deposit	20,150.57
492.60 · Transfer to Electric Light Capi	3,000.00
492.80 · Transfer to General Fund	<u>100,000.00</u>
Total 492.00 · Transfers Department	<u>160,495.68</u>
Total Other Expense	<u>160,495.68</u>

Ending Balance: \$401,687.68

Borough of St. Clair
Balance Sheet
As of September 30, 2021

	<u>Sep 30, 21</u>
ASSETS	
Current Assets	
Checking/Savings	
100.10 · Elec. Lgt. Sales Tax- Riverview	14,884.55
100.11 · PLGIT - Educational Ser Agency	7,699.95
100.12 · PLGIT - Elec Light Deposit Acct	28,669.26
100.121 · PLGIT PRIME - Elec. Light Dep.	40,288.73
100.13 · PLGIT - Elect Lgt Capital Rsrv	39,002.36
100.131 · PLGIT PRIME-Elec.Light Cap Res	166,245.97
100.14 · PLGIT - Electric Light Fund	387,369.45
100.15 · PLGIT - FIRE INS ESCROW ACCT	34,421.71
100.16 · PLGIT - General Fund	123,754.43
100.17 · PLGIT - General Fund Cap Reserv	39,002.40
100.171 · PLGIT PRIME-Gen. Fund Cap. R...	206,503.16
100.18 · PLGIT - HD Land Devel Escrow	21,616.86
100.191 · PLGIT PRIME - Highway Aid Fund	93,449.88
100.20 · Elec. Light Chk. (Riverview)	15,244.85
100.21 · PLGIT - Home Program	21,225.12
100.22 · PLGIT - Recreation Grant Fund	14,452.21
100.221 · PLGIT PRIME - Recreation Grant	165.61
100.23 · PLGIT - Sinking Fund	273,570.10
100.231 · PLGIT PRIME - Sinking Fund	150,558.03
100.24 · PLGIT - Street Opening Permit	9,772.15
100.241 · PLGIT PRIME - Street Opening	43,870.38
100.30 · Gen. Fund Chk. (Riverview)	18,173.78
100.401 · PLGIT PRIME - Bridge Cons. Fu...	83,887.10
100.50 · PLGIT - Demolition Fund	22,750.88
100.501 · PLGIT PRIME - Demolition Fund	90,115.88
100.60 · PLGIT - Act 137	18.62
100.70 · PLGIT - Admiral Boone Park Fund	6,898.99
100.801 · PLGIT PRIME - Ann St. Main. Fun	20,545.92
100.90 · PLGIT - Building Permit Fund	54,722.34
105.10 · PLGIT - Payroll Fund	-607.22
105.20 · PLGIT - Withholding Account	4,226.84
110 · Petty Cash	500.00
110.10 · Petty Cash - General Fund	200.00
110.20 · Petty Cash - Swimming Pool - GF	100.00
Total Checking/Savings	<u>2,033,300.29</u>

REAL ESTATE TAX BILL - COUNTY/MUNICIPAL

Tax Collector's Remittance to Taxing Districts
WILLIAM UMBENHAUR - 2021 - SAINT CLAIR BOROUGH
For 09/01/2021 thru 09/30/2021
SAINT CLAIR BOROUGH Taxing District

		Municipality	Borough Per Capita	Borough Occupation	Other
A. Collections					
1.	Balance Collectable - Beginning of Month	33927.74	3655.00	1535.10	
2A.	Additions: During the Month (*)		20.00	8.40	
2B.	Deductions: Credits During the Month - (from line 17)				
3.	Total Collectable	33927.74	3675.00	1543.50	
4.	Less: Face Collections for the Month	366.46	40.00	10.50	
5.	Less: Deletions/Exemptions from the List (*)			6.30	
6.	Less: Exonerations (*)				
7.	Less: Liens/Non-Lienable/Installments (*)				
8.	Balance collectable - End of Month	33561.28	3635.00	1526.70	
B. Reconciliation of Cash Collected					
9.	Face Amount of Collections - (must agree with line 4+7)	366.46	40.00	10.50	
10.	Plus: Penalties	36.65	4.00	1.05	
11.	Less: Discounts				
12.	Total Cash Collected per Column	403.11	44.00	11.55	
13.	Total Cash Collected - (12A + 12B + 12C + 12D)				458.66

(*) ATTACH ANY SUPPORTING DOCUMENTATION REQUIRED BY YOUR TAXING DISTRICT

REAL ESTATE TAX BILL - COUNTY/MUNICIPAL

C. Payment of Taxes

14. Amount Remitted During the Month (*)

Date	Transaction #	Amount	TOTAL ALL TAXES
		Total	0.00

15. Amount Paid with this Report Applicable to this Reporting Month	Transaction #	458.66
---	---------------	--------

16. Total Remitted This Month	458.66
-------------------------------	--------

17. List, Other Credit Adjustments (*)

Parcel / PerCapita #	Name	Amount	
Total		0.00	

18. Interest Earnings (if applicable)	\$	
---------------------------------------	----	--

TAXING DISTRICT USE (OPTIONAL)

Carryover from Previous Month \$ _____
 Amount Collected This Month \$ _____
 Less Amount Paid this Month \$ _____
 Ending Balance \$ _____

William Umbenhaur
 Tax Collector

10-2-2021
 Date

I verify this is a complete and accurate reporting of the balance collectable, taxes collected and remitted for the month.

Received by (taxing district):

Title: _____

Date: _____

I acknowledge the receipt of this report.

Saint Clair Fire Department
Fire Alarm Report
October 2021

October-01 STILL ALARM 07:16 hours 2 East Darkwater Rd. New Castle Township for an off road rescue. Alert/Columbia, Rescue, West End, Deputy Skrobak, and State Police responded. Members arrived to find a person down an embankment. Members used ropes and a stokes basket to get the person up to the awaiting EMS. (ORR17) In service 40 minutes.

October-03 STILL ALARM 17:40 hours 298 East Sherman St. for a landing zone. Alert/Columbia, Chief Uhrin and Skrobak responded. Members secured the area and assisted EMS with loading the patient into the helicopter. (LZ62) In service 40 minutes.

October-04 STILL ALARM 17:44 hours 370 RT. 209 Highway East Norwegian Township for a brush fire. Phoenix, West End, Port Carbon, and DCNR responded. Members arrived in the area of Ginther Coal Company for a large tire on fire. Members used a forestry line to extinguish the fire. (TRF08) In service 105 minutes.

October-04 STILL ALARM 18:37 hours 55 Mill St. Port Carbon for an accident w/fluids down on the roadway no injury. West End responded. Members controlled fluids. (MVA59) In service 45 minutes.

October-06 GENERAL ALARM 08:07 hours (BOX 33) 502 South Second St. for an automatic fire alarm. All companies dispatched. Police on scene advised that no fire was needed. All units placed available. (AFA62) In service 10 minutes

October-07 GENERAL ALARM 09:57 hours (BOX 33) 16 South Third St. (*Municipal Building*) for an automatic fire alarm. All companies dispatched and were advised that no fire was needed, fuming set off the alarm. (AFA62) In service 10 minutes.

October-08 STILL ALARM 15:46 hours 100 West Russell St. for a vehicle accident unknown injury. Alert/Columbia, Rescue, Asst. Johns and Skrobak responded. Members controlled fluids and directed traffic. (MVA62) In service 55 minutes.

October-10 GENERAL ALARM 22:07 hours (BOX 311) 25 North Nicholas St. (*Neumans Apts*) for an automatic fire alarm. All companies, Asst. Johns and Skrobak responded. Members found an oven in a first floor apartment set off the alarm. Members checked all floors and reset alarm panel and master box. (AFA62) In service 45 minutes.

October-12 GENERAL ALARM 14:28 hours (BOX 33) 279 Louisa Avenue East Norwegian Township for an automatic fire alarm. All companies dispatched, resident called in and gave the proper pass code to cancel. All fire units placed available. (AFA08) In service 10 minutes.

October-14 STILL ALARM 08:39 hours 100 West Russell St. for a vehicle accident no injury with fluids down. Alert/Columbia, Asst. Johns and Skrobak responded. Members controlled fluids and directed traffic. (MVA62) In service 40 minutes.

October-14 STILL ALARM 11:44 hours Joseph H Long Blvd. and West Russell St. for a vehicle accident unknown injury. Alert/Columbia, Rescue, Phoenix, and Deputy Skrobak responded. Deputy Skrobak arrived to find no injury with a small amount of fluid, held it to the Rescue and placed the remainder of the assignment available. (MVA62) In service 35 minutes.

October-15 STILL ALARM 15:19 hours 918 St. Clair / Frackville Grade North Blythe Township for an automobile fire. Alert/Columbia, West End, and Asst. Johns responded. Units were cancelled shortly after going enroute. (VF02) In service 15 minutes.

October-15 CHIEF CALL 15:32 hours 43 North Front St. for wires down no arcing. Asst. Johns responded. Truck pulled down cable wires SCPD got the information for the homeowner. (WD62) In service 20 minutes.

October-16 STILL ALARM 04:56 hours 100 West Russell St and Joseph H Long Blvd. for a tractor trailer fire. Alert/Columbia, Chief Uhrin and Skrobak responded. Members arrived to find the driver had extinguished the fire. Members checked the truck and trailer for extension and applied floor dry to oil that leaked from the motor. (VF62) In service 45 minutes.

October-16 CHIEF CALL 06:05 hours 38 South Nicholas St. Chief Uhrin and Skrobak responded, arrived to find water leaking into a first floor apartment. Called county to upgrade to Alert/Columbia to respond. (CHF62) In service 90 minutes.

October-16 STILL ALARM 06:12 hours 38 South Nicholas St. for assistance with gaining access to the basement and to the second floor apartment. Alert/Columbia responded. Members forced entry into the basement and secured water and forced entry into second floor apartment to locate the leak. Members used tarps and totes to remove the collapsed ceiling from the first floor apartment. Members observed several electrical deficiencies throughout the apartment building. (UTL62) In service 90 minutes.

October-27 GENERAL ALARM 12:01 hours 48 Tunnel Rd. East Norwegian Township for an automatic fire alarm. Alert/Columbia, Rescue, West End, Chief Uhrin and Skrobak responded. Members found the alarm company working on the system due to alarm in the duct work going off. (AFA08) In service 35 minutes.

October-30 CHIEF CALL 15:54 hours 1469 SR. 61 Highway New Castle Township for a tree on wires. All chiefs responded. Asst. Johns arrived to find a large tree on wires hanging over the highway and requested companies be dispatched. (CHF17) In service 45 minutes.

October-30 STILL ALARM 16:01 hours 1469 SR. 61 Highway New Castle Township for a large tree on wires hanging over the roadway. Alert/Columbia, West End responded. Members controlled traffic and cut the tree and opened the highway. (TD17) In service 40 minutes.

Comments:

The following alarm boxes were tested; 33,24,35

The fire hydrant on Tension Way was damaged and is out of service 10/18/21

Johnson Controls Fire Alarm tested Neumans Apartments on October 04, 2021. All systems were working properly. Asst. Johns checked the master Box (311) tested and that was working properly as well.

Fire prevention programs were held at Tractor Supply and Lowes on October 9th with all companies participating.

The Fire Prevention Program for the St. Clair Elementary School was held on October 27th at the Teener Field. Grades Kindergartens thru 4th grade.

General Alarms	5
Still Alarms	11
False Alarms	0
Chief Calls/ Public service	3
Total calls	19

Respectfully submitted,


Frank Uhrin Fire Chief

**BOROUGH OF ST. CLAIR - CODE ENFORCEMENT – PROPERTY
MAINTENANCE**

16 South Third Street
St Clair, PA 17970

PHONE: 570-429-0640
Fax: 570-429-2829

November 9, 2021

TOTAL COMPLAINTS – 27

RENTAL INSPECTIONS – 3

Respectfully,

Michelle D. Brestowski

Code Enforcement Officer
Health Officer

OPEN ARMS MINISTRY

Helping Those in Need

oathmainoffice@gmail.com

www.openarmhelps.org



220 S 2nd Street
St Clair Pa 17970
(570) 429-1782

Non- Profit 501C3

To Whom it May Concern:

My name is Pastor Vincent Murray, Director of the Open Arms Ministries Resource Center and Women's Recovery Housing, at 220 S 2nd Street, St Clair Pa. We have graciously occupied this address for over 12 years here in St Clair, our resource Center provides help for the homeless, addicted, those in need of food, clothing, and other resources, we are the only point in time count location for the homeless in St Clair for the past 5 years which provides a census of homelessness for Schuylkill County each year and each year we also donate turkeys for the holidays. Numerous seniors that operate automobiles pull in for food and other resources in and out of St Clair, we also have our food delivery from the food bank as well as numerous churches from St Clair and Ringtown weekly. On October 21, 2021 we immediately noticed that our sign was removed without notification or phone call, we hope that the borough sees the value in our services, loyalty and dedication to St Clair and its residents as well as the surrounding communities and the importance of this parking space during our business hours as before. We are a nonprofit 501c3 organization member of the Schuylkill Chamber of Commerce who has been serving in Schuylkill county for over 10 years, please take into consideration the vitality of having this parking space compared to double parking unloading/loading on south 2nd street.

Sincerely

Pastor Vincent Murray, Director
Open Arms Ministry and Women's Recovery Housing
220 S 2nd street
St Clair Pa 17970
570 429 1782
oathpastor@gmail.com

CC: Mr. Robert Petrozino
Mr. William Umbenhaur
Mr. Roland Price

**THE HARVEST IS PLENTIFUL, BUT THE LABORERS ARE FEW
SERVING ONE GOD**

**BOROUGH OF ST. CLAIR
SCHUYLKILL COUNTY, PENNSYLVANIA**

ORDINANCE NO. 437

**AN ORDINANCE OF THE BOROUGH OF ST. CLAIR,
SCHUYLKILL COUNTY, PENNSYLVANIA, AMENDING
ORDINANCE NO. 389, DEFINING AND REGULATING NOISE
AND PROHIBITING UNNECESSARY NOISE OR OTHER
SOUNDS TENDING TO DISTURB THE PEACE AND QUIET OF
THE COMMUNITY AND CARRYING ON OF ANY BUSINESS,
TRADE, TRANSPORTATION, RECREATION OR AMUSEMENT
AT CERTAIN TIMES WHICH CAUSES UNNECESSARY NOISE
OR DISTURBANCE.**

The Borough Council of the Borough of St. Clair, Schuylkill County, Pennsylvania (the "Borough"), hereby enacts and ordains as follows:

WHEREAS, Section 1201 of the Borough Code, 53 P.S. §46201, entitled "General Powers", authorizes the Borough to make and adopt ordinances necessary for the proper management, care and control of the Borough, and the maintenance of the health and welfare of the Borough and its citizens; and

WHEREAS, Section 1202 of the Borough Code, 53 P.S. §46202, entitled "Specific Powers", authorizes the Borough to adopt ordinances to secure the safety of persons or property within the Borough, and to define disorderly conduct or disturbing the peace within the limits of the Borough..

NOW THEREFORE, BE IT ENACTED AND ORDAINED BY the Borough Council of the Borough of St. Clair, Schuylkill County, Pennsylvania, in accordance with the general powers permitted by the Borough Code (53 P.S. §46201, et seq.) and the statutes noted above, that Ordinance No. 389 is amended to read as follows:

Section 101. Title.

This Ordinance shall be known as the "St. Clair Borough Noise Control Ordinance".

Section 102. Citation

This Ordinance may be cited as the "St. Clair Borough Noise Control Ordinance".

Section 103. Purpose.

The Council of the Borough of St. Clair, finding that excessive levels of sound are detrimental to the physical, mental and social well-being of the people as well as to their comfort, living conditions, general welfare and safety and therefore a public health and welfare hazard, hereby declares it to be necessary to provide for greater control and more effective regulation of excessive sound and the sources of excessive sound within the Borough of St. Clair.

Section 104. Definitions.

The following words, terms and phrases when used in this Ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Construction Operation: The erection, repair, renovation, demolition or removal of any building or structure and the excavation, filling, grading and regulation of lots in connection therewith.

Disorderly Conduct: In addition to the definition contained in the Pennsylvania Crimes Code, 18 Pa.C.S.A. § 5503, disorderly conduct shall include any prohibited noise disturbance or excessive noise, as defined herein, unless subject to an exemption under Section 106, and shall be considered unreasonable noise under 18 Pa.C.S.A. § 5503.

Emergency Work: Any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.

Excessive Noise: Any sound emitted by a person, animal, appliance, equipment, instrument, vehicle, fireworks or other device which is, (1) injurious or which would unreasonably interfere with the comfortable enjoyment of life and property; or is (2) annoying to a person of ordinary sensibilities.

Fireworks: Devices capable of loud noise including, but not limited to, M80, M100, blockbuster, cherry bomb or quarter or half stick explosive devices.

Noise Disturbance: Any sound which:

A. Measured at a property line of the receiving land, is in excess of the limits set forth for the receiving land use category in Table 1 below.

Table 1

Permissible Maximum Sound Levels by Receiving Land Use

Receiving Land Use	Sound Level Limit dB(A)	
	7:00 a.m. to 9:00 p.m.	9:00 p.m. to 7:00 a.m.
Residential	57	52
Commercial	67	62
Industrial	77	77

B. Produces vibration which is transmitted through the ground and is discernible without the aid of instruments at or at any point beyond the lot line from which the sound or vibration originated; or

C. Produces any vibration in excess of 0.002g peak measured at or beyond the lot line from which the sound originated using either seismic or electronic vibration measuring equipment.

Person: Any individual, association, partnership, or corporation, including officers and managers of corporations.

Plainly Audible: A noise disturbance or excessive noise which an enforcing authority or a police officer can plainly hear a short distance from the source of noise disturbance or excessive noise.

Public Right-of-Way: Any street, avenue, boulevard, highway, sidewalk, alley or similar place which is owned or controlled by a governmental entity.

Public Space: Any real property or structures thereon which are owned or controlled by a governmental entity.

Vehicles: Any device or combination of devices, used or for capable of being used for transporting persons or property. Vehicles include, but are not limited to, automobiles, trucks, motorcycles, motorized bicycles, snowmobiles, all-terrain vehicles, go-karts and similar equipment.

Section 105. Unlawful Acts.

A. Noise disturbance and excessive noise prohibited. No person shall make, continue or cause to be made or continued any noise disturbance or excessive noise which is plainly audible.

B. Permitted hours of construction and yard work. No person shall operate or permit the operation of any tools or equipment used in construction operations, landscaping, leaf removal, lawn care, drilling or demolition work or in the sweeping of parking lots in areas adjacent to residential districts or within 1,000 feet of residential districts between the hours of 8:00 p.m. and 7:00 a.m. the following day on weekdays and Saturdays or at any time on Sundays or legal holidays, such that the sound therefrom is audible across a residential real property line (boundary), except for emergency work.

C. Permitted hours of loading and unloading. No person shall load, open, close or otherwise handle boxes, crates, containers, building materials, garbage cans or similar objects between the hours of 8:00 p.m. and 7:00 a.m. the following day in such a manner as to be audible across a residential property line (boundary). The subsection shall not apply to municipal or utility services in or about the public right-of-way.

D. Disorderly Conduct. No person shall engage in disorderly conduct by making, creating or allowing on the premises owned or controlled by them, any noise disturbance as defined herein unless subject to an exemption under Section 106 or a special variance under Section 107.

Section 106. Exemptions.

The following sounds are exempted from the provisions of this Ordinance:

A. Blasting: blasting, under permit obtained from the Code Enforcement Officer. Such blasting may occur only between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday, unless specifically authorized by permit.

B. Concerts, etc.: band concerts, block parties, church carnivals or other performances or similar activities publicly or privately sponsored and presented in any public or private space outdoors, provided that such activities do not occur between the hours of 10:00 p.m. and 7:00 a.m.

C. Emergency work: sounds caused by the performance of emergency work or by the ordinary and accepted use of emergency apparatus and equipment.

D. Municipal and utility services: sounds resulting from the repair or replacement of any municipal or utility installation in or about the public right-of-way or all municipal collections.

E. School and public activities: sounds, not electronically amplified, created by organized school-related programs, activities and athletic and entertainment events or other public programs, activities or events, other than motor vehicle racing events.

F. Warning devices: sounds may be warning devices operating continuously for three minutes or less, except that in the event of an actual emergency the time limitation shall not apply.

Section 107. Special Variances.

The Mayor or his designee may, upon application and guided by the standards hereinabove set forth, grant special variances for infrequent events or activities which do not exceed 24 hours in duration.

Section 108. Violations and Penalties.

For the first offense, an enforcing authority, police officer or code official can, in their sole discretion, issue a written warning to a person violating this Ordinance. If said enforcing authority, police officer or code official issues a warning, it shall be in effect for thirty (30) days.

Any person violating any provision of this Ordinance shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not more than \$600.00, plus costs of prosecution, for each and every offense and, in default of payment of such fine and costs, shall be imprisoned for not more than thirty (30) days. Each day during which any person violates any provision of this Ordinance shall constitute a separate offense. This Ordinance may be enforced by the St Clair Borough Police Department or the St. Clair Borough Code Enforcement Officer.

Section 109. Severability.

The provisions of this Ordinance are severable, and if any section, clause, sentence, part or provision thereof shall be held to be illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect, impair or invalidate any of the remaining sections, clauses, sentences, parts or provisions of this Ordinance. It is hereby declared to be the intent of St. Clair Borough Council that this Ordinance would have been adopted if such illegal, invalid or unconstitutional section, clause, sentence, part or provision had not been included herein.

Section 110. Repealer/Savings.

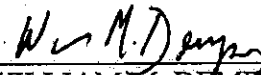
The provisions of any prior ordinance which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency. Nothing contained in this Ordinance shall be construed to affect any suit or proceeding in any court, or any rights acquired or liability incurred, or any cause of action existing prior the enactment of this Ordinance.

Section 111. Effective Date.

This Ordinance shall become effective immediately after the adoption hereof.

DULY ENACTED AND ORDAINED by Borough Council of the Borough of St. Clair,
Schuylkill County, Pennsylvania, this 9th day of November, 2021, in lawful
session duly assembled.

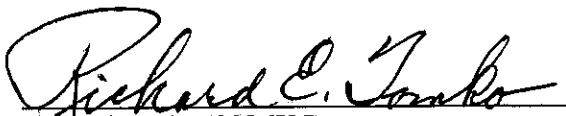
ST. CLAIR BOROUGH


WILLIAM M. DEMPSEY
Council President

ATTEST:


ROLAND PRICE, JR.
Borough Secretary

Approved by me this 9th day of November, 2021.

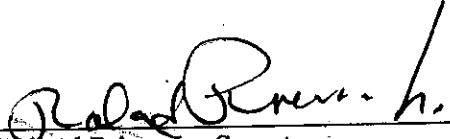

RICHARD E. TOMKO
Mayor

IN RE: AN ORDINANCE OF THE BOROUGH OF ST. CLAIR, SCHUYLKILL COUNTY, PENNSYLVANIA, AMENDING ORDINANCE NO. 389, DEFINING AND REGULATING NOISE AND PROHIBITING UNNECESSARY NOISE OR OTHER SOUNDS TENDING TO DISTURB THE PEACE AND QUIET OF THE COMMUNITY AND CARRYING ON OF ANY BUSINESS, TRADE, TRANSPORTATION, RECREATION OR AMUSEMENT AT CERTAIN TIMES WHICH CAUSES UNNECESSARY NOISE OR DISTURBANCE.

CERTIFICATION

I hereby certify that the within Ordinance is a true and correct copy of an Ordinance enacted by Borough Council of the Borough of St. Clair, Schuylkill County, Pennsylvania, on the 9th day of November, 2021.

SEAL



Roland Price, Jr., Secretary
St. Clair Municipal Building
16 South Third Street
St. Clair, PA 17970
Telephone No. (570) 429-0640

**BOROUGH OF ST. CLAIR
SCHUYLKILL COUNTY, PENNSYLVANIA**

ORDINANCE NO. 438

**AN ORDINANCE OF THE BOROUGH OF ST. CLAIR,
SCHUYLKILL COUNTY, PENNSYLVANIA, ESTABLISHING
TEMPORARY PARKING REGULATIONS FOR BUSINESSES
LOCATED WITHIN THE BOROUGH.**

The Borough Council of the Borough of St. Clair, Schuylkill County, Pennsylvania (the "Borough"), hereby enacts and ordains as follows:

WHEREAS, Section 1201 of the Borough Code, 53 P.S. §46201, entitled "General Powers", authorizes the Borough to make and adopt ordinances necessary for the proper management, care and control of the Borough, and the maintenance of the health and welfare of the Borough and its citizens; and

WHEREAS, Section 1202 of the Borough Code, 53 P.S. §46202, entitled "Specific Powers", authorizes the Borough to adopt ordinances to secure the safety of persons or property within the Borough, and to regulate parking to promote the convenience and protection of the public; and

WHEREAS, Section 6109 of the Pennsylvania Motor Vehicle Code, 75 Pa.C.S.A. § 6109, acknowledges that the Borough can reasonably exercise its police power by regulating or prohibiting parking.

NOW THEREFORE, BE IT ENACTED AND ORDAINED BY the Borough Council of the Borough of St. Clair, Schuylkill County, Pennsylvania, in accordance with the general powers permitted by the Borough Code (53 P.S. §46201, et seq.) and the statutes noted above, as follows:

Section 101. Title.

This Ordinance shall be known as the “St. Clair Borough Temporary Parking Regulation Ordinance for Businesses”.

Section 102. Citation

This Ordinance may be cited as the “St. Clair Borough Temporary Parking Regulation Ordinance for Businesses”.

Section 103. Purpose.

The purpose of this Ordinance is to protect the public health, safety and welfare by establishing regulations and guidelines for temporary parking restrictions in or around businesses within the Borough of St. Clair.

Section 104. Definitions

Business: Any commercial entity or business serving retail or wholesale customers within the Borough of St. Clair.

Vehicle: Any motorized or nonmotorized device, including a trailer, capable of being moved upon a public street and in, upon, or by which persons or property may be transported or drawn upon a public street.

Section 105. Parking Restrictions.

Council may designate temporary regulations limiting parking in or around a business upon request of the business owner. The parking regulations shall include, but not be limited to,

limiting parking to one (1) hour during normal business hours or limiting parking to loading and unloading. If a business requests such temporary regulations during business hours, Council may by motion or resolution establish specific limited parking areas as noted herein and erect the appropriate signs to notify the traveling public of said restrictions.

Section 106. Special Variances.

The Mayor or his designee may, upon application and guided by the standards hereinabove set forth, grant special variances for infrequent events or activities which do not exceed 24 hours in duration.

Section 107. Penalties for Violation.

Section 107.1. The Borough hereby elects to use parking tickets to inform defendants of parking violations and offer defendants an opportunity to avoid criminal proceedings by paying an amount specified on the ticket within the time specified on the ticket. Parking ticket fines for violations of this Ordinance are hereby set at Twenty-Five (\$25.00) Dollars per violation. 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. For purposes of this Ordinance, the doing of an act or thing prohibited by any provision of this Ordinance or the failure to do any act or thing or to which any provision of this Ordinance creates an affirmative duty shall constitute a violation of this Ordinance, punishable as herein stated. The imposition of a fine or penalty for any violation of, or non-compliance with, this Ordinance shall not excuse the violation or non-compliance or permit it to continue, and all such persons shall be required to correct or remedy such violations and non-compliances.

Section 107.2. All parking ticket fines are as noted above if paid within ten (10) days. If the defendant makes no response within the ten (10) days, or if the defendant indicates a desire to plead not guilty, and the Borough police department desires to proceed with the case, the law enforcement officer may then institute a criminal proceeding by either filing a citation directly with the proper issuing authority, or have the parking violation information electronically transmitted, if practicable, and additional fines and costs may be imposed. Upon summary conviction before a District Magistrate having jurisdiction, any person, firm, corporation or organization violating any provision of this Ordinance shall be sentenced to pay a fine of not less than Twenty-Five (\$25.00) Dollars nor more than Fifty (\$50.00.) Dollars plus the costs of prosecution, and in default of the payment thereof, shall be sentenced to undergo imprisonment in any County Jail for a period not to exceed ten (10) days.

Section 107.3. It is the intention of Borough Council that the fines noted herein for the parking ticket may be amended from time to time by resolution rather than by ordinance.

Section 108. Inapplicable to Official Borough Vehicles.

The provisions of this Ordinance shall not apply to vehicles belonging to the Borough of St. Clair, which are marked with the Official Seal of the Borough of St. Clair on the side thereof.

Section 109. Removal, Impoundment and Storage of Illegally Parked Vehicles.

In addition to the penalties assessed herein, if any vehicle is parked or left standing in violation of this Ordinance for seven (7) consecutive days, or if the parking of such vehicle prohibits or interferes with the use of the street or any portion thereof, said vehicle may be removed, or caused to be removed by a police officer and impounded or placed in storage with

all towing and storage costs to be paid by the offender/owner of the vehicle. The Borough will only return the vehicle that was impounded to the proven owner once all outstanding fines, assessments and costs have been verified as paid

Section 110. Nuisance, Injunction.

In addition to the penalties assessed herein, if any vehicle left standing in violation of this Ordinance for seven (7) consecutive days, or if the parking of such vehicle prohibits or interferes with the use of the street or any portion thereof, said violation or condition shall be considered a nuisance. In addition to any other relief provided by this Ordinance, the borough solicitor may apply to the Court of Common Pleas for an injunction to prohibit the continuation of any violation of this Ordinance. Such application for relief may include seeking a temporary restraining order, temporary injunction, and permanent injunction.

Section 111. Severability.

The provisions of this Ordinance are severable, and if any section, clause, sentence, part or provision thereof shall be held to be illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect, impair or invalidate any of the remaining sections, clauses, sentences, parts or provisions of this Ordinance. It is hereby declared to be the intent of St. Clair Borough Council that this Ordinance would have been adopted if such illegal, invalid or unconstitutional section, clause, sentence, part or provision had not been included herein.

Section 112. Repealer/Savings.

The provisions of any prior ordinance which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency. Nothing contained in this Ordinance shall be construed to affect any suit or proceeding in any court, or any rights acquired

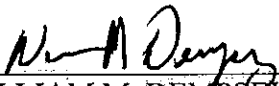
or liability incurred, or any cause of action existing prior the enactment of this Ordinance.
Nothing contained in this Ordinance establishing parking zone restrictions shall be construed to permit parking vehicles in those spaces within any zone in which by other ordinances of the Borough or state law parking is prohibited.

Section 113. Effective Date.

This Ordinance shall become effective immediately after the adoption hereof.

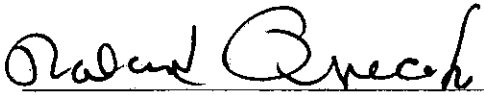
DULY ENACTED AND ORDAINED by Borough Council of the Borough of St. Clair,
Schuylkill County, Pennsylvania, this 9th day of November, 2021, in lawful
session duly assembled.

ST. CLAIR BOROUGH



WILLIAM M. DEMPSEY
Council President

ATTEST:



ROLAND PRICE, JR.
Borough Secretary

Approved by me this 9th day of November, 2021.



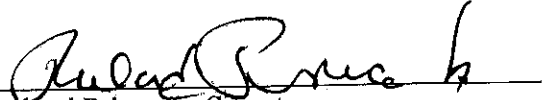
RICHARD E. TOMKO
Mayor

**IN RE: AN ORDINANCE OF THE BOROUGH OF ST. CLAIR, SCHUYLKILL
COUNTY, PENNSYLVANIA, ESTABLISHING TEMPORARY PARKING
REGULATIONS FOR BUSINESSES LOCATED WITHIN THE BOROUGH.**

CERTIFICATION

I hereby certify that the within Ordinance is a true and correct copy of an Ordinance enacted by Borough Council of the Borough of St. Clair, Schuylkill County, Pennsylvania, on the 9th day of November, 2021.

SEAL


Roland Price, Jr., Secretary
St. Clair Municipal Building
16 South Third Street
St. Clair, PA 17970
Telephone No. (570) 429-0640

**BOROUGH OF ST. CLAIR
SCHUYLKILL COUNTY, PENNSYLVANIA**

ORDINANCE NO. 439

**AN ORDINANCE OF THE BOROUGH OF ST. CLAIR,
SCHUYLKILL COUNTY, PENNSYLVANIA, ESTABLISHING
PROCEDURES AND REQUIREMENTS PERTAINING TO THE
IMPLEMENTATION OF ACT 50 OF 2021 AND REGULATING
SMALL WIRELESS FACILITIES TO BE PLACED WITHIN THE
PUBLIC RIGHT-OF-WAY.**

The Borough Council of the Borough of St. Clair, Schuylkill County, Pennsylvania (the "Borough"), hereby enacts and ordains as follows:

WHEREAS, Section 1201 of the Borough Code, 8 Pa.C.S.A. § 1201, entitled "General Powers", authorizes the Borough to make and adopt ordinances necessary for the proper management, care and control of the Borough, and the maintenance of the health and welfare of the Borough and its citizens; and

WHEREAS, Section 1202 of the Borough Code, 8 Pa.C.S.A. § 1202,, entitled "Specific Powers", authorizes the Borough to adopt ordinances to secure the safety of persons or property within the Borough; and

WHEREAS, Section 24A03 authorizes the Borough to adopt ordinances to grant the use of, and to make charges for the use of any property or facility owned or control by the Borough concerning the manufacture and supply of electricity, 8 Pa.C.S.A. § 24A03; and

WHEREAS, the General Assembly of the Commonwealth of Pennsylvania has enacted the Small Wireless Facilities Deployment Act, 53 P.S. § 11704.1, et seq., Act of June 30, 2021, P.L. 232, No. 50 ("Act 50"), with an effective date of August 29, 2021; and

WHEREAS, Act 50 authorizes the Borough of St. Clair (the "Borough") to adopt ordinances that comply with Act 50 and requires that the Borough amend existing ordinances as necessary to comply with Act 50; and

WHEREAS, the Borough has determined it to be in the best interests of the health, safety, and welfare of the residents of the Borough to enact certain provisions related to the regulation of Small Wireless Facilities pursuant to Act 50 and to repeal existing ordinances that are inconsistent with Act 50.

NOW THEREFORE, BE IT ENACTED AND ORDAINED BY the Borough Council of the Borough of St. Clair, Schuylkill County, Pennsylvania, in accordance with the general powers permitted by the Borough Code (8 Pa.C.S.A. § 101, et seq.) and the statutes noted above, as follows:

Section 101. Title.

This Ordinance shall be known as the "St. Clair Borough Small Wireless Facilities Ordinance".

Section 102. Citation

This Ordinance may be cited as the "St. Clair Borough Small Wireless Facilities Ordinance".

Section 103. Purpose.

In the exercise of its police powers and pursuant to the authority granted to the Borough under Act 50, the Borough has jurisdiction to regulate uses of the Right-of-Way. The purpose of this Ordinance is to provide the Borough with a process for managing, and uniform standards for acting upon, requests for the placement of Small Wireless Facilities within the Right-of-Way consistent with the Borough's obligation to promote the public health, safety, and welfare; to manage the Right-of-Way; and to ensure that the public's use is not obstructed or disturbed by the use of the Right-of-Way for Small Wireless Facilities. The Borough recognizes the importance of wireless telecommunications facilities to provide high-quality communications and internet access services to residents and businesses within the Borough. The Borough also recognizes its obligation to comply with applicable federal and state laws regarding the placement of wireless telecommunications facilities in the Right-of-Way including, without limitation, the Telecommunications Act of 1996, 47 U.S.C. § 151, *et seq.*, and Act 50, 53 P.S. §§ 11704.1 – 11704.11. This Ordinance shall be interpreted consistent with those provisions.

Section 104. Definitions.

For the purposes of this Ordinance, the terms below shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural include the singular, and words in the singular include the plural.

Accessory Equipment - means any equipment serving or being used in conjunction with a Small Wireless Facility or Wireless Support Structure including, but not limited to, utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets, and storage sheds, shelters, or similar structures.

Antenna - means telecommunications equipment that transmits and receives electromagnetic radio signals used in the provision of all types of wireless telecommunications services.

Applicable Codes - means all applicable federal and state laws, regulations and standards that comply with Act 50. The term shall also include all ordinances, resolutions, or policies of the Borough regulating:

(1) Uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization or local amendments to those codes enacted solely to address imminent threats of destruction of property or injury to persons.

(2) Local zoning, land use, streets and sidewalks, Right-of-Way and permitting ordinances or other local rules or regulations that comply with Act 50.

Applicant - means a Communications Service Provider that submits an Application.

Application - means a formal request, including all required and requested documentation and information, submitted by an Applicant to the Borough for a Wireless Permit.

Borough - means the Borough of St. Clair, Schuylkill County, Pennsylvania,

Borough's Designee - means the person(s) or entity(s) selected by the Borough as responsible for initial processing of the Application.

Communications Service Provider - means any of the following:

(1) A cable operator as defined in section 602(4) of the Cable Communications Policy Act of 1984 (Public Law 98-549, 47 U.S.C. § 522(5)).

(2) A provider of information service as defined in section 3(20) of the Communications Act of 1934 (48 Stat. 1064, 47 U.S.C. § 153(24)).

(3) A telecommunications carrier as defined in section 3(44) of the Communications Act of 1934 (48 Stat. 1064, 47 U.S.C. § 153(51)).

(4) A Wireless Provider.

Collocate or Collocation - means to install, mount, maintain, Modify, or replace Small Wireless Facilities on an existing Utility Pole or other Wireless Support Structure.

FCC – means the Federal Communications Commission.

Historic District or Building - means a building that is or a group of buildings, properties or sites that are:

(1) Listed in the National Register of Historic Places or formally determined eligible for listing by the Keeper of the National Register.

(2) Determined to be eligible for listing by the Keeper of the National Register of Historic Places who has been delegated the authority by a Federal agency to list properties and determine their eligibility for the National Register of Historic Places in accordance with section VI.D.1.a.i-v of the Nationwide Programmatic Agreement for Review Regarding the Section 106 National Historic Preservation Act Review Process as specified under 47 CFR Pt. 1, App. C (relating to Nationwide Programmatic Agreement Regarding the Section 106 National Historic Preservation Act Review Process).

(3) Marked as a historical site by the Pennsylvania Historical and Museum Commission pursuant to 37 Pa.C.S. (relating to historical and museums).

(4) Within a historic district created pursuant to the act of June 13, 1961 (P.L. 282, No. 167), entitled "An act authorizing counties, cities, boroughs, incorporated towns and townships to create historic districts within their geographic boundaries; providing for the appointment of Boards of Historical Architectural Review; empowering governing bodies of political subdivisions to protect the distinctive historical character of these districts and to regulate the erection, reconstruction, alteration, restoration, demolition or razing of buildings within the historic districts."

Micro Wireless Facility - means a Small Wireless Facility that:

- (1) Does not exceed two cubic feet in volume; and
- (2) Has an exterior Antenna no longer than 11 inches.

Modification or Modify - means the improvement, upgrade or replacement of a Small Wireless Facility or an existing Utility Pole that does not substantially change, as defined in 47 CFR 1.6100(b)(7) (relating to wireless facility modifications), the physical dimension of the Small Wireless Facility or Utility Pole.

Municipal Pole - means a Utility Pole owned, managed, or operated by or on behalf of the Borough.

Person - means a natural person, firm, partnership, company, association, trust, corporation, or other legal entity. The singular shall include the plural, the plural shall include the singular; and the masculine shall include the feminine and the neuter, whatever appropriate.

Right-Of-Way - means the area on, below or above a public roadway, highway, street, sidewalk, alley, utility easement or similar property. The term does not include a Federal interstate highway.

Small Wireless Facility - means the equipment and network components, including Antennas, transmitters, and receivers, used by a Wireless Provider that meet the following qualifications:

- (1) Each Antenna associated with the deployment is no more than three cubic feet in volume.
- (2) The volume of all other equipment associated with the Wireless Facility, whether ground-mounted or pole-mounted, is cumulatively no more than 28 cubic feet. Any equipment used solely for the concealment of the Small Wireless Facility shall not be included in the calculation of equipment volume under this paragraph.

Technically Feasible - means that, by virtue of engineering or spectrum usage, the proposed placement for a Small Wireless Facility or its design or site location can be implemented without a material reduction in the functionality of the Small Wireless Facility.

Utility Pole - means a pole or similar structure that is or may be used, in whole or in part, by or for telecommunications, electric distribution, lighting, traffic control, signage or a similar function or for Collocation. The term includes the vertical support structure for traffic lights but does not include Wireless Support Structures or horizontal structures to which signal lights or other traffic control devices are attached.

Wireless Facility - is defined as follows:

- (1) Equipment at a fixed location that enables wireless service between user equipment and a communications network, including any of the following:
 - (a) Equipment associated with Wireless Services.
 - (b) Radio transceivers, Antennas, coaxial or fiber optic cables, regular and backup power supplies, or comparable equipment, regardless of technological configuration.
- (2) The term includes a Small Wireless Facility.
- (3) The term does not include any of the following:
 - (a) The structure or improvements on, under or within which the equipment is Collocated.
 - (b) The coaxial or fiber optic cables that are not immediately adjacent to or directly associated with a particular Antenna.

Wireless Infrastructure Provider - means a person authorized by the Pennsylvania Public Utility Commission to provide telecommunications service in this Commonwealth that builds or installs wireless communication transmission equipment, Wireless Facilities or Wireless Support Structures but is not a Wireless Services Provider.

Wireless Permit or Permit - means a permit issued by the Borough pursuant to this Ordinance and authorizing the placement or Modification of a Small Wireless Facility of a design specified in the permit at a particular location within the Right-of-Way, and the placement or Modification of any existing Wireless Support Structure to which the Small Wireless Facility is proposed to be attached.

Wireless Permittee or Permittee - means the lawful holder of a Wireless Permit.

Wireless Provider - means a Wireless Infrastructure Provider or a Wireless Services Provider.

Wireless Services - means services, whether at a fixed location or mobile, using a licensed or unlicensed spectrum, provided to the public using Wireless Facilities.

Wireless Services Provider - means a person or entity which provides Wireless Services.

Wireless Support Structure - means a freestanding structure, including a Utility Pole, Municipal Pole, or other existing or proposed freestanding structure that could support the placement or installation of a Wireless Facility if approved by the Borough.

Section 105. Scope.

Section 105.1. Applicability. Unless otherwise exempted, every Applicant who wishes to place a Small Wireless Facility in the Right-of-Way or modify an existing Small Wireless Facility in the Right-of-Way must obtain a Wireless Permit under this Ordinance.

Section 105.2. Exempt Facilities. The Borough shall not require an Application for the following unless the work involves excavation, closure of a sidewalk, or closure of a vehicular lane in which case a Permit shall still be required:

(1) The installation, placement, maintenance, operation, or replacement of Micro Wireless Facilities that are strung on cables between existing Utility Poles by or for a Communications Service Provider authorized to occupy the Right-of-Way, in compliance with the National Electrical Safety Code. However, a Micro Wireless Facility owner shall comply with all Applicable Codes, and shall provide the Borough with written notice at least ninety (90) days prior to the installation, placement, maintenance, operation, or replacement of a Micro Wireless Facility. While an Application is not required for a Micro Wireless Facility, they shall be subject to all other provisions of this Ordinance.

(2) Routine maintenance or repair work.

- (3) The replacement of Small Wireless Facilities with Small Wireless Facilities that are substantially similar or the same size or smaller and still qualify as a Small Wireless Facility.

The exemptions from Applications provided for herein shall not relieve the party performing such work from compliance with the permitting or application requirements that may otherwise apply pursuant to the Applicable Codes of the Borough including, but not limited to, permits for excavation-related work.

Section 106. Applications for Small Wireless Facilities.

Section 106.1. Application Process.

- (1) Small Wireless Facilities shall be treated as a permitted use in all areas of the Borough, except underground districts as established and designated by the Borough from time-to-time, and shall be reviewed by the Borough for conformity with all Applicable Codes.
- (2) Applications for Small Wireless Facilities shall be submitted to the Borough, or, if applicable, the Borough's Designee. All Applicants shall submit both a paper copy and an electronic copy (in a searchable format) of any Application, as well as any amendments or supplements to the Application or responses to requests for information regarding an Application. An Application is not complete until both the paper and electronic copies are received.
- (3) A single Applicant seeking to Collocate is permitted to submit a consolidated application for Collocation of up to 20 Small Wireless Facilities. An Applicant, however, may not submit more than one consolidated or 20 single Applications for Collocated Small Wireless Facilities in a 30-day period. If the Borough receives more than one consolidated Application or 20 single Applications within a 45-day period, then the applicable timeframe for processing applications specified in this Ordinance shall be extended by 15 days.
- (4) Applications are public records that may be subject to disclosure under the Pennsylvania Right-to-Know Law. The Applicant must designate any portions of the Application materials that it reasonably believes contain proprietary or confidential information by clearly and conspicuously marking each portion of such materials accordingly. If the Borough determines that the information is subject to disclosure, such determination shall be conclusive. If the Borough determines that a right-to-know request asks for proprietary or confidential information regarding a Small Wireless Facility, then the Borough shall notify the relevant Applicant within five (5) days of receiving said request pursuant to the Right-to-Know Law. The Applicant and Borough shall use all reasonable efforts to coordinate a response pursuant to the Right-to-Know Law. If the Applicant determines that the requested information is considered

confidential or proprietary information as defined by the Right-to-Know Law, or that any other exemption applies, then the Applicant shall notify the Borough within five (5) days of it receiving notification from the Borough. If the Applicant requests that the Borough deny a request pursuant to the Right-to-Know Law, then the Applicant shall be required to enter into an agreement with the Borough indemnifying the Borough for any and all legal expenses incurred by the Borough as a result of any challenge to the denial.

(5) Applicant must pay an application fee for each Application or consolidated Application pursuant to a fee schedule adopted by the Borough as amended from time-to-time by resolution. Where no such fee schedule has been adopted, Applicant shall pay:

(a) Five hundred (\$500.00) dollars for an Application seeking approval for no more than five Collocated Small Wireless Facilities and \$100 for each Collocated Small Wireless Facility beyond five.

(b) One thousand (\$1,000.00) dollars for an Application seeking approval of a Small Wireless Facility that requires the installation of a new or replacement Utility Pole.

Application fees are non-refundable and will not be returned to the Applicant even where Applicant chooses not to proceed with construction or installation of the Small Wireless Facility.

(6) In addition to the Application process set forth herein, Applicant shall be responsible, as may be required by law, to obtain any other governmental or regulatory permits and approvals required for the installation or Modification of a Small Wireless Facility. The Borough shall not be liable as a result of accepting an Application or issuing a Permit in the event that an Applicant is prevented from placing and/or maintaining its Small Wireless Facility pursuant to this Ordinance.

(7) Applications for Small Wireless Facilities shall include the following:

(a) Full and complete payment of all applicable Permit Application fees.

(b) A completed Application form, to the extent the Borough may adopt the same from time-to-time, signed by an authorized representative of the Applicant and made subject to all standard Permit conditions specified in this Ordinance.

(c) In the absence of an Application form, Applicant shall submit an Application packet consisting of a cover letter and all required supporting documentation. The Applicant shall detail the location of the proposed site(s), all equipment and Accessory Equipment being proposed as part of the Small Wireless Facility, and shall certify that the Applicant has included all information required by the Borough and by all Applicable Codes. The Application packet shall be signed by an authorized representative of the Applicant. The cover letter

shall also include the Applicant's name (including any corporate or trade name), and the name, address, email address, and telephone number of a local representative responsible for the Application. If the Applicant is a Wireless Infrastructure Provider, the name and contact information for all Wireless Service Providers that will use the proposed Small Wireless Facility must be provided. Applicant shall also self-certify subject to 18 Pa.C.S. § 4904 that the filing and approval of the Application is required by the Wireless Provider to provide additional capacity or coverage for Wireless Services.

(d) Applicant's construction plans and drawings including, but not limited to, a description of the required work and renderings of the proposed Small Wireless Facility and the proposed site. Said plans and drawings shall show all equipment being proposed as part of the Small Wireless Facility, detailed site plans showing the location of the Small Wireless Facility, and details regarding proposed construction and/or excavations, if any. Photo simulations depicting the Small Wireless Facility from at least three locations near the proposed site shall also be included.

(i) If the Small Wireless Facility is proposed for Collocation on an existing or replacement Utility Pole or Wireless Support Structure that currently supports existing attachments, the depiction shall show the location and dimensions of all such attachments.

(ii) If the proposed Small Wireless Facility will be installed on a new or replacement Utility Pole or Wireless Support Structure, the depiction shall include the color, dimensions, material, and type of Utility Pole or Wireless Support Structure proposed.

(iii) Applicant's construction plans and drawings shall also comply with and include any information required by the Borough's Wireless Facilities Design Manual.

(e) The manufacturer and model, proposed location, and physical dimensions, including weight and volume, of each piece of equipment proposed as part of the Small Wireless Facility.

(f) A written certification by a structural engineer licensed in the Commonwealth of Pennsylvania confirming that the proposed Small Wireless Facility and Wireless Support Structure are structurally sound and shall not endanger public health and safety.

- (g) A seal and signature of a professional engineer, licensed in the Commonwealth of Pennsylvania and certifying compliance with all local, state, and federal laws and regulations applicable to the proposed Small Wireless Facility, including applicable standards for radiofrequency emissions.
- (h) Certification of the Application's compliance with all requirements of this Ordinance.
- (i) Proof that the Applicant has mailed to the owners of all property within 150 feet of the proposed Small Wireless Facility a notice that the Applicant is submitting an Application to the Borough for placement or Modification of a Small Wireless Facility in the Right-of-Way, which notice must include:
 - (i) the proposed location of the Small Wireless Facility, and
 - (ii) a description and scale image of the proposed Small Wireless Facility consistent with that contained in the Application.
- (j) A detailed request for and, explanation of the justification in support of, any waiver requested from the requirements of this Ordinance.
- (k) Where an Application is made to install a Small Wireless Facility with a new Utility Pole, the Application must include sufficient information to demonstrate that an Applicant cannot meet the service reliability and functional objectives of the Application by Collocating on an existing Utility Pole or Municipal Pole instead of installing a new Utility Pole. To demonstrate this requirement, the Applicant may submit with its Application a certification that it has made this determination in good faith and shall also provide a supporting documented summary of the basis for the determination. The Applicant's determination in this regard shall be based on whether the Wireless Provider can meet the service objectives of the Application by Collocating on an existing Utility Pole or Municipal Pole on which:
 - (i) the Applicant has the right to Collocation;
 - (ii) the Collocation is Technically Feasible and would not impose substantial additional cost; and
 - (iii) the Collocation would not obstruct or hinder travel or have a negative impact on public safety.

An Application shall not be administratively complete unless all of the required elements set forth above are included in the Application.

(8) Timing of Application Review.

(a) Within 10 business days of receiving an Application, the Borough will determine and notify the Applicant in writing whether the Application is incomplete. If the Borough determines that an Application is incomplete, the written notice will specifically identify the information not included with the Application. The time for the Borough to process the application shall restart on the date the Applicant provides all of the information required to complete the Application. The processing deadline may be tolled or extended by a written agreement of the Applicant and the Borough. Receipt of an Application may occur on any business day of the Borough.

(b) The Borough shall process Applications on a nondiscriminatory basis and Applications shall be deemed approved if the Borough fails to approve or deny the Application within 60 days of receipt of a complete Application to Collocate and within 90 days of receipt of a complete Application to replace an existing Utility Pole or install a new Utility Pole with Small Wireless Facilities attached. A Permit associated with an Application deemed approved under this subsection shall be deemed approved if the Borough fails to approve or deny the Permit within seven business days after the date of filing the Permit Application with the Borough unless there is a public safety reason for the delay. An Applicant shall provide written notice to the Borough within 72 hours of when it discovers that a deemed approval has occurred. Written notice may be received by USPS or courier.

(c) Where the Borough denies an Application because of defects found therein, the Applicant may cure the deficiencies identified by the Borough and resubmit the Application within thirty (30) days of receiving the written basis for the denial. No Permit Application fee is required for an Application resubmitted pursuant to this section. Following resubmission, the Borough shall approve or deny the Application within thirty (30) days of the resubmission date. An Applicant shall not be entitled to more than one submission.

(9) Once approved, the Applicant shall be required to coordinate installation of the Small Wireless Facility to result in the least interference with the public use of the Right-of-Way as possible.

Section 106.2. Small Wireless Facilities and Accessory Equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, create safety hazards to pedestrians and/or motorists, or to otherwise inconvenience public use of the Right-of-Way as determined by the Borough in its sole discretion.

Section 106.3. Deadlines for Completion. Any Permittee granted a Permit pursuant to this Ordinance for purposes of Collocation, Modification, or replacement of a Small Wireless Facility, including installation of a new Wireless Support Structure with a Small Wireless Facility attached shall complete the construction work that is the subject of said Permit within one year of the date the Permit is issued. The Borough and any Applicant or Permittee may agree in writing to extend the period of construction for a period of greater than one year.

Section 106.4. Compensation for Right-of-Way Use. The holder of any Permit issued for a Small Wireless Facility pursuant to this Ordinance shall pay the Borough an annual fee for use and occupancy of the Right-of-Way. The fee shall be established pursuant to a fee schedule adopted by the Borough as amended from time-to-time by resolution. Where no such fee schedule has been adopted, the fee shall be \$270 per Small Wireless Facility or \$270 per new Utility Pole with a Small Wireless Facility.

The Permittee and/or owner of each Small Wireless Facility shall be invoiced for the first annual fee on the date the Permit is issued, prorated based on the proportion of the calendar year then remaining. Subsequent invoicing shall be prospective and occur each January. Said invoices shall be paid within thirty (30) days of receipt thereof. Any unpaid invoice shall be subject to interest accruing on the unpaid amount at eighteen percent (18%) per annum beginning on the 31st day from the date of invoice until paid.

Section 106.5. Design Guidelines and Aesthetic Requirements. Small Wireless Facilities shall be designed, installed, operated, and maintained in compliance with all design guidelines, aesthetic requirements, or concealment measures adopted or amended by the Borough from time-to-time. Such requirements, if any, are contained in the Wireless Facilities Design Manual, a copy of which shall be kept on file in the Borough office. Applicant's design shall comply with all other Applicable Codes of the Borough including the Borough's Zoning Ordinance. The Wireless Facilities Design Manual may be amended by resolution from time-to-time by a resolution of the Borough Council.

Section 107. General Requirements.

Section 107.1. Compliance.

- (1) The Small Wireless Facility Applicant shall submit proof of compliance with all Applicable Codes, including but not limited to Act 50 and those established by the FCC, as part of any complete Small Wireless Facility Application.
- (2) If such Applicable Codes are modified, the Permittee of the Small Wireless Facility shall bring such Small Wireless Facility into compliance with the modified Applicable Codes within three (3) months of the effective date of such Applicable Codes unless a different compliance term is required by the controlling state or federal agency.

Failure to bring such Small Wireless Facilities into compliance shall constitute grounds for revocation of a Permit and the removal of the Small Wireless Facility at the Permittee's expense.

(3) All Small Wireless Facilities shall meet or exceed all applicable standards set forth by the state or federal government, as well as any applicable industry standard. In case of conflict, the most stringent requirements shall prevail. All necessary certifications shall be obtained by the Applicant or Permittee, as applicable, and shall be provided to the Borough.

(4) Small Wireless Facilities shall be installed and Modified in a manner that:

(a) Ensures that placement of Small Wireless Facilities on existing structures is within the tolerance of those structures.

(b) Ensures that the Applicant's or Permittee's use does not inconvenience the public, interfere with the primary uses of the Right-of-Way, or hinder the ability of the Borough or other government entities to improve, modify, relocate, abandon, or vacate the Right-of-Way or any portion thereof, or to cause the improvement, modification, relocation, vacation, or abandonment of facilities in the Right-of-Way.

(c) Ensures that the Applicant's or Permittee's use does not obstruct, endanger, or hinder travel or public safety within a Right-of-Way, damage or interfere with other utility facilities located within a Right-of-Way or obstruct or interfere with the legal use of the Right-of-Way by the Borough or other utility.

(d) Ensures that the Borough bears no risk or liability because of the installation or Modification of a Small Wireless Facility.

(5) Small Wireless Facilities in the public Right-of-Way requiring the installation of a new Wireless Support Structure shall not be located immediately in front of any building entrance or exit.

(6) All Small Wireless Facilities shall comply with all applicable requirements of the Americans with Disabilities Act and all Applicable Codes, including those applicable to streets and sidewalks.

(7) No Small Wireless Facility shall be installed, Modified, placed, operated, repaired, or maintained in a manner that causes, or is likely to cause, interference with the Borough's infrastructure, equipment, or services. Said infrastructure, equipment, and services include, but are not limited to, the Borough's traffic signal system, public safety radio system, electric distribution system, or Borough communications system. If a Small Wireless Facility causes such interference, then the Permittee, at its own expense, shall take all steps necessary to immediately correct and eliminate the interference. The

Borough may terminate a Permit for a Small Wireless Facility based on such interference if the interference is not remedied by the Permittee.

Section 107.2. Attachment to Municipal Structures. Subject to the requirements and processes of this Ordinance, Act 50, and all Applicable Codes, Applicants are permitted to Collocate Small Wireless Facilities on Municipal Poles. The Borough will allow Collocation on Municipal Poles using the process required under Act 50 and Applicable Codes unless:

(i) The Small Wireless Facility would cause structural or safety deficiencies to the Municipal Pole, in which case the Borough and Applicant shall work together for any make-ready work or modifications or replacements that are needed to accommodate the Small Wireless Facility as otherwise required in this Ordinance; or

(ii) The Borough has reserved the space on the Municipal Pole for other public purposes.

The Borough shall allow the Collocation of Small Wireless Facilities to structures owned by the Borough in the following preferred order, from most to least preferable:

- (1) Traffic signage poles without traffic signals;
- (2) Traffic signage poles with traffic signals;
- (3) Non-decorative light poles;
- (4) Telecommunications poles;
- (5) Electric distribution poles;
- (6) Decorative light poles.

If the Small Wireless Facility Applicant is proposing the Collocation of a Small Wireless Facility on a lower preference structure, it shall be a condition to the approval of the Application that the Small Wireless Facility Applicant provide evidence that Collocation on a higher preference structure or Wireless Support Structure owned by a third-party is not Technically Feasible. The cost of Collocating on a higher preference structure or Wireless Support Structure shall not be included in evaluating Technical Feasibility. Collocation of a Small Wireless Facility on a Municipal Pole shall not create or vest in any Applicant, Wireless Provider, or Wireless Service Provider any ownership or property rights in such Municipal Poles except as expressly provided for in this Ordinance or pursuant to applicable law.

This Ordinance shall not be construed to require the Borough to construct, retain, extend, place, or maintain any Municipal Pole or other municipal facilities not needed for the Borough's own utility service requirements.

An Applicant has no right to object to the Borough granting permission to any party regarding use of a Municipal Pole.

Where applicable, an Applicant's Collocation of a Small Wireless Facility on a Municipal Pole shall be placed and maintained at all times in accordance with the requirements, specifications, rules and regulations of the latest edition of the National Electrical Safety Code and subsequent revisions thereof, any governing authority having jurisdiction, this Ordinance, and any reasonable design standards and rules governing pole attachments in the Borough as the Borough may adopt from time-to-time, and shall be otherwise consistent with generally accepted industry standards.

If requested by the Borough, each Small Wireless Facility Collocated on a Municipal Pole shall be identified at all times by an identifying marker/band/tag stating the name of person holding the Permit. The marker/band/tag shall, at a minimum, (a) be reasonably durable under the typical weather conditions in the area and (b) have coloring unique to the person holding the Permit. If the Borough elects to require marking/banding/tagging by the Wireless Permittee, the Borough shall provide the Permittee information concerning the type and color of marker/band/tag to be used in satisfying the requirements of this section. Such markers/bands/tags shall also be capable of being read unaided from the ground by an adult of typical height and vision.

Make-ready work shall be performed as specified in Section 110 of this Ordinance.

Section 107.3. Insurance. Each Permittee and any person who owns or operates a Small Wireless Facility shall annually provide the Borough with a certificate of insurance, in a form satisfactory to the Borough Solicitor, evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the Small Wireless Facility and naming the Borough as an additional insured on each insurance policy. All Permits issued for location of a Small Wireless Facility pursuant to this Ordinance shall be deemed to be revoked in the event said insurance policy is cancelled, expires, or ceases to exist.

Section 107.4. Outdated Equipment. As part of the construction, Modification, or replacement of a Small Wireless Facility, the Permittee shall remove any obsolete or abandoned equipment from the Wireless Support Structure or Utility Pole.

Section 107.5. Weather. All Small Wireless Facilities shall be designed to withstand the effects of wind, ice, water, and heat to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI/TIA-222, as amended), or to the industry standard applicable to the structure.

Section 107.6. Inspection Reports. All Permittees shall submit inspection reports to the Borough upon request to ensure structural integrity and compliance with all Applicable Codes. Inspection reports shall be delivered to the Borough by the Permittee within thirty (30) days of request by the Borough. These inspection reports may include, but are not limited to, descriptions of routine maintenance or repair work, and descriptions of the physical degradation of a Small Wireless Facility.

Section 107.7. Maintenance. The following maintenance requirements shall apply:

- (1) All Small Wireless Facilities shall be fully automated and unattended on a daily basis and shall be visited only for maintenance, repair, or replacement.
- (2) Such maintenance shall be performed to ensure the upkeep of the Small Wireless Facility, to promote the health, safety, and general welfare of the Borough's residents, and to remain compliant with all Applicable Codes.
- (3) All maintenance activities shall utilize nothing less than the best available technology in accordance with the applicable standard in the industry for preventing failures and accidents. Maintenance logs shall be timely provided to the Borough upon request.

Section 107.8. Historic Districts. No Small Wireless Facility may be located within seventy-five (75) feet of any property, or on a building or structure that is listed on either the National or Pennsylvania Registers of Historic Places, or eligible to be so listed under the Pennsylvania Historic District Act, located within a Historic District, or is included in the official historic structures list maintained by the Borough.

Section 108. Discontinuance.

Section 108.1. Process. If use of a Small Wireless Facility and/or its dedicated Accessory Equipment is to be discontinued, the Permittee shall provide written notice to the Borough of its intent to discontinue use and the date when the use shall be discontinued. A Small Wireless Facility and/or dedicated Accessory Equipment not operated for a period of twelve (12) months shall be considered abandoned. Discontinued or abandoned Small Wireless Facilities, or portions of Small Wireless Facilities, shall be removed as follows:

- (1) All abandoned or unused Small Wireless Facilities and Accessory Equipment shall be removed within ninety (90) days of the cessation of operations at the site or receipt of notice that the Small Wireless Facility has been deemed abandoned by the Borough unless a time extension is approved by the Borough.

(2) If the Small Wireless Facility or Accessory Equipment is not removed within ninety (90) days of the cessation of operations at a site, or within any longer period approved by the Borough, the Small Wireless Facility and/or associated facilities and equipment may be removed by the Borough and the cost of removal assessed against the owner of the Small Wireless Facility regardless of the owner's or operator's intent to operate the Small Wireless Facility in the future.

(3) The Borough reserves the right to pursue all available remedies under the law to ensure removal of the Small Wireless Facility and restoration of the site at the expense of the Permittee. Any delay by the Borough in taking action shall not invalidate the Borough's right to take action.

With respect to a Small Wireless Facility Collocated on a Municipal Pole, the Borough may abandon a Municipal Pole upon thirty (30) days' notice to the Permittee. Permittee must remove or transfer all Facilities from abandoned Municipal Poles within the same thirty (30) days unless granted additional time by the Borough. The Borough will not unreasonably withhold consent of such request for additional time. The Permittee shall post a decommissioning bond in the amount of one hundred percent (100%) of the total cost of decommissioning with the Borough. If the Borough has no attachment(s) on said Municipal Poles and the Permittee has not removed or transferred its Facilities therefrom, the Borough may, in its sole discretion: (1) revoke the Permit for that Municipal Pole; or (2) remove the Small Wireless Facilities at the Permit holder's expense, with no liability falling on the Borough except in the case of gross negligence or willful misconduct.

Section 108.2. Required Discontinuance. The Borough may require the discontinuance of a Small Wireless Facility if:

- (1) The Borough determines that the space is needed for public purpose; or
- (2) The Borough desires to decommission the Utility Pole; or
- (3) The Borough designates the area of the subject Utility Pole or Wireless Support Structure as an underground district.

Within ninety (90) days of receipt of a notice of discontinuance from the Borough, the Permittee shall remove the Small Wireless Facility and any Accessory Equipment, including the Utility Pole and any Wireless Support Structures if the Permittee's Small Wireless Facilities and Accessory Equipment are the only Wireless Facilities on the Utility Pole. The Borough shall not be liable to the Permittee or Applicant as a result of requiring the discontinuance of a Small Wireless Facility in the event that an Applicant or Permittee is prevented from placing and/or maintaining its Small Wireless Facility pursuant to this section.

Section 109. Indemnification.

Each person that owns or operates a Small Wireless Facility shall, at its sole cost and expense, indemnify, defend and hold harmless the Borough, its elected and appointed officials, employees and agents, at all times against any and all claims for personal injury, including death, and property damage arising in whole or in part from, caused by or connected with any act or omission of the person, its officers, agents, employees or contractors arising out of, but not limited to, the construction, installation, operation, maintenance or removal of the Small Wireless Facility. Each person that owns or operates a Small Wireless Facility, or holds a Permit issued pursuant to this Ordinance, shall defend any actions or proceedings against the Borough in which it is claimed that personal injury, including death, or property damage was caused by the permitting, construction, installation, operation, maintenance, and/or removal of a Small Wireless Facility. The obligation to indemnify, hold harmless and defend shall include, but not be limited to, the obligation to pay judgments, verdicts, injuries, liabilities, damages, reasonable attorneys' fees, reasonable expert fees, court costs and all other costs of indemnification.

Further, a Permittee shall repair all damage to the Right-of-Way or any other land so disturbed, directly caused by the activities of the Permittee or the Permittee's contractors and return the Right-of-Way in as good of condition as it existed prior to any work being done in the Right-of-Way by the Permittee. If the Permittee fails to make the repairs required by the Borough within 30 days after written notice, the Borough may perform those repairs and charge the Permittee the reasonable, documented cost of the repairs plus a penalty of \$500. In the event an Applicant or Permittee has failed to pay any costs invoiced by the Borough for repair work or penalties charged pursuant to this section, the Borough shall not process any further Applications unless or until the Applicant or Permittee has paid the amount assessed for the repair costs and the assessed penalty. Any unpaid invoice shall be subject to interest accruing on the unpaid amount at eighteen percent (18%) per annum beginning on the 31st day from the date of invoice until paid.

Section 110. Standard Permit Conditions.

All Wireless Permits under this Ordinance are issued subject to the following minimum conditions:

- (1) The Permittee shall at all times maintain compliance with this Ordinance and all Applicable Codes.
- (2) The Permittee shall at all times maintain with the Borough accurate contact information for the Permittee and all Wireless Service Providers making use of the Small Wireless Facility, which shall include, at minimum, a name, phone number, mailing address, and email address for at least one natural person.

- (3) The Borough shall have the right to support, repair, disable, or remove any components of a Small Wireless Facility if the Small Wireless Facility threatens imminent harm to persons or property.
- (4) The Permittee shall undertake all reasonable efforts to avoid undue adverse impacts to adjacent persons, properties and/or uses that may arise from the construction, operation, maintenance, modification, or removal of the Small Wireless Facility.
- (5) The Permittee shall maintain all Small Wireless Facilities and any associated structures in a good condition and in a neat and clean manner in accordance with all approved Application documents and conditions of approval.
- (6) The Permittee shall retain full and complete copies of all Permits, Applications, and other regulatory approvals issued in connection with the facility, which includes without limitation all conditions of approval, approved plans, resolutions, and other documentation associated with the Permit or regulatory approval. In the event the Borough cannot locate any such full and complete Permits, Applications, or other regulatory approvals in its own official records, and the Permittee fails to retain full and complete records in the Permittee's files, any ambiguities or uncertainties that would be resolved through an examination of the missing documents will be presumed resolved against the Permittee.
- (7) Every Small Wireless Facility shall at all times comply with applicable FCC regulations governing radio frequency emissions, and failure to comply with such regulations shall be treated as a material violation of the terms of the permit.
- (8) Make-Ready Work. For any Municipal Pole Collocation Application, the Borough shall provide a good faith estimate for any make-ready work, including any make ready engineering costs, necessary to enable a Municipal Pole to support the requested Collocation by a Wireless Provider, including pole replacement, if necessary, within 60 days after receipt of a complete Application. The Borough shall also provide the Applicant with a schedule for completing any make-ready work. Make-ready work, including pole replacement, shall be completed within 60 days of written acceptance of the good faith estimate by the Applicant. Any unpaid invoice sent by the Borough to an Applicant for fees for make-ready work shall be subject to interest accruing on the unpaid amount at eighteen percent (18%) per annum beginning on the 31st day from the date of invoice until paid.
- (9) Future Use. The Borough may reserve space on an existing Municipal Pole for future public uses in a documented and approved plan as adopted at the time an Application is filed. A reservation of space shall not preclude Collocation, the replacement of an existing Utility Pole or the installation of a new Utility Pole. If the replacement of a Municipal Pole is necessary to accommodate Collocation and the reserved future use, the

Wireless Provider shall pay for the replacement Municipal Pole and the Municipal Pole shall accommodate the future use.

(10) An Applicant or the Applicant's designee shall ensure that a contractor or subcontractor performing construction, reconstruction, demolition, repair, or maintenance work on a Small Wireless Facility deployed under this Ordinance meets and attests to all of the following requirements:

(a) Maintain all valid licenses, registrations or certificates required by the Federal Government, the Commonwealth or the applicable local government entity that is necessary to do business or perform applicable work.

(b) Maintain compliance with the act of June 2, 1915 (P.L. 736, No. 338), known as the Workers' Compensation Act, the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L. 2897, No. 1), known as the Unemployment Compensation Law, and bonding and liability insurance requirements as specified in the contract for the project.

(c) Has not defaulted on a project or been suspended on a project by the Federal Government, the Commonwealth, or a local government entity within the previous three years.

(d) Has not been convicted of a misdemeanor or felony relating to the performance or operation of the business of the contractor or subcontractor within the previous 10 years.

(e) Has completed the United States Occupational Safety and Health Administration's 10-hour safety training course or similar training sufficient to prepare workers for any hazards that may be encountered during their work on the Small Wireless Facility.

(f) Prior to the commencement of work, the contractor and/or subcontractor shall provide the Borough with a certificate of insurance, in a form satisfactory to the Borough Solicitor, evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the Small Wireless Facility and naming the Borough as an additional insured on each insurance policy. All Permits issued for location of a Small Wireless Facility pursuant to this Ordinance shall be deemed to be revoked in the event said insurance policy is cancelled, expires, or ceases to exist.

(g) The contractor and/or subcontractor shall, at its sole cost and expense, indemnify, defend and hold harmless the Borough, its elected and appointed officials, employees and agents, at all times against any and all claims for

personal injury, including death, and property damage arising in whole or in part from, caused by or connected with any act or omission of the contractor and/or subcontractor, its officers, agents, employees or contractors arising out of, but not limited to, the construction, installation, operation, maintenance or removal of the Small Wireless Facility. The obligation to indemnify, hold harmless and defend shall include, but not be limited to, the obligation to pay judgments, verdicts, injuries, liabilities, damages, reasonable attorneys' fees, reasonable expert fees, court costs and all other costs of indemnification.

(11) A Permit issued pursuant to this Ordinance shall not be assigned or otherwise transferred without the prior written approval of the Borough.

(12) Approval of an Application shall authorize the Applicant to, subject to the Permit requirements and the Applicant's right to terminate at any time, operate and maintain Small Wireless Facilities and any Accessory Equipment on a Utility Pole covered by the Permit for a period of not less than five years, which shall be renewed for two additional five-year periods if the Applicant is in compliance with the criteria set forth in Act 50 or Applicable Codes consistent with Act 50 and the Applicant has obtained all necessary consent from the Utility Pole owner.

Section 111. Revocation of Permit.

The Borough may revoke a Wireless Permit for failure to comply with the conditions of the Permit or Applicable Codes after providing adequate notice to the Permittee and allowing the Permittee an opportunity to cure any noncompliance. Within 60 days of suspension or revocation of a Permit due to noncompliance with Act 50 or other Applicable Codes, the Applicant shall remove the Small Wireless Facility and any Accessory Equipment, including the Utility Pole and any Wireless Support Structures if the Applicant's Small Wireless Facilities and Accessory Equipment are the only Wireless Facilities on the Utility Pole. Within 90 days of the end of a Permit term or an extension of the Permit term, the Applicant shall remove the Small Wireless Facility and any Accessory Equipment, including the Utility Pole and any Wireless Support Structures if the Applicant's Small Wireless Facilities and Accessory Equipment are the only Wireless Facilities on the Utility Pole.

Section 112. Restoration.

If a Permittee removes or relocates a Small Wireless Facility from the Right-of-Way under this Ordinance, the Permittee must restore the Right-of-Way to its prior condition in accordance with Borough specifications. If the Permittee fails to make the restorations required by this Ordinance, the Borough at its option may do such work. In that event, the Permittee shall pay to the Borough, within 30 days of billing thereof, all costs and expenses incurred by the Borough in restoring the Right-of-Way. Any unpaid invoice shall be subject to interest accruing on the unpaid amount at eighteen percent (18%) per annum beginning on the 31st day from the date of invoice until paid.

Section 113. Violations and Penalties.

A. This Ordinance shall be enforced by the Superintendent of the Electric Light Department, Code Enforcement Officer, or any other designee of the Borough. If the enforcement officer determines that any person has violated this Ordinance, then a Notice of Violation shall be issued by the Superintendent of the Electric Light Department, Code Enforcement Officer, or any other designee of the Borough, describing the violation and a time period for compliance. If the person to whom the notice of violation is issued fails to comply as directed, the Superintendent of the Electric Light Department, Code Enforcement Officer, or any other designee of the Borough shall order the discontinuance of noncompliance and may pursue any other enforcement remedies available at law or equity.

B. Any person who has violated the provisions of this Ordinance, upon being found liable therefor in a civil enforcement proceeding commenced by the Borough, shall pay a judgment of not more than \$600.00 plus all court costs, including reasonable attorney fees incurred by the Borough as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the Magisterial District Judge. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation.

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

Section 114. Severability.

If any section, subsection, sentence, clause, phrase, or word of this Ordinance is for any reason held to be illegal or invalid by any court or administrative agency of competent jurisdiction, such illegal or invalid portion or provision shall be severable and shall not affect or impair any remaining portion of this Ordinance, which shall remain in full force and effect.

Section 115. Repealer.

All provisions of previous ordinances of the Borough which are contrary to this Ordinance are expressly repealed only to the extent to which they are inconsistent with this Ordinance and/or Act 50.

Section 116. Savings Clause.

In all other respects, all ordinances, codes, resolutions, rules, and regulations of the Borough shall remain as previously adopted, approved, enacted, and ordained. It is declared as the intent of the Borough that nothing in this Ordinance shall be interpreted as inconsistent with Act 50 and/or discriminatory in nature.

Section 117. Police Powers/Immunity.

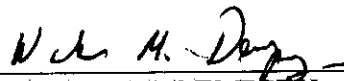
The Borough, by granting any permit or taking any other action pursuant to this Ordinance, does not waive, reduce, lessen, or impair the lawful police powers vested in the Borough under applicable federal, state, and local laws and regulations. Nothing herein shall be construed to mean that the Borough intends to limit or waive any rights or immunities arising out of any applicable governmental immunity laws or statutes. This Ordinance, and the terms and provisions set forth herein, are intended solely for the purposes set forth herein, and are expressly not intended to provide any tort or contractual remedy to any third party beyond those provided by statutes and beyond those set forth herein.

Section 118. Effective Date.

This Ordinance shall take effect immediately.

DULY ENACTED AND ORDAINED by Borough Council of the Borough of St. Clair, Schuylkill County, Pennsylvania, this 9th day of November, 2021, in lawful session duly assembled.

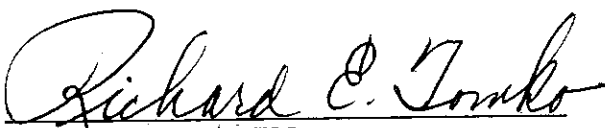
ST. CLAIR BOROUGH


WILLIAM M. DEMPSEY
Council President

ATTEST:


ROLAND PRICE, JR.
Borough Secretary

Approved by me this 9th day of November, 2021.


RICHARD E. TOMKO
Mayor

IN RE: AN ORDINANCE OF THE BOROUGH OF ST. CLAIR, SCHUYLKILL COUNTY, PENNSYLVANIA, ESTABLISHING PROCEDURES AND REQUIREMENTS PERTAINING TO THE IMPLEMENTATION OF ACT 50 OF 2021 AND REGULATING SMALL WIRELESS FACILITIES TO BE PLACED WITHIN THE PUBLIC RIGHT-OF-WAY.

CERTIFICATION

I hereby certify that the within Ordinance is a true and correct copy of an Ordinance enacted by Borough Council of the Borough of St. Clair, Schuylkill County, Pennsylvania, on the 9th day of November, 2021.

SEAL —



Roland Price, Jr., Secretary
St. Clair Municipal Building
16 South Third Street
St. Clair, PA 17970
Telephone No. (570) 429-0640