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Chapter 1

GENERAL PROVISIONS

[HISTORY: Adopted by the Council of the Borough of Narberth: Art. I, 9-8-1956 by Ord. No. 761, approved 9-8-1986. Amendments noted where applicable.]

ARTICLE I
Adoption of Code
[Adopted 9-8-1986 by Ord. No. 761, approved 9-8-1986]

§ 1-1. Approval, adoption and enactment of Code.

Pursuant to Section 1008(b) of the Borough Code [53 P.S. § 46008(b)], the codification of a complete body of ordinances for the Borough of Narberth, County of Montgomery, Commonwealth of Pennsylvania, as revised, codified and consolidated into titles, chapters and sections by General Code Publishers Corp. and consisting of Chapters 1 through 124, is hereby approved, adopted, ordained and enacted as a single ordinance of the Borough of Narberth, which shall be known and is hereby designated as the "Code of the Borough of Narberth," hereinafter referred to as the "Code."

§ 1-2. Effect of Code on previous provisions.

The provisions of this Code, insofar as they are substantively the same as those of ordinances in force immediately prior to the enactment of this ordinance, are intended as a continuation of such ordinances and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior ordinance. All such provisions are hereby continued in full force and effect and are hereby reaffirmed as to their adoption by the Borough Council of the Borough of Narberth, and it is the intention of said Council that each such provision contained within the Code is hereby reenacted and reaffirmed as it appears in said Code. Only such provisions of former ordinances as are omitted from this Code shall be deemed repealed or abrogated by the provisions of § 1-3 below, and only new or changed provisions, as described in § 1-6 below, shall be deemed to be enacted from the effective date of this Code, as provided in § 1-15 below.

§ 1-3. Repeal of ordinances not contained in Code.

All ordinances or parts of ordinances of a general and permanent nature adopted by the Borough of Narberth and in force on the date of the adoption of this Code, and not contained in the Code, are hereby repealed as of the effective date given in § 1-15 below, except as hereinafter provided.

§ 1-4. Ordinances saved from repeal; matters not affected by repeal.

The adoption of this Code and the repeal of ordinances provided for in § 1-3 of this ordinance shall not affect the following ordinances, rights and obligations, which are

hereby expressly saved from repeal; provided, however, that the repeal of ordinances pursuant to § 1-3 or the saving from repeal of ordinances pursuant to this section shall not be construed so as to revive any ordinance previously repealed, superseded or no longer of any effect:

A. Any ordinance adopted subsequent to April 25, 1985 (Ord. No. 749).

B. Any right or liability established, accrued or incurred under any legislative provision of the borough prior to the effective date of this ordinance, or any action or proceeding brought for the enforcement of such right or liability or any cause of action acquired or existing.

C. Any offense or act committed or done before the effective date of this ordinance in violation of any legislative provision of the borough or any penalty, punishment or forfeiture which may result therefrom.

D. Any prosecution, indictment, action, suit or other proceeding pending, or any judgment rendered, prior to the effective date of this ordinance, brought pursuant to any legislative provision of the borough.

E. Any franchise, license, right, easement or privilege heretofore granted or conferred by the borough or any lawful contract, obligation or agreement.

F. Any ordinance or resolution appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond of the borough, or other instruments or evidence of the borough's indebtedness.

G. Any ordinance adopting an annual budget or establishing an annual tax rate.

H. Any ordinance providing for the levy, imposition or collection of special taxes, assessments or charges.

I. Any ordinance authorizing the purchase, sale, lease or transfer of property or acquiring property by acceptance of deed, condemnation or exercise of eminent domain.

J. Any ordinance annexing land to the borough.

K. Any ordinance providing for or requiring the construction or reconstruction of sidewalks, curbs and gutters.

L. Any ordinance, or part of an ordinance, providing for laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, sidewalk, park or other public place or property, or designating various streets as public highways.

M. Any ordinance establishing water, sewer or other special purpose districts and designating the boundaries thereof; or providing for a system of sewers or water supply lines; or providing for the construction, extension, dedication, acceptance, abandonment or connections of any part of a system of sewers or water supply

lines.

N. Any ordinance providing for the making of public improvements.

O. Any ordinance providing for the salaries and compensation of officers and employees of the borough or setting the bond of any officer or employee.

P. Any ordinance creating or regulating a Recreation Board in the borough.

Q. Any ordinance relating to regulating plumbing.

R. Any ordinance prescribing rules and regulations of the Board of Health relating to communicable diseases, eating or drinking establishments and milk or milk products.

§ 1-5. Inclusion of new legislation prior to adoption of Code.

All ordinances of a general and permanent nature, adopted subsequent to the date given in § 1-4A and/or prior to the date of adoption of this ordinance, are hereby deemed to be a part of the Code and shall, upon being printed, be included therein. Attested copies of all such legislation shall be temporarily placed in the Code until printed supplements are included.

§ 1-6. Changes and revisions in previously adopted ordinances; new provisions.

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

B. Nomenclature changes. Throughout the Code, the terms "Justice of the Peace," and "Burgess" where a judicial function is involved, have been changed to "District Justice." The obsolete title "Town Council" has also been changed to "Borough Council," and "Burgess" (except where a judicial function is involved) has been changed to "Mayor" in accordance with current statutory provisions.

C. Substantive changes and revisions. In addition to the changes and revisions described above, the following changes and revisions of a substantive nature are hereby made to various ordinances included in the Code. These changes are made to bring provisions into conformity with the desired policies of the Council, and it is the intent of the Council that all such changes be adopted as part of the Code as if the ordinances so changed have been previously formally amended to read as such. Such changes and revisions are cited within the historical statements of individual chapters by the phrase ". . . amended (or added) at time of adoption of Code . . ." and are as follows.[1]

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1. **Editor's Note: Pursuant to § 1-6C, the following sections were added or amended: §§ 21-3, 21-4, 21-6F and I, 21-12, 21-13, 27-3, 37-2, 37-3, 37-5, 37-6, 37-7, 50-4, 50-9, 50-15, 50-16, 50-17A, 50-28, 50-31, 50-39, 50-46B, 50-258B and 50-259, Art. LXXIII of Ch. 50, §§ 67-2, 67-3, 67-4, 102-2, 124-1B, 124-46B, 124-57J(7), 124-67 and 124-75A(2) and (3) and B. The following**

D. Standardization of penalty provisions. Penalty provisions in the following sections of individual ordinances prescribing penalties for violations are revised or added to provide for a maximum fine of $300, plus costs of prosecution, and in default of payment of such costs and prosecution, imprisonment for a term not exceeding 30 days.[2]

E. Certain new ordinances were approved by the Council during the process of codification to replace previously adopted ordinances deemed obsolete and/or inadequate. These new ordinances are described in the notice published in conjunction with the adoption of this Code and are deemed to be in effect as of the effective date of the Code specified in § 1-15. Such ordinances are cited within the historical statements for individual chapters by the phrase "Adopted . . . at time of adoption of Code. . ." and are as follows:

(1) Chapter 11, Fire Department.

(2) Chapter 13, Fire Relief Association.

(3) Chapter 37, Shade Tree Commission, Article I, Creation.

(4) Chapter 69, Fireworks and Firearms.

(5) Chapter 74, Handbills and Circulars.

(6) Chapter 94, Property Protection, Public.

(7) Chapter 112, Streets and Sidewalks, Article I, Street Openings and Obstructions; Article II, Sidewalk and Curb Construction; Article III, Sidewalk, Curb and Gutter Repairs; and Article IV, Driveways and Storage Areas; Curbs.

§ 1-7. Interpretation of provisions.

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

§ 1-8. Titles and headings; editor's notes.

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

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original sections were deleted: Section 4 of Ord. No. 323 and Sections 6, 8, 9 and 10 of Ord. No. 380.

2. **Editor's Note: Pursuant to § 1-6D, the following penalty sections were added or amended: §§ 37-8, 45-3, 50-45, 64-3, 71-3, 76-6, 91-11, 99-3, 102-8, 107-2, 117-8 and 124-93.**

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

§ 1-9. Filing of copies of Code.

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

§ 1-10. Amendments to Code.

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

§ 1-11. Code books to be kept up-to-date.

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

§ 1-12. Publication of notices.

The Borough Secretary, pursuant to law, shall cause to be published in the manner required a notice of the introduction and of the adoption of the Code in a newspaper of general circulation in the borough. The enactment and application of this ordinance, coupled with the publication of the notices of introduction and adoption, as required by law, and the availability of copies of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

§ 1-13. Altering or tampering with Code; penalties for violation.

It shall be unlawful for anyone to improperly change or amend, by additions or deletions,

or to alter or tamper with the Code, or any part or portion thereof, in any manner whatsoever, which will cause the law of the borough to be misrepresented thereby. Anyone violating this section of this ordinance shall, upon conviction thereof, be punished by a fine not exceeding $300 plus costs of prosecution, collectible as provided by law, or by imprisonment for a term not exceeding 30 days.

§ 1-14. Severability.

The provisions of this ordinance and of the Code adopted hereby are severable, and if any clause, sentence, subsection, section, Article or part thereof shall be adjudged by any court of competent jurisdiction to be illegal, invalid or unconstitutional, such judgment or decision shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation and application to the clause, sentence, subsection, section, Article or part thereof rendered. It is hereby declared to be the intent of the Council that this ordinance and the Code would have been adopted if such illegal, invalid or unconstitutional clause, sentence, subsection, section, Article or part thereof had not been included therein.

§ 1-15. Effective date.

All provisions of this ordinance and of the Code shall be in force and effect on and after September 8, 1986.

§ 1-16. Inclusion of ordinance in Code.

This ordinance shall be included in the Code as Chapter 1, General Provisions, Article I.

Chapter 8

EMPLOYEES' RETIREMENT SYSTEM

[HISTORY: Adopted by the Council of the Borough of Narberth 12-28-1970 by Ord. No. 604, approved 12-28-1970. Amendments noted where applicable.]

GENERAL REFERENCES

Salaries and compensation — See Ch. 36.
Social security — See Ch. 40.

§ 8-1. Election to join system; acceptance of statutory provisions.

The Borough of Narberth, having placed all of its employees, as far as they are eligible, under the Federal Social Security Act, hereby elects to join the municipal employees' retirement system, established by the Municipal Employees' Retirement Law, Act of June 4, 1943, P.L. 886, as amended[1] and does hereby agree to be bound by all the requirements and provisions of the said Municipal Employees' Retirement Law and the amendments thereto and to assume all obligations, financial and otherwise, placed upon member municipalities by said Municipal Employees' Retirement Law and the amendments thereto.

§ 8-2. Ineligible persons.

Membership in the municipal employees' retirement system for elected officials shall be prohibited and membership therein for employees paid on a per diem basis shall be prohibited. Officers and employees paid wholly on a fee basis shall not be eligible for membership in the system.

§ 8-3. Credit for prior service.

Credit for prior service toward the municipal annuity of each original member shall be for all years of service to the Borough of Narberth. The Borough of Narberth does hereby assume the liability for payment of 100% of the original member's contributions for all years of service toward the original member's annuity for the prior service of each original member.

§ 8-4. Payment for prior service.

Payment for the prior service as set forth in § 8-3 hereof shall be made by the Borough of Narberth in accordance with said Municipal Employees' Retirement Law and may be spread over a period of 30 years if the Borough of Narberth so elects and with the approval of the Municipal Retirement Board.

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1. **Editor's Note: See 53 P.S. § 671 et seq.**

§ 8-5. Filing of certified copy; effective date of membership.

A duly certified copy of this chapter shall be filed with the Municipal Employees' Retirement Board of the Commonwealth of Pennsylvania, and membership for the Borough of Narberth in the municipal employees' retirement system shall be effective the first day of February 1971.

Chapter 11

FIRE DEPARTMENT

[HISTORY: Adopted by the Council of the Borough of Narberth at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Amendments noted where applicable.]

GENERAL REFERENCES

Fire Relief Association — See Ch. 13.
Fire prevention — See Ch. 67.

§ 11-1. Composition.

The Fire Department of Narberth shall consist of the Narberth Fire Company and such additional companies as may hereafter be organized and as the Council may, from time to time, by ordinance or resolution, receive into the Department.

§ 11-2. Officers; qualifications.

The officers of the Fire Department of Narberth shall consist of a Chief, a Deputy Chief and Assistant Chiefs. Each of these officers shall be over 25 years of age and an active member of at least three years' standing in one of the companies of the Department.

§ 11-3. Appointment of officers.

A. The Fire Department of Narberth shall, in such manner as it may select, elect and submit to the Public Safety Committee of the Council, before the Council's first meeting in January of each even-numbered year or as soon thereafter as possible, a candidate for the office of Chief of the Fire Department, who shall also be the Fire Marshal, for confirmation by the Council. He shall be appointed for a two-year term and be removable for cause, only after trial, by the Council.

B. The Deputy Chief of the Department shall be appointed by the Chief and shall be under his direct control.

§ 11-4. Suspension and replacement of officers.

The Council shall have the right at any time to suspend or expel the Chief or the Deputy Chief from office for such cause as the Council may deem sufficient. In the event of the death, removal, resignation or failure of confirmation of the Chief by the Council, the Fire Department shall be notified to present the name of another candidate for confirmation within 30 days.

§ 11-5. Oath of office; duties and responsibilities.

A. Before assuming office, the Chief and Deputy Chief shall take and subscribe the

oath required of borough officers. When on duty, they shall wear a badge to clearly designate their office and be as fully equipped as circumstances permit. At fires, they shall be ex officio members of the police force, with all the powers of the borough police.

B. The Chief shall have complete control of the Fire Department at all fires, directing and superintending the operations of the Department as will best protect property from destruction by fire or by unnecessary use of water and/or chemicals. He shall prescribe rules for the regulation of the companies, their members and apparatus at drills and at fires going to and returning therefrom and in such other respects as shall bear upon their discipline and efficiency. He shall have the power at fires to rope off streets when deemed necessary and to exclude the public from the immediate vicinity of the fire or place of danger, with authority to call upon the police for assistance in this work. He shall investigate all fires and keep a correct record thereof, which record shall be submitted monthly to the Borough Council and shall give the date of each fire, location thereof, how the alarm was received, the time of the alarm, the time of the Department's relief from service, a description of the property burned, detailed methods of extinguishing the fire, loss and insurance details, the name of the owner or tenant and the cause of fire, if obtainable.

C. The Chief will inspect or he may designate members of the Department to inspect, from time to time, all buildings and premises or where accumulations of combustible material are liable to exist and to order such changes or removals as in their opinion are necessary to safety from fire. For the purpose of this inspection, they are hereby empowered to enter any and all buildings and premises at any reasonable hour within the borough limits.

D. It shall be the duty of the Chief to call out for practice drills, whenever he deems it necessary, any or all companies for such drills when and where he may think advisable, but each company shall be drilled and trained not less than once each month. These drills and training will be so arranged that they will include the proper and efficient handling of all appliances, apparatus and equipment, plus procedures for forcible entry, salvage work, lifesaving and modern methods of extinguishment.

E. The Deputy Chief and Assistant Chiefs shall aid the Chief, under his direction, and, in the case of his absence from or late arrival at a fire, shall assume and perform such duties and be invested with the same power and authority as the Chief until his arrival.

§ 11-6. Obedience to orders of officers.

All the companies of the Fire Department at Narberth and every member of said companies on duty at fires shall render implicit obediences to the orders of the Chief, Deputy Chief or other officer in charge.

§ 11-7. Suspension or dismissal of members.

It shall be the duty of the Chief or, in his absence, the Deputy Chief to suspend or dismiss any member of the Department who refuses to obey his orders or for insubordination, improper conduct or violation of rules, either at a fire or company drills. Any member suspended or dismissed by the Chief may appeal from such decision to the Narberth Fire Company, Narberth, Pennsylvania, through its proper designated officers at its next meeting.

§ 11-8. Annual appropriations.

It shall and may be lawful for the Council to appropriate annually to the company or companies comprising the Fire Department of the Borough of Narberth, Pennsylvania, such sums as in the opinion of the Council may be right and proper.

Chapter 13

FIRE RELIEF ASSOCIATION

[HISTORY: Adopted by the Council of the Borough of Narberth at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Amendments noted where applicable.]

GENERAL REFERENCES

Fire Department — See Ch. 11.

§ 13-1. Recognition as official relief association; powers.

The Narberth Fire Relief Association is hereby recognized as the official relief association of the Narberth Fire Department, and this Association is authorized to receive and disburse funds for lawful purposes.

Chapter 21

OFFICERS AND EMPLOYEES

[HISTORY: Adopted by the Council of the Borough of Narberth: Art. I, 10-10-1960 by Ord. No. 506; approved 10-10-1960; Art. II, 10-11-1954 by Ord. No. 446, approved 10-11-1954. Sections 21-3, 21-4, 21-6F and I, 21-12 and 21-13 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

GENERAL REFERENCES

Salaries and compensation — See Ch. 36.

ARTICLE I
Manager; Assistant Manager
[Adopted 10-10-1960 by Ord. No. 506, approved 10-10-1960]

§ 21-1. Creation of offices.

The offices of Borough Manager and Assistant Borough Manager are hereby created, subject to the right of the borough by ordinance at any time to abolish either or both of said offices.

§ 21-2. Appointment; removal.

As soon as practicable after the passage of this Article, Council shall appoint by vote of a majority of the members one person to fill the office of Borough Manager and one person to fill the office of Assistant Borough Manager for an indefinite term and until his or her successor is appointed and is qualified. Council may at any time remove the Borough Manager or Assistant Borough Manager from office by a vote of the majority of its members.

§ 21-3. Qualifications. [1]

The Borough Manager shall be a citizen of the United States at least 21 years of age, and the Assistant Borough Manager shall be a citizen of the United States at least 21 years of age, and they shall have such training and experience as shall enable them to perform the duties imposed upon the offices in a successful and businesslike manner.

§ 21-4. Bond. [2]

Before entering upon their duties, the Borough Manager and Assistant Borough Manager shall each give a bond to the borough with a trust company or bonding company as surety, to be approved by the Council, and at the expense of the borough, conditioned for

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1. **Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.**
2. **Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.**

the faithful performance of their respective duties.

§ 21-5. Salaries.

The salaries of the Borough Manager and of the Assistant Borough Manager shall be as fixed by Council in the fiscal ordinance each year.

§ 21-6. Powers and duties of Manager.

Subject to recall at any time by resolution of Council, the powers and duties of the Borough Manager shall include the following:

A. He shall, under the direction of the Mayor, execute and enforce the laws of the commonwealth and the ordinances, resolutions and bylaws of the borough.

B. He shall attend all meetings of Council and recommend such measures as he shall deem expedient.

C. He shall make a monthly report to Council and at such other times as Council may direct upon the affairs of the borough and keep Council fully advised of the borough's condition and its financial needs.

D. He shall prepare and submit to Council before the end of any fiscal year a tentative budget for the next fiscal year.

E. He shall attend to the letting of contracts in due form of law and supervise the performance and faithful execution of the same, except insofar as such duties are expressly imposed upon some other borough officer by statute.

F. He shall have full power to purchase all supplies and equipment for the use of his own and various departments and offices of the borough; provided, however, that no single article shall be in excess of $500 unless authorized by the Council. He shall keep an account of all purchases made by him and shall, from time to time and as directed by the Council, make a full written report thereof.[3]

G. He shall see that all moneys owing the borough are promptly paid and that proper proceedings are taken for the security and collection of all borough claims.

H. The Borough Manager shall annually present to Council, not more than 30 days after the close of each fiscal year, a correct and detailed statement and report of the preceding year's work of his office, with a detailed statement of all moneys received and expended.

I. He shall perform the duties of the Borough Secretary, Superintendent of Public Works, Building Inspector and such other duties as may be, from time to time by ordinance or resolution, conferred upon him.[4]

J. He shall cooperate with Council at all times and in all matters that the best interests

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3. **Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.**

4. **Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.**

of the borough and the general public may be maintained.

§ 21-7. Powers and duties of Assistant Manager.

Subject to recall at any time by resolution of Council, the powers and duties of the Assistant Borough Manager shall be those of the Borough Manager delegated by him; provided, however, that such delegation shall not in any manner relieve the Borough Manager from any responsibility for the proper exercise of any such powers or performance of any such duties so delegated. The Assistant Secretary of the borough may also be the Assistant Borough Manager when so appointed.

§ 21-8. Right of Council to modify or amend provisions.

The borough reserves the right at any time by ordinance to amend or otherwise modify or repeal this Article in any particular.

ARTICLE II
Assistant Borough Secretary
[Adopted 10-11-1954 by Ord. No. 446, approved 10-11-1954]

§ 21-9. Creation of office.

The office of Assistant Secretary is hereby created and established, subject to the right of the borough at any time to abolish said office by ordinance or resolution.

§ 21-10. Appointment; term; removal.

As soon as practicable after the passage of this Article, Council shall elect by vote of a majority of the members one person to fill said office, who shall serve until the first Monday of January of the even-numbered year succeeding his or her election and until his or her successor is elected and qualified. Thereafter the office shall be filled biennially. In the case of a vacancy, Council shall by a vote of a majority of members fill said office for the unexpired term. Council may at any time remove the Assistant Secretary from office by a vote of a majority of members.

§ 21-11. Duties and powers.

Said person elected to office shall be vested with all of the duties, powers and authority of the Secretary as provided by law, when the Secretary is absent from the borough or unable to serve for more than two weeks.

§ 21-12. Salary. [5]

The salary of the Assistant Secretary shall be as provided for by Council in the Salary Ordinance.[6]

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5. **Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.**

6. **Editor's Note: As to salaries and compensation generally, see Ch. 36.**

§ 21-13. Bond. [7]

Before entering upon the duties of said office, the Assistant Secretary shall give a bond to the borough with a trust company or bonding company as surety, to be approved by the Council, and at the expense of the borough, conditioned for the faithful performance of the duties of the office.

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7. **Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.**

Chapter 24

PLANNING COMMISSION

[HISTORY: Adopted by the Council of the Borough of Narberth 2-14-1938 by Ord. No. 323, approved 2-14-1938. Amendments noted where applicable.]

GENERAL REFERENCES

Zoning — See Ch. 124.

§ 24-1. Creation of Planning Department.

A Department of Borough Planning is hereby created and established under and by virtue of the authority of the Act of Assembly approved May 4, 1927, P.L. 519, Article II.[1]

§ 24-2. Appointment of Commission; members; terms.

The Mayor, with the approval of Council, shall forthwith appoint five persons residing in the borough to be the first members of the Borough Planning Commission, for respective terms to expire on the first Monday of January of the years 1939, 1940, 1941, 1942 and 1943 or when their respective successors are duly appointed and qualified. Upon the expiration of the term of each of the first five Commissioners, a successor shall be similarly appointed for a term of five years.

§ 24-3. Rights and powers.

The rights and powers of the Borough Planning Commission shall be as provided by law.[2]

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1. **Editor's Note: This Act was superseded February 1, 1966, by P.L. (1965) — No. 581 (1966 Borough Code), which was repealed July 3, 1968, by P.L. 805, No. 247 (Pennsylvania Municipalities Planning Code). For current provisions pertaining to planning commissions, see 53 P.S. § 10201 et seq.**

2. **Editor's Note: Original Section 4 of this ordinance, which pertained to submission of a budget and payment of expenses, was deleted at time of adoption of Code. See Ch. 1, General Provisions, Art. I.**

Chapter 27

POLICE DEPARTMENT

[HISTORY: Adopted by the Council of the Borough of Narberth: Art. I, 12-8-1952 by Ord. No. 421, approved 12-9-1952; Art. II, 6-12-1961 by Ord. No. 514, approved 6-12-1961. Section 27-3 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

GENERAL REFERENCES

Fire Department — See Ch. 11.
Police Pension Fund — See Ch. 29.
Salaries and compensation — See Ch. 36.

ARTICLE I
Police Force Established
[Adopted 12-8-1952 by Ord. No. 421, approved 12-9-1952]

§ 27-1. Establishment; members. [Amended 8-11-1975 by Ord. No. 658, approved 8-21-1975; 5-10-1982 by Ord. No. 719, approved 5-10-1982; 5-9-1983 by Ord. No. 732, approved 5-9-1983; 6-11-1984 by Ord. No. 739, approved 6-11-1984]

A police force be and the same is hereby established to consist of not more than one Chief of Police, not more than one Sergeant of Police, not more than one Corporal of Police and not more than seven regular and probationary patrolmen to be appointed by the Council. The period of probation shall be one year. In addition to or in lieu of regular and probationary patrolmen, the Council may, at its discretion, appoint as many part-time and auxiliary patrolmen as it deems necessary for the protection of the Borough of Narberth.

§ 27-2. Supervision. [Amended 8-11-1975 by Ord. No. 658, approved 8-21-1975; 5-10-1982 by Ord. No. 719, approved 5-10-1982; 5-9-1983 by Ord. No. 732, approved 5-9-1983; 6-11-1984 by Ord. No. 739, approved 6-11-1984]

The said Chief of Police, Sergeant of Police, Corporal of Police and patrolmen, including regular, probationary, part-time and auxiliary, shall be under the direction of the Mayor as to the time during which, the place where and the manner in which they shall perform their duties.

§ 27-3. Salaries. [1]

The salaries of policemen shall be fixed in the same manner as the compensation of other employees of the borough is fixed.

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1. **Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. As to salaries and compensation generally, see Ch. 36.**

ARTICLE II

Reciprocal Arrangement With Lower Merion Township Police Department

[Adopted 6-12-1961 by Ord. No. 514, approved 6-12-1961]

§ 27-4. Arrangement approved.

A reciprocal arrangement between the Police Department of the Borough of Narberth and the Police Department of the Township of Lower Merion is hereby approved and established, such arrangement to become effective on June 16, 1961.

§ 27-5. Township police officers appointed as members of Borough Police Department; service without compensation.

All regular police officers of the Township of Lower Merion are hereby appointed police officers and members of the Police Department of the Borough of Narberth. All such Township police officers shall take the oath of office before a District Justice of the Borough of Narberth and shall serve without any compensation in addition to that received from the Township.

§ 27-6. Investigations and arrests in Township.

In the event that a police officer of the Borough of Narberth shall make an investigation in the Township of Lower Merion, information acquired by him in the course of such investigation shall be turned over to the officer of the Township of Lower Merion on duty at the time the investigation is being conducted or as soon thereafter as may be practical. Arrests made in the Township shall, whenever possible, be made by a regular police officer of the Township and not by a borough officer, except when a Township officer is not present and a violation is committed in the presence of an officer of the borough.

§ 27-7. Authority of ranking borough officer; authority of Mayor.

In the event that officers of the Borough of Narberth and of the Township of Lower Merion are engaged in the same police activity within the Borough of Narberth at the same time, the ranking police officer of the Borough of Narberth shall be in charge, regardless of the rank of the Lower Merion Township police officer or officers, and the Mayor of Narberth shall at all times have the power and authority to direct the activities of the police officers of the Borough of Narberth.

§ 27-8. Prosecutions.

All prosecutions shall be brought before a District Justice of the borough or the Township, as the case may be, wherein the violation of law was committed.

§ 27-9. Borough officers authorized to accept appointments as Township officers.

All regular police officers of the Borough of Narberth are hereby authorized to accept appointments as police officers of the Township of Lower Merion.

Chapter 29

POLICE PENSION FUND

[HISTORY: Adopted by the Council of the Borough of Narberth 2-10-1958 by Ord. No. 478, approved 2-10-1958. Amendments noted where applicable.]

GENERAL REFERENCES

Employees' retirement system — See Ch. 8.
Police Department — See Ch. 27.
Salaries and compensation generally — See Ch. 36.

§ 29-1. Short title.

This chapter shall be known and may be cited as "Narberth Borough Police Pension Ordinance."

§ 29-2. Establishment of fund; maintenance.

Municipal Police Pension Fund is hereby established for the Borough of Narberth pursuant to Act No. 600, approved May 29, 1956, as amended by Act No. 358, approved July 10, 1957,[1] to be maintained by:

A. A charge against each member of the police force.

B. Annual appropriations by the borough.

C. Payments made by the State Treasurer to the Borough Treasurer from the moneys received from taxes paid upon premiums by foreign casualty insurance companies for purposes of pension retirement for policemen.

D. Gifts, grants, devises or bequests granted to this Police Pension Fund.

§ 29-3. Administration.

The Municipal Police Pension Fund created by this chapter shall be managed and administered by three individual trustees to be appointed by Council. Initially one trustee shall be appointed to serve for one year, one for two years and one for three years. Thereafter, each trustee shall be appointed for a three-year term. The three trustees may, with the approval of Council, appoint such persons or corporate fiduciaries as they deem necessary to manage, administer, maintain and invest the Police Pension Fund. The trust shall be managed and administered under an appropriate deed of trust to be prepared by the Borough Solicitor and approved by the Borough Council.

§ 29-4. Service and age qualifications. [Amended 12-9-1968 by Ord. No. 579; 2-11-1985 by

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1. **Editor's Note: See 53 P.S. §§ 767 and 778.**

Ord. No. 747, approved 2-11-1985]

A. The benefits from this Police Pension Fund shall be payable to police officers who have served in this borough for an aggregate total of at least 25 years and have attained the age of at least 54 years, after which members of the force may retire from active duty; but retired members shall be subject to temporary service from time to time as a police reserve in cases of riot, tumult or preservation of public peace until unfitted for said service, when they may finally be discharged by reason of age or disability.

B. Each police officer's pension shall become vested upon the completion of his 12th year of service.

C. In the event that a police officer who is retired and is receiving a pension dies, leaving a widow to survive him, said widow shall be paid 1/2 of the deceased police officer's pension until her death or remarriage. If upon the death or remarriage of said widow (or upon the death of the police officer if no widow survives) a natural or adopted child or children of said police officer under the age of 18 years survives, said 1/2 of the deceased police officer's pension shall be paid to or for the benefit of such child or children until such time as each such child shall attain the age of 18 years. Payments for the benefit of a child or children under the age of 18 years may be made by the borough or its authorized representatives without the intervention of a guardian, and the receipt of such person as may be selected by the borough or its authorized representatives to disburse the same shall be a sufficient acquittance.

D. In cases where a police officer has attained the age and required years of necessary service to be eligible for retirement but who dies prior to actual retirement, his widow, or if no widow survives or if she survives and subsequently dies or remarries, then the child or children of the police officer, natural or adopted, under the age of 18 years, shall jointly receive a pension calculated at the rate of 50% of the pension which said police officer would have received had he been retired at the time of his death.

§ 29-5. Credit for military service.

Any member of the police force who has been in regular service in the force at least six months and who thereafter enters the military service of the United States shall have credited to his employment record for pension benefits all of his time in military service if he returns to his employment within six months after his separation from military service.

§ 29-6. Benefits not to be a charge on other funds.

Payments made under the provisions of this chapter shall not be a charge on any other fund in the treasury of the borough or under its control save this Police Pension Fund.

§ 29-7. Basis for determination of pension. [Amended 3-12-1973 by Ord. No. 630, approved 3-12-1973; 2-11-1985 by Ord. No. 747, approved 2-11-1985]

The basis for determining any retirement pension payable under this chapter, following the retirement or eligibility for retirement of any member of the police force meeting the service and age qualifications herein specified, shall be as follows: Monthly pension benefits shall be 1/2 the monthly average salary of such member during the last 36 consecutive months of employment, including in such computation all moneys paid to such member, such as overtime, holiday, longevity and shift-differential pay. Such pension benefits for any month shall be computed as the sum of:

A. Any eligible pension benefit provided by the Lower Merion Township Police Pension Association (a private nonprofit organization duly incorporated by decree of the Court of Common Pleas of Montgomery County on April 12, 1924) as defined in Act No. 600 of the General Assembly, enacted May 29, 1956, as amended (53 P.S. § 767 et seq.).

B. Seventy-five per centum of the full social security oldage insurance benefit, calculated in accordance with the provisions of the federal social security laws, for which the officer may be eligible because of age.

C. Benefits from the Police Pension Fund created by this chapter to the extent necessary to bring the total benefits in any month up to 1/2 the aforesaid monthly average salary.

§ 29-8. Employment of actuary; duties. [Amended 2-11-1985 by Ord. No. 747, approved 2-11-1985]

The borough shall employ an actuary at a compensation to be determined from time to time by the Council. The actuary shall determine the present value of the liability for the pensions payable under § 29-7 hereof to police officers for service prior to the effective date of this chapter. The unfunded liability for the past service cost shall be paid entirely by the borough; provided, however, that it may be funded over a period not to exceed 25 years. The actuary shall also determine the amount which shall be contributed annually to the fund for the service of police officers subsequent to the establishment of the fund (the future service cost).

§ 29-9. Payments into fund by police officers.

Members of the police force shall pay into this Police Pension Fund monthly an amount to be determined annually by a resolution of Council, but which shall not be less than 2% nor more than 5% of the monthly compensation on which social security allowances are payable and shall not be less than 5% nor more than 8% of any monthly compensation in excess of that on which social security allowances are payable, less a credit for the amount of the monthly dues paid by the police officers to the Lower Merion Police Pension Association. The Borough Secretary is hereby authorized to establish a system of payroll deductions necessary for the administration of the fund. The remainder of the needed annual contribution as determined by the actuary shall be paid to the fund by the borough by annual appropriations.

§ 29-10. Payments from State Treasurer.

Payments by the State Treasurer to the Borough Treasurer from taxes paid upon premiums by foreign casualty insurance companies for pensions for police officers shall be applied as follows:

A. To reduce the unfunded past service liability, and, after such liability has been funded.

B. To reduce the annual obligation of the borough for future service cost, or, to the extent that the payment may be in excess of such obligation,

C. To reduce the contributions of police officers.

§ 29-11. Continuation of private Police Pension Association.

Contributions by policemen to Lower Merion Township Police Pension Association may be continued; provided, however, that no borough funds received from the State Treasurer, as aforesaid, shall be paid to the said Association.

§ 29-12. Refund.

Any member of the police force who for any reason shall be ineligible to receive a pension hereunder after having contributed to this Police Pension Fund shall be entitled to a refund of all such moneys paid by him into the fund immediately upon discontinuance of his employment with the police force. If such discontinuance is due to death, such moneys shall be paid to his designated beneficiary or to his estate.

§ 29-13. Pensions free from attachment.

The pensions herein provided for shall not be subject to attachment, execution, levy, garnishment or other legal process, and shall be payable only to the member or his designated beneficiary or to his estate, and shall not be subject to assignment or transfer.

§ 29-14. Administrative expenses.

The expenses of management and administration of the fund, including the compensation of the trustees and the actuary, shall be paid by the borough.

Chapter 36

SALARIES AND COMPENSATION

[The salaries and compensation of all officers and employees of the Borough of Narberth are set forth from time to time by ordinance or resolution of the Council. A copy of the current salary provisions is kept on file by the Borough Secretary for examination and inspection by the public.]

GENERAL REFERENCES

Employees' retirement system — See Ch. 8.
Social security — See Ch. 40.

Chapter 37

SHADE TREE COMMISSION

[HISTORY: Adopted by the Council of the Borough of Narberth: Art. I, at time of adoption of Code (see Ch. 1, General Provisions, Art. I); Art. II, 11-18-1946 by Ord. No. 380, approved 11-18-1946. Sections 37-2, 37-3, 37-5, 37-6, 37-7 and 37-8 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

ARTICLE I
Creation
[Adopted at time of adoption of Code[1]]

§ 37-1. Commission established; term of members.

A Shade Tree Commission is hereby established by the Borough of Narberth, and the Council of said borough is hereby authorized and empowered to appoint three citizens to comprise such Commission, one for a term of three years, one for a term of four years and one for a term of five years.

ARTICLE II
Powers and Duties
[Adopted 11-18-1946 by Ord. No. 380, approved 11-18-1946]

§ 37-2. Custody and control of trees. [2]

The Shade Tree Commission of the Borough of Narberth shall have custody and control of the shade trees in and upon the public streets of the borough and shall have authority to plant, transplant, remove, maintain and protect such trees.

§ 37-3. Definitions. [Amended 5-10-1948 by Ord. No. 387, approved 5-10-1948[3]]

As used in this Article, the following terms shall have the meanings indicated:

SHADE TREES — Any tree on any public street in said borough or any tree or portion of a tree on private property which extends within the lines of any public street in the borough.

§ 37-4. Cutting; spraying; attaching objects; protective devices.

It shall be unlawful for any person, without first obtaining a permit from the Shade Tree

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1. **Editor's Note: See Ch. 1, General Provisions, Art. I.**
2. **Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.**
3. **Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.**

Commission, to cut, prune, break, climb with spurs, injure in any manner or remove any shade tree; to cut down or interfere in any way with the main roots of any shade tree; to spray any shade tree with any chemicals or insecticides; to place any rope, guy wire, cable, signs, posters or any fixtures on any shade tree or shade tree guard; or to damage, misuse or remove any device placed to protect shade trees, except in case of immediate necessity for protection of life or property.

§ 37-5. Planting, removal or transplanting. [4]

No tree shall be planted, transplanted or removed within the limits of any public street in the borough except with approval of the Shade Tree Commission as evidenced by a permit granted therefor. Such permit shall designate the place where such tree is to be planted, transplanted or removed. The Shade Tree Commission may refuse a permit to plant or transplant any species of tree which, in its opinion, is not suited to the location.

§ 37-6. Trimming; clearance over walks and streets. [5]

All trees within the lines of any public street in the borough shall be kept trimmed so that the minimum height over any public walk shall be nine feet and the minimum height over any public road or street shall be 14 feet; provided, however, that the Shade Tree Commission may designate a higher clearance on certain streets where heavy traffic or other conditions make it expedient. All trees standing on private property and not within the lines of the public street, but having branches projecting over a public street or walk, shall be trimmed so that the lowest clearance shall be nine feet and 14 feet for the walk and roadway, respectively, or such other height as may be specified by the Shade Tree Commission.

§ 37-7. Costs of planting, trimming, pruning, installing protection and replacing pavement. [6]

The cost of planting, transplanting, trimming, pruning and removing any shade trees as defined in § 37-3 hereof, of installing or removing the necessary and suitable guards, curbing or grading for the protection thereof and of the replacing of any pavement or sidewalk disturbed in the execution of such work shall be paid by the owner of the property in front of which any of said work is done.[7]

§ 37-8. Violations and penalties. [8]

Any person who shall violate or fail to comply with any of the provisions of this Article

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4. **Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.**

5. **Editor's Note: Amended a time of adoption of Code; see Ch. 1, General Provisions, Art. I. Original Section 6, which immediately followed this section and pertained to payment of costs of trimming and pruning trees, was deleted at time of adoption of Code; see Ch. 1, General Provisions, Art. I. For current provisions, see § 37-7 of this Article.**

6. **Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.**

7. **Editor's Note: Original Sections 8, 9 and 10, which immediately followed this section and related to assessment of costs against property owners, were deleted at time of adoption of Code. See Ch. 1, General Provisions, Art. I.**

8. **Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.**

and the decisions and orders of the Shade Tree Commission of the Borough of Narberth made hereunder shall be liable, upon conviction of said violation, to a fine or penalty not exceeding $300, plus costs of prosecution, and, in default of payment of such costs and prosecution, imprisonment for a term not exceeding 30 days.

Chapter 40

SOCIAL SECURITY

[HISTORY: Adopted by the Council of the Borough of Narberth 9-8-1952 by Ord. No. 418, approved 9-8-1952. Amendments noted where applicable.]

GENERAL REFERENCES

Employees' retirement system — See Ch. 8.
Salaries and compensation — See Ch. 36.

§ 40-1. Legislative intent; statutory authority.

It is the considered opinion of the Council of the Borough of Narberth that the extension of the social security system to certain employees of the borough will be of great benefit not only to the employees of the borough by providing that said employees may participate in the provisions of the old age and survivors' insurance system, but also to the borough by enabling it to attract and retain in employment the best of personnel and thus increase the efficiency of its government; and such coverage is made possible by the enactment by the 1951 Session of the General Assembly of the Commonwealth of Pennsylvania, in regular session, of a statute approved January 5, 1952, and known as Act No. 491,[1] which is the Enabling Act provided for in Section 218 of Public Law 734, 81st Congress,[2] and which designated the Secretary of Labor and Industry of the Commonwealth of Pennsylvania to act as the state agency to implement the coverage of certain employees and officers under the said old age and survivors' insurance system.

§ 40-2. Authorization to execute plan and agreement.

The Borough of Narberth is hereby authorized to execute and deliver to the state agency a plan or plans and agreement, required under Section 6 of said Enabling Act and the Social Security Act, to extend coverage to all employees of the Borough of Narberth who shall be eligible under the provisions of the Social Security Act and of said Enabling Act and of the plan adopted as hereafter provided, and to do all other necessary things to effectuate coverage of employees and officers under the old age and survivors' insurance system.

§ 40-3. Deductions and contributions; interest on delinquent payments.

The Borough Secretary is hereby authorized to establish a system of payroll deductions to be matched by payments by the Borough of Narberth to be made into the Contribution Fund of the Social Security Act through the office of the state agency, and to make charges of this tax to the fund or funds from which wage or salary payments are issued to

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1. **Editor's Note: See 65 P.S. § 201 et seq.**
2. **Editor's Note: See 42 U.S.C. § 418.**

employees of the Borough of Narberth. Such payments are to be made in accordance with the provisions of the law and regulations promulgated by the state agency and the Federal Social Security Administrator. Such payments which are delinquent shall bear interest at the rate of 1/2 of 1% per month until such time as payments are made.

§ 40-4. Appropriation of funds.

Appropriation is hereby made from the proper fund or funds of the Borough of Narberth in the necessary amount to pay into the Contribution Fund as provided in Section 4 of the Enabling Act and in accordance with the plan or plans and agreement.

§ 40-5. Commencement of participation. [Amended 12-20-1952 by Ord. No. 424, approved 12-20-1952]

The Mayor and the Secretary of the Borough of Narberth are hereby authorized to enter into an agreement with the state agency, which agreement shall be in accordance with said Act No. 491[3] and with said Paragraph 218 of the Social Security Act.[4] Such plan and agreement shall provide that the participation of the Borough of Narberth shall commence January 1, 1951.

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3. **Editor's Note: See 65 P.S. § 201 et seq.**

4. **Editor's Note: See 42 U.S.C. § 418.**

Chapter 43

ADULT USES

[HISTORY: Adopted by the Council of the Borough of Narberth 6-14-1982 by Ord. No. 721, approved 6-14-1982. Amendments noted where applicable.]

GENERAL REFERENCES

Disorderly conduct — See Ch. 57.

§ 43-1. Legislative declaration; applicability.

The Borough Council finds and declares that the crass commercial exploitation of explicit sexual conduct through the public exhibition of lewd films and the display and/or sale of lewd publications and the use of so-called massage parlors and model studios for purposes of lewdness, assignation or prostitution constitutes a debasement and distortion of a sensitive key relationship of human existence central to family life, community welfare and the development of human personality, is indecent and offensive to the senses and to public morals and interferes with the comfortable enjoyment of life and property in that such interferes with the interest of the public in the quality of life and total community environment, the tone of commerce in the borough, property values and the public safety and that the operation of such activities is detrimental to the best health, safety, convenience, good morals and general welfare of the Borough of Narberth and of the residents, citizens, inhabitants and businesses thereof. This chapter shall apply to existing establishments which are presently engaged in the type of activity herein declared to be a public nuisance.

§ 43-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

KNOWLEDGE or KNOWLEDGE OF SUCH NUISANCE — Having knowledge of the contents and character of the patently offensive sexual conduct or demonstration which appears in the film or publication or knowledge of the acts, lewdness, assignation or prostitution which occurs on the premises.

LEWD MATTER

A. Any matter which the average person, applying contemporary community standards, would find, when considered as a whole, appeals to the prurient interest and which depicts or describes patently offensive representations or descriptions of:

   (1) Human masturbation, sexual intercourse or any touching of the genitals, pubic area or buttocks of the human male or female or the breast of the female, whether alone or between members of the same or opposite sex or between humans and animals in an act of apparent sexual stimulation or, gratification.

(2) Human genitals in a state of sexual stimulation or arousal; any act of human masturbation, sexual intercourse or sodomy; or fondling or other erotic touching of the human genitals, pubic region, buttocks or female breast area.

B. Nothing herein contained is intended to include or prescribe any matter which, when considered as a whole and in the context in which it is used, possesses serious literary, artistic, political or scientific value.

MASSAGE — Any method of treating the superficial soft parts of the human body for remedial, hygienic or other purposes, consisting of rubbing, stroking, kneading or any similar treatment accomplished by hand or by the use of any instrument.

MASSAGE PARLOR — Any building or structure or portion thereof located within the borough, which is open to members of the general public, with or without the payment of a fee, at which massage services are offered.

MATTER — A motion-picture film or a publication, or both.

MODEL STUDIO

A. Includes:

(1) Any premises on which there is conducted the business of furnishing figure models who pose in the nude for the purpose of being observed or viewed by any person or of being sketched, painted, drawn, sculptured, photographed or otherwise similarly depicted for persons who pay a fee or other consideration or compensation or gratuity for the right or opportunity so to depict the figure model or for admission to the premises or for permission to remain upon or as a condition for remaining upon the premises; or

(2) Any premises where there is conducted the business of furnishing or providing or procuring, for a fee or other consideration or compensation or gratuity, figure models who pose in the nude to be observed or viewed by any person or to be sketched, painted, drawn, sculptured, photographed or otherwise similarly depicted.

B. The words "model studio" do not include any of the following:

(1) Any studio which is operated by any state college or junior college, public school or any governmental agency wherein the person, firm, association, partnership or corporation operating it has met the requirements established by the Commonwealth of Pennsylvania for the issuance or conferring of and is in fact authorized thereunder to issue and confer a diploma or honorary diploma.

(2) Any premises where there is conducted the business or furnishing, providing or procuring figure models solely for any studio described in Subsection B(1) of this definition.

(3) Any studio operated by a tax exempt, nonprofit corporation devoted to the development of art and its appreciation.

MOTION-PICTURE FILM

A. Any film or plate negative.

B. Any film or plate positive.

C. Any film designed to be projected on a screen for exhibition.

D. Any films, glass slides or transparencies, either in negative or positive form, designed for exhibition by projection on a screen.

E. Any video tape or any other medium used to electronically reproduce images on a screen.

NUDE

A. Completely without clothing; or

B. The human male or female genitals, pubic area or buttocks exposed with less than a full opaque covering, or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple, or the covered male genitals in a discernibly turgid state.

PERSON — Any individual, partnership, firm, association, corporation or other legal entity.

PLACE — Includes but is not limited to any building, structure or space or any separate part or portion thereof, whether permanent or not, or the ground itself.

PUBLICATIONS — Any book, magazine, article, pamphlet, writing, printing, illustration, picture, sound recording or motion-picture film which is displayed in an area open to the public, offered for sale or exhibited in a coin-operated machine.

SALE — A passing of title or right of possession from a seller to a buyer for valuable consideration and shall include but is not limited to any lease or rental arrangement or other transaction wherein or whereby any valuable consideration is received for the use of or transfer of possession of lewd matter.

§ 43-3. Lewd films and theatrical exhibitions as nuisances.

A. Any and every place in the Borough of Narberth where lewd films are publicly exhibited or possessed for the purpose of such exhibition and any and every place in the Borough of Narberth where a lewd film is publicly or repeatedly exhibited or possessed for such exhibitions is a public nuisance.

B. Any and every lewd film which is publicly exhibited or possessed for such purpose at a place which is a public nuisance under Subsection A above is a public nuisance per se.

C. From and after service on the place or theater, its manager, acting manager or person then in charge of such place of a true and correct copy of this chapter and a true and correct copy of the resolution and order of summary abatement provided for in § 43-7 hereof, all moneys paid thereafter as an admission price to such exhibitions are also declared to be a public nuisance as personal property used in

conducting and maintaining a declared public nuisance.

§ 43-4. Lewd publications as nuisances.

A. Any and every place in the Borough of Narberth in which lewd publications constitute a part of the stock-in-trade is a public nuisance.

B. Any and every lewd publication possessed at a place which is a public nuisance under Subsection A above is a public nuisance per se.

C. From and after service on the place, its manager, acting manager or person then in charge of such place of a true and correct copy of this chapter and a true and correct copy of the resolution and order of summary abatement provided for in § 43-7 hereof, all valuable consideration received for the sale of such lewd publications is also declared to be a public nuisance as personal property used in conducting and maintaining a declared public nuisance.

§ 43-5. Massage parlors and model studios as nuisances.

A. Every massage parlor or model studio which, as a regular course of business, is used for the purposes of lewdness, assignation or prostitution and every such massage parlor or model studio in or upon which acts of lewdness, assignations or prostitution are held or occur is a public nuisance which shall be enjoined, abated and prevented.

B. From and after service on the place, its manager, acting manager or person then in charge of such place of a true and correct copy of this chapter and a true and correct copy of the resolution and order of summary abatement provided for in § 43-7 hereof, all moneys or other valuable consideration paid for services rendered to customers are also declared to be a public nuisance as personal property used in conducting and maintaining a declared public nuisance.

§ 43-6. Presumption of knowledge upon service of documents.

A. Upon and after receiving notice through service of a true and correct copy of this chapter and of a true and correct copy of the resolution and order of summary abatement provided for in § 43-7 hereof, any and every person who shall own, legally or equitably, lease, maintain, manage, conduct or operate a place in the Borough of Narberth which is declared to be a public nuisance as set forth and stated in § 43-3, 43-4 or 43-5 of this chapter is deemed to be a person who has knowledge of such nuisance for the purpose of this chapter and is thereafter responsible for its maintenance and shall be liable therefor.

B. The places and subject matter declared to be public nuisances under § 43-3, 43-4 or 43-5 shall be abated as provided for herein.

§ 43-7. Action by Council; adoption of resolution.

Upon a specific finding that a public nuisance, as defined in § 43-3, 43-4 or 43-5 of this chapter, exists in the Borough of Narberth, the Borough Council, in applying the

provisions of this chapter to such nuisance, shall provide for the following by resolution:

A. Declare the fact that such nuisance exists.

B. Set forth the description or legal description and street address of the place which constitutes the nuisance.

C. Set forth the evidentiary facts considered by the Borough Council in arriving at its factual determination.

(1) In the case of a motion-picture film or films, such shall include a recitation of the particular sexual conduct and acts which the Borough Council finds are patently offensive and the basis for the finding by the Borough Council that:

(a) Such films are publicly exhibited in the course of business.

(b) Such films are publicly or repeatedly exhibited or held for such exhibition at the place declared to be a nuisance.

(2) In the case of a publication or publications, such shall include a recitation of:

(a) The particular publications considered by the Borough Council and those which the Borough Council finds to be patently offensive.

(b) The basis for the finding by the Borough Council that such publications are displayed, sold or held for sale at any place found by the Borough Council to be a public nuisance.

(c) The basis of the finding by the Borough Council that such publications constitute a part of the stock-in-trade of such place of business or other place.

(3) In the case of a massage parlor or model studio, such shall include a recitation of:

(a) The particular acts of lewdness, assignation or prostitution which have occurred.

(b) The basis for the finding by the Borough Council that such acts occur in the course of business.

D. Order all persons described in § 43-6A hereof to summarily abate such public nuisance within 24 hours of service of such order on any such persons by terminating the exhibition, sale or possession for sale of such lewd subject matter or by ceasing to use the place where the nuisance is declared to exist or by terminating the use of said premises for the purposes of lewdness, assignation or prostitution or causing the same to be terminated and notifying the Chief of Police of the borough of compliance therewith by sworn affidavit as ordered by the action of the Borough Council in such resolution.

E. Order the Solicitor for the borough to proceed as directed in § 43-9 of this chapter and do all things necessary to abate such public nuisance through judicial proceedings and to conclude such proceedings as expeditiously as is permissible

under the law, including requesting the court to advance such proceedings on the calendar of the court.

F. Inform and give notice to person designated in § 43-6A that:

(1) The Borough Council has determined that a public nuisance presently exists at such place and address and that under § 43-6A of this chapter they are deemed to have knowledge thereof and are responsible therefor.

(2) In the event that the order of the borough is not complied with within 24 hours, the Borough Council has ordered the Solicitor, as provided for under § 43-9 hereof, to commence necessary legal proceedings, naming such persons as defendants in a civil action to abate the same judicially under § 43-7 of this chapter, and that under § 43-8 of this chapter the costs of abatement of such civil abatement action filed, including investigative costs, court costs, attorneys' fees and other expenses, are made a special assessment against the parcel of land upon which such nuisance is being maintained and, upon their determination in such court action, will, by separate legal procedure, be made a lien against such property and a personal obligation against any person or persons, firm, association, partnership, corporation or other entity deemed to be in violation of this chapter.

(3) All lewd motion-picture films or lewd publications being used in conducting and maintaining such public nuisance are contraband and the subject of forfeiture.

(4) From and after service on the place, its manager, acting manager or person then in charge of such place of a true and correct copy of this chapter and a true and correct copy of such resolution, any and all moneys paid as an admission price to or for the exhibition or exhibitions of such lewd motion-picture films and valuable considerations received for the sale of such lewd publications and all moneys or other valuable considerations received for services rendered in such massage parlors or model studios are a public nuisance as personal property used in conducting and maintaining such nuisance and as such are the subject of forfeiture.

G. Order that a true and correct copy of said resolution and a true and correct copy of this chapter be delivered forthwith in any manner normally used to effectuate personal service of process to all persons of record having any legal or equitable interest in the real property and to the regular or acting manager or persons in charge of the place therein declared a public nuisance.

§ 43-8. Forfeitures; cost of abatement.

A. Upon judgment for the Borough of Narberth in legal proceedings brought pursuant to this chapter, an accounting shall be made by such defendant or defendants of all moneys or valuable consideration received by them which have been declared to be a public nuisance under § 43-3C, 43-4C or 43-5B of this chapter. Such moneys or their equivalent and any valuable consideration received shall be forfeited to the

general fund of the Borough of Narberth or to the Borough of Narberth as property of the Borough of Narberth if any valuable consideration received is not money.

B. Cost of abatement.

(1) The cost of abatement shall include the following:

(a) Investigative costs.

(b) Court costs.

(c) Reasonable attorneys' fees arising out of the preparation for and trial of the cause and appeals therefrom and other costs allowed on appeal.

(d) Printing costs of trial and appellate briefs and all other papers filed in such proceeding.

(2) Such cost of abatement is hereby made a special assessment against the parcel of land upon which such nuisance is maintained. Upon its determination in a civil action, such shall, by separate legal proceeding, be made in a lien against such property and personal obligation against any person or persons, firm, association, partnership, corporation or other entity and shall be collected at the same time in the same manner as ordinary borough taxes are collected and shall be subject to the same penalties and the same procedure and sale in the case of delinquency as provided for ordinary borough taxes. All laws applicable to the levy, collection and enforcement of borough taxes shall be applicable to such special assessment.

§ 43-9. Action by Solicitor.

Upon a specific finding by resolution of the Borough of Narberth of the fact that a public nuisance exists at a particular location, the Solicitor shall, not later than three days after passage of said resolution, commence legal proceedings by the filing of a civil action seeking the following relief:

A. A declaratory judgment that the matter named by the Borough Council is lewd as defined herein.

B. A declaratory judgment that the matter found to be lewd is or are public nuisances per se under this chapter and such resolution.

C. A declaratory judgment that each place named by the Borough Council is a public nuisance under this chapter and such resolution.

D. An accounting of all moneys paid as an admission price to or for the exhibition or exhibitions of such lewd motion-picture films and valuable considerations received for the sale of such lewd publications and all moneys or other valuable considerations received for services rendered in such massage parlors or model studios from and after the time that the persons maintaining said nuisance receive notice of the finding by the Borough Council by resolution that the public nuisance exists and a judgment that such moneys or valuable considerations are a public

nuisance under this chapter.

E. An order that all admission-price moneys or valuable considerations received and enumerated in the court-ordered accounting be forfeited as contraband to the general fund of the Borough of Narberth or as property belonging to the Borough of Narberth.

F. An injunction enjoining and restraining all persons responsible for maintaining said nuisance from possessing or publicly exhibiting said lewd motion-picture films or from selling or possessing for sale said lewd publications or from committing acts of lewdness, assignation or prostitution at any time in the future in the Borough of Narberth and such other injunctive relief as the court may order.

G. An order that all positive prints of the named lewd film and all lewd publications or copies or reproductions thereof be forfeited as contraband under this chapter.

H. Judgment for the Borough of Narberth for all costs therein expended, including investigative costs, court costs, reasonable attorneys' fees and such other expenses as are provided for herein.

I. All other relief as the court may deem proper.

Chapter 45

AIR GUNS AND PISTOLS

[HISTORY: Adopted by the Council of the Borough of Narberth 4-10-1950 by Ord. No. 400, approved 4-10-1950. Section 45-3 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

§ 45-1. Storage, sale and possession prohibited.

It shall be unlawful and it is hereby prohibited for any person, persons, firms or corporations to store, sell, offer or expose for sale at retail or have in their possession with intent to sell at retail or with intent to use within the limits of the Borough of Narberth any air gun, air pistol, spring gun or any implement not a firearm which impels with force a pellet of any kind. "At retail" shall mean any sale of less than one dozen of such articles or any sale to anyone not a bona fide dealer therein.

§ 45-2. Seizure, confiscation and destruction authorized.

The Mayor or police are hereby authorized to seize, remove and destroy any air gun, air pistol, spring gun or any implement not a firearm which impels with force a pellet of any kind, which shall be used or discharged within the Borough of Narberth, or which shall be held and possessed in violation of this chapter.

§ 45-3. Violations and penalties. [1]

Any person who shall violate any of the provisions of this chapter shall, upon conviction thereof before any District Justice, be sentenced to pay a fine of not more than $300 and costs of prosecution or to imprisonment in the county prison for not more than 30 days, or both such fine and imprisonment.

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1. **Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.**

Chapter 46

ALCOHOLIC BEVERAGES

[HISTORY: Adopted by the Council of the Borough of Narberth 6-13-1983 by Ord. No. 733, approved 6-13-1983. Amendments noted where applicable.]

GENERAL REFERENCES

Disorderly conduct — See Ch. 57.

§ 46-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ALCOHOLIC BEVERAGE — Liquor or malt or brewed beverage.

LIQUOR — Any alcoholic, spirituous, vinous, fermented or other alcoholic beverage or combination of liquors and mixed liquor, a part of which is spirituous, vinous, fermented or otherwise alcoholic, including all drinks or drinkable liquids, preparations or mixtures and reused, recovered or redistilled denatured alcohol usable or taxable for beverage purposes which contain more than 1/2 of 1% of alcohol by volume, except pure ethyl alcohol and malt or brewed beverages.

MALT OR BREWED BEVERAGE — Any beer, lager beer, ale, porter or similar fermented malt beverage containing 1/2 of 1% or more of alcohol by volume, by whatever name such beverage may be called.

OPEN CONTAINER — Any of the following objects and any objects similar thereto: a glass, mug or other such drinking utensil; a bottle or jug from which the cap or cork has been removed or on which the seal has been broken; a can which has been punctured or from which the cap or snap top or snap tab has been removed; a keg which has been tapped; or a jar, jug or other immediate container of an alcoholic beverage which did not contain the alcoholic beverage contained therein when such alcoholic beverage was last purchased from a person licensed by the Pennsylvania Liquor Control Board to sell alcoholic beverages. "Open container" shall not include a bag, box or other similar wrapping or packaging of a container of an alcoholic beverage.

PUBLIC PLACE — Any public street or public real estate.

PUBLIC REAL ESTATE — All lands or buildings owned or leased by the Borough of Narberth, including parks and playgrounds owned by the Borough of Narberth.

PUBLIC STREET — The entire right-of-way of any public street, road or highway of the Borough of Narberth or of the County of Montgomery or of the Commonwealth of Pennsylvania, including the cartway, sidewalks and unpaved portions thereof, within the Borough of Narberth.

§ 46-2. Drinking or possession prohibited.

No person shall drink an alcoholic beverage, nor shall any person, firm, corporation or other organization possess an open container containing an alcoholic beverage, whether inside or outside of a motor vehicle of any part thereof, on or in any public place within the Borough of Narberth.

§ 46-3. Discarding of containers.

No person shall discard alcoholic beverage containers upon any public street, lane, sidewalk or public place or upon any private property without the express permission of the owner.

§ 46-4. Construal of provisions.

Nothing in this chapter shall be construed to affect any suit or proceeding pending in any court or any rights acquired or liability incurred or any causes of action acquired or existing, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this chapter.

§ 46-5. Violations and penalties.

Any person who shall violate any provision of this chapter shall be guilty of a summary offense and subject to a fine not exceeding $300 plus costs of prosecution or imprisonment for a term not exceeding 30 days, or both.

Chapter 46A

AMUSMENT DEVICES

[HISTORY: Adopted by the Council of the Borough of Narberth 9-13-1982 by Ord. No. 724, approved 9-13-1982. Amendments noted where applicable.]

GENERAL REFERENCES

Entertainment and exhibitions — See Ch. 64.

§ 46A-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

JUKEBOX — Any device for the rendition of music upon the insertion of a coin, slug, token, plate, key or disc.

MECHANICAL, ELECTRONIC OR VIDEO AMUSEMENT DEVICE — Any device which, upon the insertion of a coin, slug, token, plate, key or disc, may be operated for use as a game or entertainment, whether or not registering a score, provided that the term "mechanical, electronic or video amusement device" shall not include any gambling device or any mechanism which has been judicially determined to be a gambling device.

PERSON — Any natural person, association, partnership, firm or corporation, limited partnership or unincorporated enterprise. The singular shall include the plural and the masculine shall include the feminine and the neuter.

§ 46A-2. License required.

From and after the date hereof, no person may offer for amusement or enjoyment within the Borough of Narberth any mechanical, electronic or video amusement device or jukebox music device without first having procured a license therefor from the Borough Manager.

§ 46A-3. Application for license; investigation; issuance of license.

A. Any person desiring to procure a license for a mechanical, electronic or video amusement device or jukebox shall apply therefor, in writing, to said Borough Manager on or before the 31st day of January of each year or within 10 days after any later date in any year on which he purchases or receives such a device or jukebox. The full license fees for each such device or jukebox shall accompany each application. Such application shall set forth the name of the applicant, the address at which such device is to be located and the number and character and type of such devices which have previously been installed at the date of this chapter. All applications are to be signed by the applicant.

B. The Borough Manager or any other person designated by the Borough Council shall

investigate the facts set forth in the application.

C. After the investigation is completed, a license may be issued.

§ 46A-4. Gambling devices.

Nothing in this chapter shall in any way be construed to authorize, license or permit any gambling devices whatsoever or any machine or mechanism that has been judicially determined to be a gambling device or in any way contrary to law or that may be contrary to any future law of the Commonwealth of Pennsylvania.

§ 46A-5. Fees.

A. The fees for each mechanical or electronic amusement device and jukebox shall be as follows:

(1) One hundred fifty dollars per calendar year for each mechanical, electronic or video game and amusement device, except jukeboxes, pinball machines, pool tables and bowling machines. [Amended 10-8-1984 by Ord. No. 741, approved 10-8-1984]

(2) Seventy-five dollars per calendar year for each jukebox and music device or machine which emits recorded music from a machine on the premises, pinball machine, pool table and bowling machine. [Amended 10-8-1984 by Ord. No. 741, approved 10-8-1984]

B. The fee for any license applied for on or after the first day of July of any calendar year shall be 50% of the fee for the full calendar year.

C. Every jukebox or mechanical, electronic or video amusement device shall require a separate and individual license and shall not be operated until the proper license is obtained and attached to the machine.

D. License fees shall not be refundable.

§ 46A-6. License form to be attached to machine; transferability.

A. Upon payment of the license fee provided by this chapter, the Borough Manager shall issue a license form for each machine so licensed, which said license shall be attached and fastened to the respective machine or device so that the same may be clearly observable and readable.

B. A license validly issued may be transferred during the term thereof to a machine of the same category after the original machine has been removed from the premises, but at no time is any machine to be connected or used without a valid license. No more than one transfer of a license for any machine shall be permitted during any license year.

§ 46A-7. Contents of license; transferal procedure.

A. Each license shall state the name of the applicant, the applicant's home address, the

type of machine, the name of the machine, the location of the machine, the serial number of the machine and the model number of the machine.

B. Any person who desires to have a license transferred from one machine to another of the same category shall apply to the Borough Manager, advising him of the serial number and model number of the new machine. The Borough Manager shall thereupon issue to such person a sticker or tag which shall, at all times, be attached to the original license.

§ 46A-8. Violations and penalties.

Any person violating any of the provisions of this chapter shall, upon summary conviction before any District Justice, be subject to a fine of not less than $25 and not more than $300 for each and every offense or imprisonment for not more than 30 days. Each and every day that any mechanical, electronic or video amusement game device or jukebox under the terms of this chapter shall be operated and used in violation thereof shall constitute a separate and distinct offense under this chapter and shall be subject to separate and distinct penalties thereon.

§ 46A-9. Unlicensed machines.

Any police officer of the Borough of Narberth may close down all jukeboxes, machines, electronic or video amusement devices in any place of business when one or more jukeboxes, mechanical, electronic or video amusement devices thereon is found to be operating without the proper license. All jukeboxes, mechanical, electronic or video amusement devices will remain shut down until a proper license is purchased. The owner, proprietor, manager or person in charge of the place where said mechanical, electronic or video amusement device is located shall be responsible for any unlawful use thereof while such is unlicensed.

Chapter 50

BUILDING CONSTRUCTION

[HISTORY: Adopted by the Council of the Borough of Narberth 4-13-1942 by Ord. No. 359, approved 4-13-1942. Sections 50-4, 50-9, 50-15, 50-16, 50-17A, 50-28, 50-31, 50-39, 50-45, 50-46B, 50-258B and 50-259 and Art. LXXIII amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

GENERAL REFERENCES

Fire prevention — See Ch. 67.
Accumulation of rubbish — See Ch. 102.
Zoning — See Ch. 124.

Part 1
Administration

ARTICLE I
Title and Purpose

§ 50-1. Short title.

This chapter shall be known and may be cited as the "Narberth Building Code of 1942."

§ 50-2. Purpose and scope.

The purpose of this chapter is to provide minimum standards, provisions and requirements for safe and stable design, methods of construction and uses of materials in buildings or structures hereafter erected, constructed, enlarged, altered, repaired, moved, converted to other uses or demolished; to regulate the equipment, maintenance, use and occupancy of all buildings or structures; and to fix the widths and openings of streets in certain districts. In interpreting and applying the provisions of this chapter, such provisions shall be held to be the minimum requirements for the promotion of the health, safety, morals and general welfare of the borough.

§ 50-3. Conflicting regulations.

The provisions of this chapter shall be deemed to supplement any and all laws of the State of Pennsylvania and ordinances of this borough relating to buildings or structures and all rules and regulations adopted thereunder, provided that where this chapter imposes greater restrictions upon the construction, use, area or height of buildings or requires larger open spaces than are imposed by such laws, ordinances, rules and regulations, the provisions of this chapter shall control.

ARTICLE II
Building Inspector

§ 50-4. Appointment. [1]

The Borough Council shall appoint by a majority vote a properly qualified person to serve as Building Inspector for an indefinite term or until his successor shall be duly appointed. The Building Inspector may be removed for cause by the Council, but only after full opportunity has been given him to be heard on specific charges. No person shall be eligible for appointment as Building Inspector who cannot furnish evidence satisfactory to the Council that he is generally informed on the quality and strength of building materials and on the prevailing methods of building construction.

§ 50-5. Enforcement of provisions.

It shall be the duty of the Building Inspector and he is hereby given the power and authority to enforce the provisions of this chapter. For the purpose of enforcing compliance with the law, to remedy or remove illegal or unsafe conditions, to secure the necessary safeguards during construction or to require adequate exit facilities in existing buildings or structures, he shall issue such notices or orders as may be necessary.

§ 50-6. Applications and permits.

The Building Inspector shall receive and examine all applications and accompanying plans and specifications required by this chapter. He shall approve such applications as are in conformity with the provisions of this chapter and issue permits therefor. He shall disapprove such applications as are not in conformity with the provisions of this chapter and refuse to issue permits therefor until they are modified so as to conform to all provisions of this chapter.

§ 50-7. Certificates of occupancy.

The Building Inspector shall receive and examine all applications for certificates of occupancy and issue such certificates where approved.

§ 50-8. Inspection of construction.

The Building Inspector shall make necessary inspections to see that the provisions of law are complied with and that construction is prosecuted safely.

§ 50-9. Inspections. [2]

The Building Inspector shall, upon request or complaint, inspect buildings, other than single-family dwellings, to determine any changes in classification of occupancy or construction, to remedy illegal or unsafe conditions or to require adequate exit facilities.

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1. **Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.**
2. **Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.**

§ 50-10. Records.

The Building Inspector shall keep careful and comprehensive records of applications, of permits and certificates issued, of inspections made, of reports rendered and of notices or orders issued. He shall retain on file copies of all papers and plans in connection with building permits for a period of not less than five years from the date of the issuance of the permit. All such records shall be kept on file at the office of the Council. They shall be open to inspection during regular office hours but shall not be removed from the office of the Council.

§ 50-11. Reports.

The Building Inspector shall make a report to the Council once each month, or oftener if requested. Such report shall include statements of permits and certificates issued and orders promulgated.

§ 50-12. Recommendations.

A. The Building Inspector shall recommend to the Building Committee of Borough Council any special rules or regulations that shall in his opinion be necessary to define or carry out the intent and purpose of any portion of this chapter.

B. For the purpose of securing for the public the benefits of new developments in the building industry and yet ensuring public safety, the Building Inspector may make or cause to be made investigations, or may accept duly authenticated reports from reliable sources, of new materials or modes of construction which are not provided for in this chapter, and recommend to the Building Committee rules or regulations setting forth the conditions under which such materials or modes of construction may be used.

§ 50-13. Right of entry.

The Building Inspector, in the discharge of his duties, shall have authority to enter any building, structure or premises at any reasonable hour.

ARTICLE III
Building Committee of Council

§ 50-14. Recommendation of rules.

A. Rules necessary to define or carry out the intent or purpose of this chapter or to set forth conditions under which new materials or methods of construction may be used may be recommended from time to time by the Building Committee to the Borough Council and shall become effective upon approval.

B. Rules adopted as herein provided shall have the same force and effect as provisions of this chapter.

C. Any rule may be amended or repealed by the same procedure provided for the adoption of new rules.

§ 50-15. Appeals. [3]

An appeal from any decision of the Building Inspector as to compliance or noncompliance with the provisions of this chapter may be taken to the Building Committee. Such appeal shall be made in writing within 10 days after such decision has been made and shall be filed with the Borough Secretary. The appellant or his representative shall have the right to appear and be heard if such right is requested in the written appeal. A prompt decision of such appeal shall be made by the Building Committee. In making its decision, the Committee may vary or modify any provision of this chapter where there are practical difficulties in the way of executing the strict letter of the law, so that the spirit of the law shall be observed, public safety secured and substantial justice done. Every action of the Committee on such appeal shall be by resolution, copies of which shall be certified to the Building Inspector and the appellant.

ARTICLE IV
Building Permits

§ 50-16. Permits required. [4]

It shall be unlawful to construct, alter, repair, equip, remove or demolish, or to commence the construction, alteration, repair, equipment, removal or demolition of, any building or structure in the borough unless application for a permit shall have been made and a formal permit obtained, provided that no application or permit is required where the cost of repairs is less than $200. A separate permit shall be required for oil-burning equipment and for a gas-fired furnace. The permit shall be kept on the premises, open to public inspection during the prosecution of the work and until completion of the same.

§ 50-17. Application for permits.

A. Applications for permits shall be submitted in such form as the Building Inspector may prescribe and shall contain the following: [Amended 4-14-1975 by Ord. No. 656[5]]

   (1) Full name and address of owner.

   (2) Full name and address of applicant.

   (3) A brief description of the proposed work.

   (4) Whether it is new construction.

   (5) Whether it involves a change of use.

   (6) A copy of any building restrictions affecting the property on which the proposed work is to be done, and reference to the recording thereof.

   (7) Any other pertinent information required by the Building Inspector.

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3. **Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.**

4. **Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.**

5. **Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.**

(8) A description of any portion of the proposed work which falls within the flood hazard area.

B. Applications shall be accompanied by two sets of plans and specifications of the proposed work, including such drawings, drawn to scale, of floor plans, sections, elevations and structural details as the Building Inspector may require, and a plot plan showing accurately the location and size of the lots, existing buildings and proposed new construction, provided that in the case of unimportant work which, in the opinion of the Building Inspector, does not require the filing of such plans and specifications, he may accept in lieu thereof a written statement describing the general character and extent of such work.

C. The applicant shall notify in writing all property owners within 300 feet as stated in the application if the property on which the work is being done is governed by building restrictions.

D. Any application which, in the opinion of the Building Inspector, calls for construction the use of which will necessitate additional public sewerage or highway or similar facilities, shall be refused by the said Building Inspector, who will thereupon refer it to the next meeting of Borough Council, which shall either affirm the refusal or direct the issuance of the permit in accordance with its opinion as to the ability of the borough to provide the facilities as required.

§ 50-18. Action on applications.

The Building Inspector shall approve or reject any application within 15 days after the same has been filed. If the application is approved, the Building Inspector, upon payment of the prescribed fee, shall thereupon issue a building permit for the proposed work. If the application is rejected, the Building Inspector shall note his findings in a report attached to the application and deliver a copy thereof to the applicant.

§ 50-19. Approval in part.

The Building Inspector may, at his discretion, approve a permit for the construction of part of a building or structure, if adequate plans and detailed statements have been presented for the same and have been found to comply with this chapter, before the entire plans and detailed statements of said building or structure have been submitted or approved, which shall not be a precedent for the approval of subsequent applications.

§ 50-20. Amendments to applications.

Nothing in this chapter shall prohibit the filing of amendments to an application, plan or other record accompanying same at any time before the completion of work for which a permit has been granted. Such amendments, after approval, shall be filed with and deemed a part of the original application. If such amendments increase the cost to such an extent as to increase the fee, an additional permit shall be obtained, for which a fee shall be paid which will make the total permit fee the same as if figured for one permit.

§ 50-21. Approval of plans.

The Building Inspector shall endorse his approval on both sets of plans and specifications for which a permit shall be authorized. One such approved set shall be retained by the Building Inspection as a public record, and one set shall be returned to the applicant, which set shall be kept on the premises at all times during which the work authorized is in progress and shall be open to inspection by public officials. Such approved plans and specifications shall not be amended unless approval of such amendment is secured from the Building Inspector. All work shall be done in accordance with the approved plans and specifications or approved amendments thereto.

§ 50-22. Permit limitations.

All permits shall become void 30 days after the date of issuance unless actual construction is begun within that period. All permits not void theretofore shall become void 120 days after the date of issuance unless an extension of the permit shall have been granted by the Building Inspector upon the showing of satisfactory cause.

§ 50-23. Builders' shanties.

Builders' shanties for storing building materials or tools or for office purposes may be erected and used during construction, provided they are included in the application and permit for the building operation. These shanties shall be torn down or removed from the premises upon completion of the work. They shall not be erected within street lines unless special authorization is given by the Highway Department.

§ 50-24. Revocation.

The Building Inspector may revoke a permit or approval issued under the provisions of this chapter in case there has been any false statement or misrepresentation as to a material fact in the application or plans on which the permit or approval was based.

ARTICLE V
Permit Fees

§ 50-25. Fees required.

Applicants for permits to be issued under the provisions of this chapter shall pay, at the time of application to the Building Inspector, for the use of the borough, the fees prescribed in this Article. The valuation of the proposed construction or work shall be based upon the entire value of such construction or work. The Building Inspector shall have the right to verify or correct the estimated value of such construction or work.

§ 50-26. New buildings or additions. [Amended 7-14-1952 by Ord. No. 417; 12-14-1970 by Ord. No. 595; 1-8-1973 by Ord. No. 629; 12-30-1976 by Ord. No. 670]

A. Single-family and two-family dwellings. [Amended 7-12-1982 by Ord. No. 722, approved 7-12-1982]

(1) Permit fees for new single-family and two-family dwellings shall be as

follows:

(a) For the first 2,000 square feet: a fee of $300.

(b) For each additional 1,000 square feet: a fee of $125.

(2) The square foot area of any proposed building referred to in this subsection shall be computed from the plans submitted at the time application is made for a permit by multiplying the number of stories, including basements and unfinished attics, expandable, times the outside area at the level of the first floor.

B. Dormitories, hotels, nonresidence construction. [Amended 7-12-1982 by Ord. No. 722, approved 7-12-1982]

(1) Permit fees for dormitories, convents and similar residence construction, business buildings, hotels, rooming houses and all other nonresidence construction shall be as follows:

(a) For the first 1,000 square feet or fraction thereof: a fee of $450.

(b) Where the total square footage exceeds 1,000 square feet: an additional fee for each 1,000 square feet of $125.

(2) The square foot area of any proposed building referred to in this subsection shall be computed from the plans submitted at the time application is made for a permit by adding the area determined from outside dimensions at ten-foot intervals from the basement floor to the ceiling of the uppermost story. Each height of 10 feet or fraction thereof shall be computed as a separate story.

C. Permit fees for multiple dwellings and apartment houses shall be as follows: [Amended 7-12-1982 by Ord. No. 722, approved 7-12-1982]

(1) For each family unit in a multiple dwelling or apartment house: a fee of $200.

D. Permit fees for new garages shall be as follows:

(1) For a one-car garage, $25.

(2) For a two-car garage, $35.

(3) For a three-car garage, $50.

(4) For garages in excess of three cars, the fee shall be computed as in Subsection B above.

§ 50-27. Alterations, demolitions, repairs; equipment; miscellaneous structures. [Amended 7-14-1952 by Ord. No. 417; 12-14-1970 by Ord. No. 595; 1-8-1973 by Ord. No. 629; 12-30-1976 by Ord. No. 670; 7-12-1982 by Ord. No. 722, approved 7-12-1982]

A. Permit fees for the alteration, demolition or repair of single-family, two-family or three-family dwellings and for the installation of permanent equipment therein and for the erection, construction or repair of miscellaneous structures, including

swimming pools, shall be as follows:

(1) For an estimated cost of $1,000 or fraction thereof: $20.

(2) For each additional $1,000 or fraction thereof: $10.

(3) Swimming pools (permanent): A flat fee of $125 will be charged.

B. Permit fees for the alteration, demolition or repair of multiple dwellings or nonresidential buildings shall be as follows:

(1) For an estimated cost of $1,000 or fraction thereof: $40.

(2) For each additional $1,000 or fraction thereof: $10.

§ 50-28. Repairs due to fire damage. [Amended 7-14-1952 by Ord. No. 417[6]]

Permit fees for repairs of fire-damaged buildings shall be as follows:

A. For a total valuation of $100 or less, no permit fee is required.

B. For a total valuation of more than $100 and not more than $200, the sum of $1.

C. For a total valuation of more than $200 and not more than $1,000, the sum of $2.

D. For a total valuation of more than $1,000, the sum of $1 plus the sum of $1 for each $1,000 or fraction thereof of total valuation.

§ 50-29. Oil-burning, gas-fired and electric furnaces; hot-water heaters and other equipment. [Amended 3-8-1954 by Ord. No. 440; 7-12-1982 by Ord. No. 722, approved 7-12-1982]

Permit fees for the installation, erection, replacement, enlargement or alteration of oil-burning, gas-fired and electrical furnaces, hot-water heaters, incinerators, air conditioners and such other equipment shall be as follows:

A. For a total valuation of not more than $1,000 or fraction thereof: $20.

B. Each additional $1,000 or fraction thereof: $5.

§ 50-30. Display signs. [Amended 1-8-1973 by Ord. No. 629; 12-30-1976 by Ord. No. 670]

Permit fee for display signs, for which permits are required in accordance with the provisions of Part 13 of this chapter, shall be the sum of $25.

§ 50-31. Awnings. [Amended 9-8-1986 by Ord. No. 761, approved 9-8-1986]

No permit shall be required for awnings.

§ 50-32. Refund of permit fees.

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6. **Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.**

When a permit shall have become void and no work has been done under the permit, the applicant, after return of the permit for cancellation, shall be entitled to receive a refund of an amount equal to $5 less than 1/2 of the total permit fee paid, provided that no refund shall be allowed where the total permit fee paid is less than $20.

ARTICLE VI
Certificates of Occupancy

§ 50-33. New buildings. [Amended 4-14-1986 by Ord. No. 759, approved 4-14-1986]

No building hereafter erected shall be occupied or used, in whole or in part, until a certificate of occupancy shall have been issued by the Building Inspector to the owner certifying that such building conforms to the provisions of this chapter.

§ 50-34. Altered buildings. [Amended 4-14-1986 by Ord. No. 759, approved 4-14-1986]

No building hereafter so enlarged or so altered as to change its classification and no building hereafter altered for which a certificate of occupancy has not been heretofore issued shall be occupied or used, in whole or in part, until a certificate of occupancy shall have been issued by the Building Inspector certifying that the work for which the permit was issued has been completed in accordance with the provisions of this chapter.

§ 50-35. Existing buildings. [Amended 4-14-1986 by Ord. No. 759, approved 4-14-1986]

Nothing in this chapter shall prevent the continuance of the use and occupancy of a lawfully existing building, except as may be necessary for the safety of life or property. Upon written request from the owner, the Building Inspector shall issue a certificate of occupancy for an existing building certifying, after verification by inspection, the occupancy or use of such building.

§ 50-36. Temporary occupancy.

Upon written request from the owner, a temporary certificate of occupancy for part of a building may be issued, provided that such temporary occupancy or use would not jeopardize life or property.

§ 50-37. Change of occupancy. [Amended 7-14-1986 by Ord. No. 762, approved 7-14-1986]

A. No change of occupancy or use shall be made as to any building presently existing or hereafter erected or altered, whether such change shall be made by the current owner or occupant or shall occur as a result of a transfer of title or possession by deed or lease, until a certificate of occupancy shall have been applied for and issued by the Building Inspector.

B. Application for a certificate of occupancy for a change in occupancy or use shall be made to the Building Inspector by the owner or lessor of the building. In the event that a change of occupancy or use is accompanied by a change in ownership or possession, the buyer or lessee may waive the seller's or lessor's responsibility to obtain the certificate of occupancy and assume the same; provided, however, that

such waiver shall be in writing and shall state that the buyer or lessee is aware that he, she or it is assuming full responsibility for obtaining a certificate of occupancy and provided, further, that such written waiver be filed with the Building Inspector.

C. In order to prevent undue hardship and loss to an innocent buyer or lessee, the seller or lessor shall include in the agreement of sale or lease written notice of any and all uncorrected violations of any Building, Zoning, Safety, Sidewalk and Curb Ordinances of the Borough of Narberth.

§ 50-38. Applications.

Applications for certificates of occupancy shall be submitted in such form as the Building Inspector may prescribe and shall contain such information as may be required by him.

§ 50-39. Contents of certificate. [Amended 9-8-1986 by Ord. No. 761, approved 9-8-1986]

The certificate of occupancy shall state the purposes for which the building may be used in its several parts, and any special stipulations applicable.

§ 50-40. Issuance and filing. [Amended 7-14-1986 by Ord. No. 762, approved 7-14-1986]

A. Application for a certificate of occupancy shall be made to the Building Inspector on a form to be provided by said official.

B. An application for a certificate of occupancy shall be accompanied by a fee of $25.

C. The Building Inspector or his representative shall, within 10 working days of the receipt of a fully completed application for a certificate of occupancy and the accompanying fee, make an inspection of subject property to determine that it is in compliance with all applicable ordinances of the Borough of Narberth and, upon a determination that the requirements of said ordinances have been complied with, shall issue a certificate of occupancy.

D. If, upon inspection, the Building Inspector or his representative determines that the subject property is not in compliance with the requirements of any borough ordinance, he shall, within three working days, notify the applicant of such noncompliance, specifically setting forth the violation or violations which require correction.

E. Upon correction of the violation or violations, the applicant shall notify the Building Inspector thereof in writing and shall submit a reinspection fee of $5 with such notification. The Building Inspector shall then reinspect the property within five working days of receipt of such notification and reinspection fee. This procedure shall be followed until all violations have been corrected, at which time a certificate of occupancy shall be issued.

F. In the event that, because of weather conditions or other unique circumstances, the violation or violations cannot be repaired or replaced prior to settlement in the event of a sale, the Building Inspector may establish a dollar value to complete the needed repairs or replacement and require that said sum be escrowed by the seller with an

approved title company and/or the Borough of Narberth on behalf of the buyer, in which event the Building Inspector may issue a temporary certificate of occupancy.

G. The Building Inspector shall maintain a record of all certificates of occupancy in the borough office and shall issue copies thereof to any person having a proprietary interest in the property affected, upon written request and the payment of a fee of $3 per copy.

ARTICLE VII
Unsafe Buildings

§ 50-41. Repair or removal of building.

A building or structure that may be or shall at any time hereafter become dangerous or unsafe shall be made safe and secure or be taken down and removed.

§ 50-42. Notice of unsafe building.

Upon receipt of information that a building or structure is unsafe, the Building Inspector shall make or cause to be made an inspection thereof. If it is found that an unsafe condition exists, he shall serve or cause to be served on the owner a written notice containing a description of the building or structure deemed unsafe, a statement of the particulars in which the building or structure is unsafe and an order requiring the same to be made safe and secure or taken down and removed. If the owner is not found within the borough, such service will be completed if such notice and order shall be sent by registered mail to the last known address of such owner and a copy of such notice and order shall be posted in a conspicuous place on the premises to which it relates.

§ 50-43. Disregard of notice.

If the owner served with a notice and order to repair or remove an unsafe building or structure should fail within a reasonable time to comply with the requirements thereof, the Borough Solicitor shall be advised of all the facts in the case and shall institute an appropriate action in the courts to compel compliance.

§ 50-44. Emergency work.

In case there shall be, in the opinion of the Building Inspector, actual and immediate danger of the falling of a building or structure so as to endanger life or property, he shall cause the necessary work to be done to render said building or structure temporarily safe, whether the procedure prescribed in this Article has been instituted or not. For this purpose, he may employ such labor and materials as may be necessary. The Borough Solicitor shall institute appropriate actions against the owner of premises where the unsafe building or structure was located for the recovery of costs incurred in the performance of emergency work and is hereby authorized and empowered to enter liens therefor in the name of the borough.

ARTICLE VIII
Penalties

§ 50-45. Violations and penalties. [Amended 7-14-1986 by Ord. No. 762, approved 7-14-1986; 9-8-1986 by Ord. No. 761, approved 9-8-1986]

Any building or portion of a building or party or foundation wall hereafter erected or placed upon any lot or premises within said Borough of Narberth in violation of the provisions of this chapter is hereby declared a common nuisance, and the owner of the ground or the builder, upon 24 hours' notice personally served upon him or them or a like notice being posted upon said building in case personal service cannot be made within said borough, shall proceed to remove said building within the next 48 hours beyond the borough limits or proceed to take down the same within that time, and in the event of his or their refusal or neglect so to do the Borough Manager or, in case of his absence or failure to act, the Borough Council shall forthwith proceed to have said building removed as a common nuisance, the necessary expense of which shall be collected from the owner of said building or lot as other debts are by law collected, provided that, if the owner of such building shall refuse or neglect to remove the materials of which the building may be composed after the same has been deposited in some convenient place for the space of 24 hours after notice so to do, said materials shall be sold at public sale after six days' notice by not less than 10 printed bills posted in the vicinity and the proceeds thereof paid into the borough treasury for the use of the owner of such building or lot after deducting all costs and expenses of tearing down, removing and disposing of the same. Any person proceeding to erect any building or to make any alterations or additions to any building without having first filed an application and obtained the permit specified in this chapter or who occupies as owner or permits the occupancy of any building referred to in §§ 50-33, 50-34 and 50-37 before a certificate of occupancy has been issued as therein provided or who violates the provisions of this chapter or any of them or who fails to comply with said provisions in any respect shall be liable to a fine of not less than $300 or imprisonment of not more than 30 days, in the discretion of the District Justice imposing the same, the fines to be sued for and recovered in the name of the borough and for the use thereof as such debts are collected by law. For each and every day such violation shall continue after notice has been given as aforesaid, during which the party so notified has neglected or refused to comply with the provisions of this chapter, there shall be an additional fine of $5 per day or one day's imprisonment until the nuisance is abated or the chapter complied with.

Part 2
Definitions

ARTICLE IX
Definitions

§ 50-46. Words and terms defined.

Unless otherwise expressly stated, the following terms shall, for the purpose of this chapter, have the meanings indicated in this Article:

A. Words used in the present tense include the future; words in the masculine gender include the feminine and neuter; words used in the singular number include the plural; and words used in the plural number include the singular. The word "person" includes a corporation and a copartnership as well as an individual; "writing"

includes printing and typewriting; "oath" includes affirmation; "signature" or "subscription" includes a mark made by a person who cannot write, if his name is written near to such mark.

B. Terms defined.

ALTERATION — As applied to a building or structure, means any change or rearrangement in the structural parts or in the exit facilities, or any enlargement, whether by extension on any side or by any increase in height, or the moving from one location or position to another.

APARTMENT — A room or group of rooms in an apartment house, designed for and occupied exclusively as a residence for only one family. The word "apartment" shall include a condominium. A "condominium" is the system of separate ownership of individual units in a multi-unit building or buildings. [Amended 4-12-1971 by Ord. No. 608]

APPROVED — As applied to a material, device or mode of construction, means approved by the Building Inspector under the provisions of this or by other authority designated by law to give approval in the matter in question.

AREA — As applied to a form of construction, means an uncovered subsurface space adjacent to a building as applied to a building, structure or part thereof, the "area" thereof is the horizontal area enclosed by exterior walls, fire walls or party walls.

ASTM — The American Society for Testing Materials.

AUTOMATIC — As applied to a fire door or other means of protection for openings, means normally held in an open position and automatically closed by a releasing device that is actuated by abnormally high temperature or by a predetermined rate of rise in temperature.

BASEMENT — A story partly underground, the greater part of which is above grade. For the purposes of this chapter, a "basement" shall be counted as a story unless otherwise specifically stated.

BEARING WALL — A wall which supports any load in addition to its own weight.

BUILDING — A combination of materials to form a construction that is safe and stable and is adapted to permanent or continuous occupancy for residence, business, assembly or storage purposes; the term "building" shall be construed as if followed by the words "or part thereof."

CELLAR — A story of which 1/2 or more is below grade. For the purposes of this chapter, a "cellar" shall not be counted as a story unless otherwise specifically stated.

COUNCIL — The Council of the Borough of Narberth.

DWELLING — A building designed for and occupied exclusively for residence purposes.

FACED WALL — A wall in which the masonry facing and backing are so bonded as to exert common action under load.

FAMILY — Any number of individuals living and cooking together as a single housekeeping unit, provided that not more than two of such number are unrelated to all of the others by blood, marriage or legal adoption. As a special exception, the Zoning Hearing Board may interpret the term "family" to apply to a group of individuals, not exceeding four not related to each other by blood, marriage or legal adoption, living and cooking together as a single housekeeping unit.[7]

FIRE DOOR — A door and its assembly designed and constructed to resist fire.

FIRE-RESISTIVE MATERIALS — Those materials which will resist destruction by fire and shall be measured by time period when tested in accordance with the standard fire test.

FIRE-RETARDANT MATERIALS — Those materials which will not provide a defined time period of fire resistance but which will not readily ignite and will retard the passage of flames.

FIRE WALL — A wall provided primarily for the purpose of resisting the passage of fire from one building or structure to another or from one area of a building or structure to another.

FIRE WINDOW — A window frame with sash and glazing designed and constructed to resist fire.

FOUNDATION WALL OR PIER — Any supporting wall or pier built below grade and extending up to the first tier of beams above grade.

GRADE — With reference to a building, the mean elevation of the curb opposite the building when the curb level has been established and the front of the building is 15 feet or less from the street line, or the mean elevation of the ground adjoining the building on all sides when the curb level has not been established or when the front of the building is more than 15 feet from the street line.

HABITABLE ROOM — A room occupied by one or more persons for living, eating or sleeping, and includes kitchens serving apartments or individual dwellings, but does not include bathrooms, water closet compartments, laundries, serving and storage pantries, corridors, cellars and spaces that are not used frequently or during extended periods.

HALF STORY — That part of a building which is contained wholly or in part within the slope of a roof and which contains in floor area not more than 80% of the floor area of the story below.

HEIGHT — As applied to a building, means the vertical distance from grade to a point midway between the highest and the lowest points of the roof, provided that chimneys, spires, towers, elevator penthouses, tanks and similar projections shall not be included in calculating the "height." As applied to a story, the "height" thereof is the vertical distance from top to top of two successive tiers of floor beams. As applied to a wall, the "height" thereof is the vertical distance to the top measured from the foundation wall or from a

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7. **Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.**

girder or other immediate support of such wall.

HEREAFTER — After the time this chapter becomes effective.

HERETOFORE — Before the time this chapter becomes effective.

MINOR GARAGE — A building, not a private garage, used solely for the storage of motor vehicles.

MULTIPLE DWELLING — A building designed for and occupied exclusively as a residence for more than three families living independently of one another.

NONBEARING WALL — Any wall which supports no load but its own weight.

OCCUPIED — As applied to a building, shall be construed as though followed by the words "or intended, arranged or designed to be occupied."

OWNER — Includes the holder of the legal or equitable title, his duly authorized agent, attorney or mortgagee in possession, and a person having a vested or contingent interest in the property in question.

PARTY WALL — A wall used or adapted for joint use between two buildings.

PRIVATE GARAGE — A building accessory to a dwelling, for the storage of not more than three motor vehicles and with an area of not more than 660 square feet.[8]

PUBLIC GARAGE — A building, not a private or minor garage, used for the storage and repair of motor vehicles.

REPAIR — The replacement of existing work with the same kind of material used in the existing work, not including additional work that would affect the structural safety of the building, or that would affect or change required exit facilities, or that would affect a vital element of an elevator, plumbing, wiring or heating installation, or that would be in violation of a provision of this chapter.

REQUIRED — Required by some provision of this chapter.

SELF-CLOSING — As applied to a fire door or other means of protection for openings, means normally closed and equipped with an approved device which will ensure closing after having been opened for use.

SINGLE-FAMILY DWELLING — A building designed for and occupied exclusively as a residence for only one family.

STORY — That part of a building comprised between a floor and the floor or roof next above.

STREET LINE — The line of dedication in the case of a dedicated street, and a line 25 feet each side of the center line in the case of a private road.

STRUCTURE — A combination of materials, other than a building, to form a

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8. **Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.**

construction that is safe and stable, including, among others, stadia, gospel and circus tents, reviewing stands, platforms, stagings, observation towers, radio towers, sheds, coal bins, fences and display signs; the term "structure" shall be construed as if followed by the words "or part thereof."

SWIMMING POOL — A structure designed for swimming and/or wading, constructed or installed either above or below ground, designed to contain or capable of containing water 24 inches or more in depth. [Added 6-10-1968 by Ord. No. 574]

THREE-FAMILY DWELLING — A building designed for and occupied exclusively as a residence for three families living independently of one another.

TWO-FAMILY DWELLING — A building designed for and occupied exclusively as a residence for two families, with one family living wholly or partly over the other.

VENEERED WALL — A wall having a masonry facing which is not attached and bonded to the backing so as to form an integral part of the wall for purposes of load-bearing and stability.

Part 3
Classification of Buildings

ARTICLE X
Classification of Occupancies

§ 50-47. Classes designated.

For the purpose of this chapter, all buildings and structures shall be classified with respect to occupancy and use as public buildings, institutional buildings, residence buildings, business buildings or miscellaneous buildings and structures.

§ 50-48. Public buildings.

Public buildings are buildings in which persons congregate for civic, political, educational, religious, social or recreational purposes, including, among others, courthouses, schools, libraries, museums, exhibition buildings, lecture halls, churches, assembly halls, lodge rooms, dance halls, theaters and bathhouses.

§ 50-49. Institutional buildings.

Institutional buildings are buildings in which persons are harbored to receive medical, charitable or other care or treatment or in which persons are held or detained for penal or correctional purposes, including, among others, hospitals, asylums, sanatoriums, homes for the aged, prisons and reformatories.

§ 50-50. Residence buildings.

Residence buildings are buildings in which sleeping accommodations are provided, except when classed as public or institutional buildings, including, among others, single-family, two-family and three-family dwellings, multiple dwellings, apartment houses, hotels, lodging houses and dormitories.

§ 50-51. Business buildings.

Business buildings are buildings in which goods are manufactured, converted, sold or stored or in which business or professional services are rendered, including, among others, factories, warehouses, stores, office buildings and public garages.

§ 50-52. Miscellaneous buildings and structures.

Miscellaneous buildings and structures include buildings and structures such as private garages, sheds, tanks, towers, signs, stadia, grandstands and similar structures.

§ 50-53. Highly hazardous occupancies.

In the case of any building in which explosives or flammable or other dangerous materials are to be manufactured, stored or used, the Building Inspector may make such additional regulations regarding the same as may be necessary to protect life or property.

§ 50-54. Doubtful classifications.

In case any building or structure is not specifically provided for or where there is any uncertainty as to its classification, its status shall be fixed by the Building Inspector.

§ 50-55. Mixed occupancy.

In case a building is used for two or more occupancies not of the same class, it shall conform to the most stringent requirements of any of the classes to which the occupancies pertain, provided that if the building is divided into sections containing the different occupancies by walls affording four-hour fire-resistive protection, such sections shall be considered as separate buildings.

ARTICLE XI
Classification of Construction

§ 50-56. Types designated.

For the purposes of this chapter, construction as used in buildings shall be classified as follows:

A. Type I: fireproof construction.

B. Type II: heavy timber construction.

C. Type III: ordinary masonry construction.

D. Type IV: metal frame construction.

E. Type V: wood frame construction.

§ 50-57. Type I: fireproof construction.

Fireproof construction is that in which walls are of approved masonry or of reinforced concrete and the structural members are of noncombustible materials with the following

minimum fire-resistive ratings:

A. Four hours for exterior bearing walls, fire walls and party walls.

B. Three hours for other walls, isolated piers, columns and wall-supporting girders.

C. Two hours for girders other than those already specified, exposed beams, floors, roofs, floor fillings and fire partitions.

§ 50-58. Type II: heavy timber construction.

Heavy timber construction is that in which walls are of approved masonry or of reinforced concrete and in which the interior structural elements, including posts, floors and roof construction, consist of heavy timbers with smooth flat surfaces so assembled as to avoid thin sections, sharp projections and concealed or inaccessible spaces; provided that structural members of steel or of reinforced concrete may be used if they have a fire-resistive rating of not less than that specified for fireproof construction.

§ 50-59. Type III: ordinary masonry construction.

Ordinary masonry construction is that in which the exterior walls are of approved masonry or of reinforced concrete and in which the interior structural elements are wholly or partly of wood of smaller dimensions that those required for heavy timber construction or of steel or iron that is not protected as required for fireproof construction.

§ 50-60. Type IV: metal frame construction.

Metal frame construction is that in which the structural supports are unprotected metal and in which the exterior walls and roof are of sheet metal or other noncombustible materials.

§ 50-61. Type V: wood frame construction.

Wood frame construction is that in which the structural parts and materials are of wood or are dependent upon a wood frame for support, including construction having a noncombustible exterior veneer.

§ 50-62. Partial compliance.

Nothing in this chapter shall require full compliance with a particular type of construction if a less restricted type is permitted under this chapter; but no building shall be deemed to be of a specified type of construction unless it conforms to all the provisions of this chapter applying to that type.

Part 4
General Building Restrictions

ARTICLE XII
Restrictions Within Fire Limits

§ 50-63. Fire limits established.

For the purposes of this chapter, the fire limits are hereby established to include all the territory designated as C Commercial Districts by the Zoning Ordinance approved January 4, 1940, as amended,[9] or as the same may be amended hereafter.

§ 50-64. Location.

A building or structure shall be deemed to be within the fire limits if more than 1/3 of the area of a building or structure is located therein.

§ 50-65. Limitations.

A. Except as hereinafter provided in this Article, no building or structure shall be erected or substantially altered within the fire limits or moved within or into the fire limits unless it shall be of fireproof or heavy timber construction or of ordinary masonry construction with a roof covering of noncombustible or fire-retardant materials.

B. All replacements of roof coverings within the fire limits shall be of noncombustible or fire-retardant materials.

C. Any existing frame building within the fire limits which may hereafter be damaged by fire, decay or otherwise to an amount greater than 25% of its present size, exclusive of the foundation, shall not be replaced or rebuilt but shall be removed, unless within exceptions in § 50-66.

§ 50-66. Exceptions.

Nothing in this Article shall prohibit the erection of new buildings or structures or the extension or enlargement of existing buildings or structures within the fire limits, subject to the specified limitations, as follows:

A. A building of metal frame construction occupied exclusively as a private garage, not more than 400 square feet in area and located on the same lot with a dwelling.

B. Sheds of metal frame or wood frame construction open on the long side, not more than 15 feet in height nor more than 500 square feet in area with roofs covered with noncombustible or fire-retardant materials.

C. A building of metal frame construction, not more than 200 square feet in area, when approved as to location and use by the Building Inspector.

D. Builders' shanties of metal frame or wood frame construction, not more than one story in height, for use only in connection with a duly authorized building operation and covered in the permit therefor.

E. Storm enclosures of metal frame or wood frame construction with a roof covering of noncombustible or fire-retardant materials, when not more than 12 feet high nor more than four feet wider than the doors they serve.

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9. **Editor's Note: See Ch. 124, Zoning.**

F. Coal tipples, material bins, trestles and water tanks when built of heavy planking and timbers.

G. Display signs as provided in Part 13 of this chapter.

ARTICLE XIII
Height Restrictions

§ 50-67. Buildings not to exceed height limits.

No building hereafter erected shall exceed in height the limits fixed in this Article. No building shall hereafter be altered so as to exceed the limits of height fixed by this Article.

§ 50-68. Heavy timber and ordinary masonry construction.

Buildings of heavy timber or ordinary masonry construction shall not exceed two stories in height, except for business buildings and residence buildings, which may be but shall not exceed three stories in height.

§ 50-69. Metal frame construction.

Buildings of metal frame construction shall not exceed one story in height.

§ 50-70. Exceptions.

A basement or a cellar shall not be deemed a story for the purposes of this Article.

ARTICLE XIV
Area Restrictions

§ 50-71. Buildings not to exceed area limitations.

No building hereafter erected shall exceed in area in any story the limits fixed in this Article, and no building shall hereafter be altered so as to exceed in area in any story the limits fixed in this Article, provided that no building shall be limited in area if it is divided by fire walls into sections, none of which exceeds the limits of area fixed in this Article for its type of construction.

§ 50-72. Fireproof construction.

Public or minor garages of fireproof construction shall not exceed 10,000 square feet if fronting on one street, 12,500 square feet if fronting on two streets and 15,000 square feet if fronting on more than two streets. Business buildings of fireproof construction, other than public or minor garages, shall not exceed 15,000 square feet if fronting on one street, 18,000 square feet if fronting on two streets and 20,000 square feet if fronting on more than two streets.

§ 50-73. Heavy timber construction.

Public or minor garages of heavy timber construction shall not exceed 8,000 square feet if fronting on one street, 10,000 square feet if fronting on two streets and 12,000 square feet if fronting on more than two streets. Buildings of heavy timber construction, other than public or minor garages, shall not exceed 10,000 square feet if fronting on one street, 12,500 square feet if fronting on two streets and 15,000 square feet if fronting on more than two streets.

§ 50-74. Ordinary masonry and metal frame construction.

Buildings of ordinary masonry or metal frame construction shall not exceed 8,000 square feet if fronting on one street, 10,000 square feet if fronting on two streets and 12,000 square feet if fronting on more than two streets.

§ 50-75. Wood frame construction.

Buildings of wood frame construction shall not exceed 2,500 square feet.

§ 50-76. Exceptions.

The limiting areas fixed in this Article may be increased by 100% when the building is equipped with an approved automatic sprinkler system.

ARTICLE XV
Occupancy Restrictions

§ 50-77. All occupancies. [Amended 4-25-1985 by Ord. No. 749, approved 4-25-1985]

All buildings hereafter erected shall have the entire first story walls, that is, to the top line of the second floor joists, constructed of reinforced concrete, approved masonry or other incombustible materials, provided that in areas outside the fire limits established by this chapter, new single-family detached residence buildings, new single-family semidetached residence buildings, additions to existing single-family detached residence buildings, additions to existing single-family semidetached residence buildings, side bay windows and sheds may be of wood-frame construction, subject to the following restrictions:

A. The wood-frame construction shall conform to the standards set forth in other sections of this chapter pertaining to wood and wood construction.

B. The fire walls or party walls between wood-frame semidetached residence buildings shall conform to the standards set forth elsewhere in this chapter pertaining to fire walls and party walls.

C. The foundations and foundation walls for wood-frame detached and semidetached residence buildings, additions to detached or semidetached residence buildings of wood-frame or other construction and wood-frame side bay windows shall conform to the standards set forth elsewhere in this chapter pertaining to foundations and foundation walls.

D. Side bay windows of wood-frame construction shall not exceed 12 feet in width nor project more than five feet from the main walls of the building.

E. Single-family residence buildings of wood-frame construction, whether detached or semidetached, may not be altered or converted into two-family, three-family or other multiple dwellings.

§ 50-78. Special occupancies.

Asylums, detention buildings, hospitals, jails, nurseries and theaters hereafter erected or altered shall be of fireproof construction.

§ 50-79. Residence buildings. [Amended 4-25-1985 by Ord. No. 749, approved 4-25-1985]

Residence buildings located outside the fire limits established by this code, other than single-family dwellings, hereafter erected or altered, shall be of fireproof or heavy-timber construction or of ordinary masonry construction, provided that residence buildings for more than five families shall be of fireproof construction only. All residence buildings, wherever located, shall have a roof covering of incombustible or fire-retardant materials.

§ 50-80. Public, private and minor garages. [Amended 10-8-1945 by Ord. No. 371, approved 10-8-1945; 4-25-1985 by Ord. No. 749, approved 4-25-1985]

Public garages, private garages and minor garages with a capacity of more than six cars, hereafter erected or altered, shall be of fireproof or heavy-timber construction. Minor garages and private garages with a capacity of not more than six cars shall be of fireproof or heavy-timber construction or of ordinary masonry construction with a roof covering of incombustible or fire-retardant materials, provided that private garages which are accessory to single-family residence buildings located outside the fire limits established by this chapter, whether detached or semidetached, may be of wood-frame construction with a roof covering of incombustible or fire-retardant materials.

§ 50-81. Existing buildings.

A building of frame construction erected prior to September 10, 1923, not over three stories in height, may be converted into a two-family or a three-family dwelling, notwithstanding the requirements of § 50-79, provided that all other requirements of this chapter are complied with and that any addition to the existing building enlarging the ground area thereof shall be of fireproof, heavy timber or ordinary masonry construction, and provided further that if such converted building is located within the fire limits, it shall have a roof covering of noncombustible or fire-retardant materials.

ARTICLE XVI
Streets

§ 50-82. Access to public street. [Amended 9-12-1949 by Ord. No. 394 1/2, approved 9-12-1949]

No single-family, two-family, three-family or multiple dwelling shall hereafter be erected or altered unless the lot on which it is erected or altered has its frontage on a public street or highway, except that a single-family dwelling may be erected or altered on a lot which has access to a public street or highway over a driveway not less than eight feet in width.

No such dwelling shall hereafter be erected or altered in any district between any existing dwelling and any public street or highway, except where the existing dwelling is located on a corner lot bounded by public streets or highways, in which case a dwelling may be erected on the side street, subject to the further provisions of this chapter and of the Zoning Ordinance.[10] Not more than one dwelling shall be erected or altered on any lot in any district unless each such dwelling shall have a frontage on a public street or highway or have access to a public street or highway over a driveway not less than eight feet in width, subject to the further provisions of this chapter and of the Zoning Ordinance.

§ 50-83. Widths and openings of streets.

In all districts of the borough except those described as C Commercial Districts in Ordinance No. 343 approved January 4, 1940, and known as the "Zoning Ordinance," as amended,[11] or as the same may be amended hereafter, all streets that are not through streets shall have a court at the end with a space of not less than 60 feet in diameter. In C Commercial Districts any new street to be opened hereafter shall be a through street of uniform width.

ARTICLE XVII
Street Encroachments

§ 50-84. Projection beyond street line restricted.

Except as otherwise provided in this Article, no part of a building hereafter erected or of an enlargement of a building heretofore erected shall project beyond the street line.

§ 50-85. Footings of street walls.

Footings of street walls may project beyond the street line not more than 12 inches, provided such projecting parts are not less than eight feet below sidewalk level.

§ 50-86. Cornices.

Main cornices, meaning thereby molded projections at or near the top of a wall that faces on a street, may project not more than 18 inches beyond the street line, provided such projections are not less than 12 feet above the sidewalk at any point. Cornices of show windows and porches may project beyond the street line not more than 12 inches, provided such cornices are not less than eight feet above the sidewalk at any point.

§ 50-87. Ornamental projections.

Moldings, belt courses, lintels, columns, pilasters and other similar ornamental projections may project beyond the street line not more than 10 inches.

§ 50-88. Bay windows.

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10. **Editor's Note: See Ch. 124, Zoning.**
11. **Editor's Note: See Ch. 124, Zoning.**

Bay windows and show windows may project beyond the street line not more than three feet, provided that:

A. The street is not less than 50 feet in width.

B. Such windows are not on the first story and not less than 10 feet above the sidewalk at any point.

C. Such windows do not exceed two stories in height nor 13 feet in width.

D. All such windows are contained within lines drawn from the intersection of the front line of the building with the side or party lines of the building and at an angle of 20° with the front line of the building.

E. Such windows are separated by a space of not less than seven feet.

§ 50-89. Window areas.

Window and exit areas may project beyond the street line not more than four feet, provided that every such area shall be covered over at the sidewalk level by an approved grating or covering of metal or other noncombustible materials, but the Building Inspector may prohibit entirely any such area where, in his opinion, the safety of the public so requires.

§ 50-90. Open balconies.

Open balconies above the first story may project beyond the street line not more than three feet, provided such projections are not less than 10 feet above the sidewalk at any point.

§ 50-91. Fire escapes.

Fire escapes and balconies to fire towers or other required exits, constructed of steel or other noncombustible materials, may project beyond the street line not more than four feet, provided such projections are not less than 10 feet above the sidewalk at any point, but this shall not be deemed to prohibit the use, in connection with permissible fire escapes, of movable stairs to the sidewalks, so arranged that they are not less than 10 feet above the sidewalk when not in actual use.

§ 50-92. Awnings.

Drop awnings attached to buildings may extend beyond the street line but not nearer than four feet to the curbline, provided that when let down to their full extent, they are not less than seven feet above the sidewalk at all points. Existing awnings which do not conform to these requirements shall be removed or made to conform within a period of two years from and after the effective date of this chapter.

§ 50-93. Signs.

Signs may project beyond the street line, subject to the limitations of Part 13 of this

chapter.

ARTICLE XVIII
Minimum Area of Dwellings

§ 50-94. Minimum first-story area requirements.

No dwelling hereafter erected or altered shall have a first story of less area than 430 square feet exclusive of porches.

ARTICLE XIX
Swimming Pools
[Added 6-10-1968 by Ord. No. 574]

§ 50-95. Applicability.

The provisions of this Article shall apply to all swimming pools constructed or installed after the effective date of this chapter and to all existing swimming pools, except that an existing swimming pool which does not comply in every respect with all of the requirements of this chapter may be permitted to continue if in the opinion of the Building Inspector and the Fire Chief the conditions which are below standard do not constitute a hazard to life or property.

§ 50-96. Approval of Building Inspector required.

No swimming pool shall be filled for use or used without prior inspection and approval by the Building Inspector to determine whether or not there has been compliance with the provisions of this Article, and should the Building Inspector determine that any swimming pool theretofore approved is thereafter being used other than in compliance with this Article, such swimming pool shall be drained and kept drained and shall not be filled for use or used until it is again brought into compliance.

§ 50-97. Fences required.

Every swimming pool shall be completely enclosed by a fence or other suitable enclosure which shall be so constructed or installed as to make such pool inaccessible to small children. Such fence or enclosure shall be at least four feet in height above the ground and shall include at least one gate leading into the pool, which shall also be at least four feet in height above the ground. All gates shall be self-closing and self-latching, and the latches thereon shall be at least 3 1/2 feet higher than the ground, or the gates in some other manner shall be made inaccessible from the outside to small children. When in the opinion of the Building Inspector the construction or design of the pool itself makes it inaccessible to small children to at least the same degree as the fence or enclosure required by the preceding language of this section, then such fence or enclosure shall not be required. All fences shall be kept in good repair and all gate-closing and -latching devices in good operating order.

§ 50-98. Heating equipment.

Heating equipment, if any, connected with a swimming pool shall be installed in accordance with the applicable provisions of this chapter and the standards of the National Fire Protection Association (i.e., No. 31, Oil Burning Equipment; No. 54, Gas Appliances and Gas Piping; No. 58, Liquefied Petroleum Gases; and No. 70, National Electrical Code).

§ 50-99. Electric wiring and equipment.

Electric wiring and equipment, if any, shall conform to the provisions of the current edition of the National Electrical Code of the National Fire Protection Association (No. 70). Electrical certificates from an approved rating bureau shall be deemed prima facie evidence of compliance with the same.

§ 50-100. Drainage.

Water drained from a swimming pool shall, unless the Borough Manager deems it impracticable or unnecessary, be discharged into natural watercourses on the property or connected to the storm drainage system of the borough.

§ 50-101. Completion guaranty.

Before any building permit shall be issued for the construction or installation of a swimming pool, the borough shall be assured by means of a proper completion guaranty in the form of a bond, or the deposit of funds or securities in escrow sufficient to cover the cost of the required improvements (i.e., fencing, grading, walls and drainage structures), as estimated by the Building Inspector, that the improvements will be installed on or before a date specified in the said bond or escrow agreement.

§ 50-102. Portable pools.

If a swimming pool is portable, that is to say, if it is not permanently installed either as an excavated or aboveground construction operation, then it shall be deemed to be "constructed" or "installed" within the meaning of this Article at such time as it is first erected by the owner thereof, and if it is thereafter dismantled, its subsequent erection in the same location and under the same conditions shall not be deemed to be "construction" or "installation" so as to require that a permit be obtained.

ARTICLE XX
Flood Hazard Areas
[Adopted 4-14-1975 by Ord. No. 656]

§ 50-103. Definition.

"Flood hazard area" shall mean the area designated as "Special Flood Hazard Area" on the map dated December 20, 1974, as amended, of the Borough of Narberth, issued by the United States Department of Housing and Urban Development.

§ 50-104. Limitations.

No building shall be erected or substantially altered or improved within the flood hazard area unless such construction conforms to the provisions of this Article. This Article shall take precedence over any conflicting laws, ordinances or codes.

§ 50-105. Restrictions.

A. Any proposed new construction or substantial alteration or improvement within the flood hazard area must:

   (1) Be designed and anchored to prevent flotation, collapse or lateral movement of the structure.

   (2) Use construction materials and utility equipment that are resistant to flood damage.

   (3) Use construction methods and practices that will minimize flood damage.

B. Any replacement of or new construction of water systems and sanitary systems shall be designed to minimize or eliminate floodwater infiltration.

Part 5
Light and Ventilation

ARTICLE XXI
General Provisions

§ 50-106. New buildings.

For the purpose of providing light and ventilation, every building hereafter erected shall be constructed, arranged and equipped to conform to the provisions of this Part 5.

§ 50-107. Alterations.

A. No building shall hereafter be altered or rearranged so as to reduce the size of a room or the amount of window space to less than that required for buildings hereafter erected, or so as to create an additional room unless such additional room is made to conform to the requirements for rooms in buildings hereafter erected, except that such rooms may be of the same height as existing rooms in the same story.

B. No building shall hereafter be enlarged, nor shall the lot on which it is located be diminished, so that the dimensions of a required court shall be less than those prescribed for buildings hereafter erected.

ARTICLE XXII
Rooms

§ 50-108. Habitable rooms.

A. Every habitable room shall have one or more windows opening directly on a street or on a court or yard conforming to the requirements of this Part 5.

B. Such rooms shall have a minimum width of six feet in any part, a minimum clear floor area of 80 square feet and a minimum clear ceiling height of seven feet six inches for the minimum area, provided that kitchens may have a minimum clear floor area of 70 square feet.

C. It shall be unlawful to divide a habitable room or enclose a part thereof by fixed or movable partitions or other similar devices unless each part of the room so divided or enclosed shall separately conform to the requirements of this Article.

§ 50-109. Business and work rooms.

Every business or work room for customary human occupancy shall have one or more windows or ventilating skylights opening directly on a street on a court or yard conforming to the requirements of this Part 5, or to the outer air above the roof, or shall be provided with an approved means of mechanical ventilation as prescribed in this Part 5.

§ 50-110. Rooms in public and institutional buildings.

Every room in a public or institutional building for customary human occupancy, except a habitable, business or work room or a room otherwise specifically provided for, shall be provided with an approved means of mechanical ventilation as prescribed in this Part 5 unless the space within such room exceeds 150 cubic feet for each occupant and the room contains windows or ventilating skylights having an aggregate area of not less than 10% of the floor surface and with 1/5 of the required window area arranged to open for ventilation.

§ 50-111. Bathrooms, water closet compartments and similar rooms.

Bathrooms, water closet compartments and similar rooms shall be provided with one or more windows or ventilating skylights opening directly on a street, on a court or yard conforming to the requirements of this Part 5, to the outer air above the roof or on a vent shaft conforming to the requirements of this Part 5, or shall be ventilated by a separate duct of noncombustible and non-corrodible material, not less than 72 square inches in net cross section, extending independently of any other duct to and above the roof, or shall be provided with an approved means of mechanical ventilation as prescribed in this Part 5.

§ 50-112. Public halls.

Every public hall in multiple dwellings shall have at least one window or ventilating skylight opening directly on a street, a court or yard conforming to the requirements of this Part 5 or to the outer air above the roof, provided that this requirement may be waived by the Building Committee if in its opinion other means provide such halls with adequate light and ventilation.

§ 50-113. Rooms needing special ventilation.

Rooms in which dust, fumes, gases or other impurities harmful to human occupancy or tending to create a fire hazard exist or develop shall be provided with an approved means

of ventilation to remove effectually such impurities.

ARTICLE XXIII
Windows and Ventilating Skylights

§ 50-114. Windows.

Windows required by this Part 5 shall have an area between stop beads of not less than 10% of the floor area of the room served by them and, in addition, shall be not less than 12 square feet in area for habitable rooms and public halls and eight square feet for bathrooms and similar rooms, provided that where a watercloset occupies a separate compartment 40 square feet or less in area, the minimum requirement shall be four square feet. At least 50% of the required window area shall be arranged to open for ventilation. Where 100% of the window area is arranged to open for ventilation, the window area required for separate water closet compartments 40 square feet or less in area may be reduced to not less than three square feet.

§ 50-115. Ventilating skylights.

The area of skylights permitted by this Part 5 shall be not less than required for the windows which they replace. At least 50% of the required area shall be made available as clear ventilating area by means of movable sash, louvers or similar devices.

ARTICLE XXIV
Vent Shafts and Mechanical Ventilation

§ 50-116. Size of vent shafts.

Vent shafts required by this Part 5 shall have a cross-sectional area of not less than 1/5 of a square foot for every foot of height of shaft, but shall have not less than eight square feet in any case. Such a shaft shall not be less than two feet in its least dimension. Unless such a shaft is open to the outer air at the top, there shall be a net area of fixed louver openings in the skylight equal to the required shaft area.

§ 50-117. Air ducts.

Vent shafts shall be connected with a street or with a court or yard conforming to the requirements of this Part 5, by a duct or intake below the lowest window opening on such shafts. Such duct or intake shall have a cross-sectional area of not less than three square feet, with a minimum dimension of one foot, and shall be constructed of noncombustible, noncorrodible metal.

§ 50-118. Mechanical ventilation.

When mechanical ventilation is required or is permitted as an alternative, the system shall be designed and constructed in accordance with generally accepted good practice to provide the necessary changes in air, but not less than one cubic foot of air per minute shall be provided for each square foot of floor area in any case. Such system shall be kept in continuous operation at all times during the normal occupancy of the building.

ARTICLE XXV
Courts and Yards

§ 50-119. General requirements.

A. A court shall be open and unobstructed to the sky for the required width, provided that windowsills, belt courses and other similar ornamental projections may extend into such required width not more than four inches. For the purposes of this Part 5, courts need not extend to ground level and the height shall be measured from the floor level of the lowest window required to open upon it. When a court is located on the side of a lot (not a street line), the lot shall be deemed an enclosure of such court. An outer court is a court unenclosed at least on one side, and an inner court is a court enclosed on all sides.

B. A yard shall be an open area as required by the Zoning Ordinance,[12] provided that where this Article imposes greater widths than required by the Zoning Ordinance, the requirements of this Article shall prevail.

§ 50-120. Outer courts and yards.

A. Every outer court or yard serving a habitable room as required by this Part 5 shall have a width of not less than 1/4 of the height, but not less than six feet, provided that the width shall be increased by one foot for each 10 feet in length over 40 feet, and provided further that if windows serving habitable rooms as required by this Part 5 face a wall on the opposite side of an outer court in which windows serving habitable rooms as required by this Part 5 also occur, the width of such court shall be double the foregoing requirements.

B. Every outer court or yard serving other than habitable rooms as required by this Part 5 shall have a width of not less than 1/5 of the height, but not less than five feet, provided that the width shall be increased by one foot for every 10 feet over 40 feet.

§ 50-121. Inner courts.

Every inner court serving rooms as required by this Part 5 shall have a width of not less than 1/2 the height, but not less than 12 feet, provided that if windows serving habitable rooms as required by this Part 5 face a wall on the opposite side of an inner court in which windows serving habitable rooms as required by this Part 5 also occur, the width of such court shall be double the foregoing requirements. Every inner court shall be connected at or near the bottom with a street, yard or outer court by a horizontal intake or air duct with a cross-sectional area of not less than nine square feet, with a minimum dimension of one foot. Such intake or duct shall have walls, floors and ceilings having a fire-resistive rating of not less than two hours for buildings of fireproof construction and not less than one hour for other buildings.

Part 6
Means of Egress

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12. **Editor's Note: See Ch. 124, Zoning.**

ARTICLE XXVI
General Requirements

§ 50-122. New buildings.

Buildings hereafter erected shall be provided with exit facilities in accordance with the requirements of this Part 6.

§ 50-123. Alterations.

No building shall hereafter be altered so as to reduce the number or capacity of exits to less than that required for new buildings of similar construction and occupancy. Exits hereafter installed shall conform to the requirements for exits in new buildings, except when such exits are installed to comply with a specific order of the Building Inspector.

§ 50-124. Existing buildings.

Every building heretofore erected which is not provided with exit facilities as required for new buildings and in which the existing exit facilities are inadequate for the safety of the occupants shall be provided with such means of egress as directed by the Building Inspector.

ARTICLE XXVII
Commonwealth Requirements

§ 50-125. Minimum requirements.

The requirements of the laws of Pennsylvania and the regulations of the Department of Labor and Industry adopted thereunder as to means of egress shall constitute minimum requirements for the design, construction and maintenance of exit facilities for all applicable buildings hereafter erected and altered in the borough. Evidence of the approval of the commonwealth, when such approval is required by it, shall accompany all applications for building permits.

§ 50-126. Additional requirements as necessary.

When, in the opinion of the Building Inspector, the requirements of § 50-125 of this Article are not sufficient to give the necessary protection to occupants of a building, additional means of egress or additional safeguards of construction or maintenance shall be provided as directed by the Building Inspector.

§ 50-127. Apartments.

Every apartment that has not direct exit to a street or to a court or yard opening on a street shall have access to at least one additional exit separated from and independent of the primary interior stairway or fire tower.

Part 7
Loads

ARTICLE XXVIII
General Load Requirements

§ 50-128. Design for loads.

All buildings and structures shall be designed and erected of sufficient strength to support safely their own dead loads and their imposed live loads which shall be not less than the minimum live loads specified for various uses in this Part 7.

§ 50-129. Dead load.

The dead load of a building or structure shall include the weight of the walls, permanent partitions, floors, roofs and all other permanent stationary construction entering into the building or structure.

§ 50-130. Live load.

Live loads shall include all loads other than the dead load.

ARTICLE XXIX
Weights of Materials

§ 50-131. Weights of building materials for estimating dead loads.

For the purpose of estimating dead loads in the absence of more definite information, the weights of building materials in pounds per cubic foot shall be assumed to be as follows:

Material	Weight (pounds per cubic foot)
Brickwork	120
Cast iron	450
Concrete, stone	144
Concrete, cinder	108
Earth, dry, packed	100
Earth, wet	120
Gypsum block	48
Hollow tile, wall-bearing	60
Hollow tile, partition	54
Masonry, granite, marble	168
Masonry, limestone	156
Masonry, sandstone	144
Plaster, mortar	96
Steel	490
Timber, oak	48
Timber, pine, fir	40

ARTICLE XXX
Floor Loads

§ 50-132. Minimum uniform loads for various occupancies.

The following live loads in pounds per square foot uniformly distributed shall be taken as the minimum live loads permissible for the occupancies listed, and loads at least equal shall be assumed for uses not listed similar in nature to those listed:

Occupancy	**Weight (pounds per cubic foot)**
Domestic occupancy: all parts of private dwellings; residence portions of apartments, hotels, hospitals, schools and including corridors for access thereto	40
Office occupancy: above first floor in office buildings, offices in other buildings	50
Stores, wholesale and retail; first floor of office buildings	100
Classrooms in schools and colleges, not exceeding 1,200 square feet, or of whatever size if with fixed seats	50
Public occupancy: assembly, amusement and dining halls; classrooms other than specified above; public spaces of apartments, hotels, hospitals, schools; all spaces where crowds of people are likely to assemble	100
Light manufacturing or storage	100
Heavy manufacturing or storage	200
Garage for pleasure cars only; automobile showrooms	100
Garage, use unlimited	150

§ 50-133. Special concentrations.

In the design of floors, consideration shall be given to the effects of known or probable concentration of loads to which they may be subjected. In business buildings, every floor shall be designed to sustain safely a load of 2,000 pounds placed upon any space 2 1/2 feet square wherever such load upon an otherwise unloaded floor would produce stresses greater than the uniformly distributed load for which the floor is designed.

§ 50-134. Impact.

The live loads prescribed in this Part 7 may be assumed to include the effects of ordinary impacts, but a suitable increase in the assumed live loads shall be provided for special occupancies and loadings involving unusual impacts.

§ 50-135. Reduction in live loads.

Live loads on foundations, walls, piers, columns, girders and trusses for all buildings except those used for warehouse or storage purposes may be reduced as follows:

A. Carrying one floor and roof: 0%.

B. Carrying two floors and roof: 10%.

C. Carrying three floors and roof: 20%.

ARTICLE XXXI
Roof Loads

§ 50-136. Flat roofs.

Flat roofs and roofs having a rise of four inches or less per foot of horizontal projection shall be designed to carry safely a vertical live load of not less than 30 pounds per square foot of horizontal projection.

§ 50-137. Raised roofs.

A. Roofs having a rise of more than four inches and not more than 12 inches per foot of horizontal projection shall be designed to carry safely a vertical live load of not less than 20 pounds per square foot of horizontal projection.

B. Roofs having a rise of more than 12 inches per foot of horizontal projection shall be designed to carry safely a wind force acting normally to the roof surface, on one slope at a time, of not less than 20 pounds per square foot of such surface.

§ 50-138. Roofs used as floors.

When a roof is to be used as a floor, it shall be designed to carry safely not less than the minimum live load prescribed in this Part 7 for floors.

ARTICLE XXXII
Sidewalk, Court and Yard Loads

§ 50-139. Minimum live load requirements.

The minimum live load for sidewalks and for courts and yards used as driveways shall be assumed to be not less than 300 pounds per square foot uniformly distributed. For other yards and courts, the minimum live load shall be assumed to be not less than 125 pounds per square foot uniformly distributed.

ARTICLE XXXIII
Wind Pressure

§ 50-140. Wind loads.

The wind pressure on vertical plane surfaces shall be assumed to be not less than 10 pounds per square foot. The wind pressure on tank towers, stacks and other exposed structures on the tops of buildings shall be assumed to be not less than 30 pounds per square foot of gross exposed projected area.

§ 50-141. Stability.

The overturning moment due to wind pressure shall not exceed 75% of the moment of

stability due to dead load only, unless the building or structure is securely anchored to the foundation.

§ 50-142. Allowable stresses.

For combined stresses due to wind and other loads, the permissible working stresses may be increased 1/3, provided the section thus found is not less than that required by the loads other than wind load. For members carrying wind stresses only, the permissible working stresses may be increased 1/3 for steel and 1/2 for reinforced concrete or wood.

ARTICLE XXXIV
Loading Restricted

§ 50-143. Adherence to safe loads.

No person shall place or cause or permit to be placed on any floor of a building or on any part of a structure a greater load than the approved or accepted safe load.

Part 8
Materials and Stresses

ARTICLE XXXV
General Provisions

§ 50-144. Quality of materials.

All building materials shall be of a quality to meet the purpose and intent of this chapter and, in the absence of particular specifications in this chapter or in rules promulgated hereunder, shall conform to well-recognized standards for the materials in question.

§ 50-145. Secondhand materials.

Secondhand materials may be used only when approved by the Building Inspector as to condition and quality.

§ 50-146. Tests.

The Building Inspector may require such tests of building materials as may be necessary to determine their quality and whether they conform to the purpose and intent of this chapter. Duly authenticated tests by a competent person or laboratory may be accepted by the Building Inspector in lieu of tests under his own supervision. In the absence of provisions for particular tests in this chapter or in rules promulgated hereunder, tests shall be made in accordance with well-recognized standards of testing the material in question. All tests shall be made at the expense of the applicant.

§ 50-147. Working stresses.

Working stresses shall not exceed the stresses allowed in this Part 8 for the material in question or, if not provided for in this Part 8, in rules promulgated under the terms of this chapter.

ARTICLE XXXVI
Masonry

§ 50-148. Brick specifications.

Clay or shale brick, sand-lime brick and concrete brick shall conform to the standard specifications of the ASTM, Designations C62-41T, C73-39 and C55-37, respectively, and to the various grades described therein according to the following uses:

A. Brick used for load-bearing masonry or masonry exposed to weather shall be of a quality not less than Grade MW for clay, shale or sand-lime brick and Grade A for concrete brick.

B. Brick used for non-load-bearing purposes and not exposed to the weather shall be of a quality not less than Grade NW for clay, shale or sand-lime brick and Grade B for concrete brick.

§ 50-149. Hollow clay tile.

A. Hollow clay tile used for load-bearing masonry or masonry exposed to weather shall conform to the requirements of Grade LB X of the standard specifications of the ASTM Designation C34-41.

B. Hollow clay tile used for non-load-bearing purposes and not exposed to the weather shall conform to the requirements of Grade NB of the standard specifications of the ASTM, Designation C56-41.

§ 50-150. Concrete block or tile.

A. Hollow concrete block or tile used for load-bearing masonry or masonry exposed to weather or soil shall conform to the requirements of the standard specifications of the ASTM, Designation C90-39.

B. Hollow concrete block or tile used for non-load-bearing purposes and not exposed to weather or soil shall conform to the requirements of the standard specifications of the ASTM, Designation C129-39.

C. Solid concrete block or tile shall conform to the requirements of Grade A of the standard specifications of the ASTM, Designation C145-40.

D. All concrete block or tile shall bear a distinctive mark of the manufacturer and such mark shall be registered with the Building Inspector. It shall be unlawful to use the concrete block or tile of any manufacturer unless the approval of the Building Inspector has been obtained. All applications for such approval shall be accompanied by proof of satisfactory test of such block or tile by a testing laboratory of recognized standing.

§ 50-151. Gypsum block or tile.

Gypsum block or tile for fire-resistive purposes shall conform to the standard specifications of the ASTM, Designation C52-41. Gypsum block or tile shall not be used

in load-bearing masonry or in masonry exposed to weather or soil.

§ 50-152. Plain concrete.

Plain concrete shall be mixed in the proportions of at least one part of cement to a total of seven parts of separate volumes of fine and coarse aggregate, measured dry, and a maximum of 8 1/4 United States gallons of water per sack of cement, including water contained in the aggregate. Such concrete shall develop a strength of at least 1,500 pounds per square inch. Materials shall conform to the requirements for the materials of reinforced concrete.

§ 50-153. Stone.

Stone for masonry shall be hard and durable, free from seams and flaws that would affect their serviceability or strength, as large as practicable for the intended work and of approved quality and shape.

§ 50-154. Mortar materials.

A. Quicklime shall conform to the standard specifications of the ASTM, Designation C5-26.

B. Hydrated lime shall conform to the standard specifications of the ASTM, Designation C6-31.

C. Portland cement shall conform to the standard specifications of the ASTM, Designation C150-41. Masonry cement shall conform to the standard specifications of the ASTM, Designation C91-40. Cements of other types approved by the Building Inspector are permitted when used in accordance with rules governing their use.

D. Gypsum shall conform to the standard specifications of the ASTM, Designation C22-41.

E. Sand shall be clean, sharp, coarse and siliceous, free from salt, lime, clay or other foreign materials.

F. Water shall be clean, free from all organic materials, strong acids or alkalis, or shall be the water used for drinking purposes.

G. Lime putty shall be made by slaking to a smooth paste fresh and properly burned quicklime. The resultant paste shall be stored in a suitable box or other receptacle for not less than 48 hours before being mixed with sand.

§ 50-155. Mortar proportions.

A. Mortar proportions shall be measured by volume.

B. Lime mortar shall be composed of one part of lime putty or hydrated lime and not more than three parts of sand. Cement may replace equal volumes of lime.

C. Lime-cement mortar shall be composed of one part of lime putty or hydrated lime, one part of portland cement and not more than six parts of sand. Masonry cement may be substituted for the portland cement or lime, or both.

D. Cement mortar shall be composed of one part of portland cement and not more than three parts of sand, with an allowable addition of lime putty or hydrated lime not to exceed 15% of the cement content.

§ 50-156. Allowable working stresses.

The allowable working stresses, in pounds per square inch, for masonry in compression shall be taken as follows:

	Lime Mortar (pounds per square inch)	**Lime-Cement Mortar (pounds per square inch)**	**Cement Mortar (pounds per square inch)**
Brickwork	90	170	220
Hollow block or tile, gross area		75	100
Solid concrete block	70	100	150
Rubble masonry	70	100	140
Ashlar masonry, sandstone	160	320	400
Ashlar masonry, limestone	250	400	500
Ashlar masonry, marble	250	400	500
Ashlar masonry, granite	400	640	800
Plain concrete, 400 pounds per square inch			

ARTICLE XXXVII
Wood

§ 50-157. Quality.

Structural wood shall conform to the requirements for the several grades in specifications or grading rules of regional associations of lumber manufacturers which are based upon the grading procedure of American Lumber Standards in Simplified Practice Recommendations, R16-29, Lumber, of the United States Department of Commerce, and of the Guide to the Grading of Structural Timbers and the Determination of Working Stresses, Miscellaneous Publication No. 185 of the United States Department of Agriculture.

§ 50-158. Size.

Unless expressly stated otherwise, the minimum sizes of wood members refer to nominal sizes. American Lumber Standard dressed sizes shall be accepted as the minimum net sizes conforming to nominal sizes.

§ 50-159. Allowable working stresses.

A. The strength of wood members shall be determined from the actual dimensions of the pieces and not from nominal dimensions.

B. The allowable working stresses, in pounds per square inch, for lumber and timber shall be taken as follows:

	Bending Extreme Fiber (pounds per square inch)	**Horizontal Shear (pounds per square inch)**	**Compression Across Grain (pounds per square inch)**	**Modulus of Elasticity (pounds per square inch)**
Longleaf southern yellow pine	1,600	100	375	1,600,000
Shortleaf southern yellow pine	1,200	100	350	1,600,000
Douglas fir, structural grade	1,600	90	345	1,600,000
Douglas fir, common	1,200	75	325	1,600,000
Red and white oak	1,400	120	500	1,500,000
Spruce	1,100	80	250	1,200,000
West coast hemlock	1,100	75	300	1,400,000
Eastern hemlock	1,100	70	300	1,100,000

C. Wood columns.

(1) The allowable working stresses, in pounds per square inch, for wood columns shall vary with the ratio of length to diameter or least side as follows:

	Where Ratio Equals or Is Less Than						
	12	**16**	**20**	**25**	**30**	**35**	**40**
Longleaf southern yellow pine	980	940	800	702	487	358	274
Shortleaf southern yellow pine	870	847	796	675	487	358	274
Douglas fir, structural grade	980	940	880	702	487	358	274
Douglas fir, common	870	847	796	675	487	358	274
Red and white oak	790	771	728	625	457	336	257
Spruce	632	617	582	500	365	268	206
West coast hemlock	712	696	660	573	426	313	240
Eastern hemlock	556	541	515	447	337	246	188

(2) The ratio of length to diameter or least side shall not exceed 40.

D. Grade-marked timbers of higher structural qualities may be approved by the Building Inspector for use with higher stresses based on authoritative test data.

ARTICLE XXXVIII
Reinforced Concrete

§ 50-160. Quality of materials.

The materials of reinforced concrete shall conform to the requirements of the Building Regulations for Reinforced Concrete (ACI 501-36T) as adopted February 25, 1936, by the American Concrete Institute, except that where reference is made to standard specifications of the ASTM, the designation shall be of the standards or tentative standards of that society as of the effective date of this chapter.

§ 50-161. Allowable working stresses.

The allowable working stresses for reinforced concrete construction shall conform to those contained in the Building Regulations for Reinforced Concrete (ACI 501-36T) as adopted February 25, 1936, by the American Concrete Institute.

ARTICLE XXXIX
Steel and Iron

§ 50-162. Quality of materials.

A. The materials of steel and iron construction shall conform to the requirements of the Specification for the Design, Fabrication and Erection of Structural Steel for Buildings as adopted by the American Institute of Steel Construction in June 1936, except that where reference is made to standard specifications of the ASTM, the designation shall be of the standards or tentative standards of that society as of the effective date of this chapter.

B. Filler metal for fusion welding shall conform to the requirements of the Code for Fusion Welding and Gas Cutting in Building Construction, Code 1, Part A, Edition of 1937, formulated by the American Welding Society, except that where reference is made to standard specifications of the ASTM, the designation shall be of the standards or tentative standards of that society as of the effective date of this chapter.

§ 50-163. Allowable working stresses.

A. The allowable working stresses for iron and steel construction shall conform to those contained in the Specification for the Design, Fabrication and Erection of Structural Steel for Buildings as adopted by the American Institute of Steel Construction in June 1936.

B. The allowable working stresses in fusion welding shall conform to those contained

in the Code for Fusion Welding and Gas Cutting in Building Construction, Code 1, Part A, Edition of 1937, formulated by the American Welding Society.

ARTICLE XL
Bearing Values of Soils

§ 50-164. Presumptive capacity.

In the absence of satisfactory tests, the sustaining power in tons per square foot of different soils shall be taken as follows:

	Sustaining Capacity (tons per square foot)
Soft clay	1
Wet sand	2
Firm clay	2
Sand and clay mixed in layers	2
Fine, dry sand; hard, dry clay	3
Coarse sand	4
Gravel	5
Soft rock	8
Hardpan	10
Medium rock	15
Hard rock	35

§ 50-165. Soil tests.

When there is doubt as to the character of the soil or it is desired to exceed the presumptive capacity, borings or tests shall be made at the expense of the owner, under the direction of the Building Inspector, to determine the safe sustaining power of the soil. A complete record of the test shall be filed with the Building Inspector.

§ 50-166. Filled ground.

No foundation shall be placed on filled ground until the Building Inspector has fixed, by test or inspection, the safe sustaining power that may be assumed.

Part 9
Construction

ARTICLE XLI
Workmanship

§ 50-167. Conformance to generally accepted good practice.

Workmanship in the fabrication, preparation and installation of materials shall conform to generally accepted good practice. Specific provisions of this Part 9 shall not be deemed to suspend any requirements of good practice, but shall be regarded as supplementing or emphasizing them and shall be controlling.

ARTICLE XLII
Excavations

§ 50-168. Protection of excavations.

Until provision for permanent support has been made, excavations shall be properly guarded and protected by the persons causing them to be made so as to prevent the excavations from becoming dangerous to life or limb. Where necessary, excavations shall be sheetpiled, braced or shored, and permanent excavations shall be protected by retaining walls or other permanent structures, by the persons causing the excavations to be made, so as to prevent movement or caving in of adjoining soil.

§ 50-169. Support of neighboring buildings and structures.

A. When an excavation extends more than three feet below the curb grade at the common property line or below the surface of the ground where there is no such curb grade, the person causing such excavation to be made shall, if afforded the necessary consent to enter upon the adjoining land, at his own expense, preserve and protect from injury every building or structure, the safety of which may be affected by such excavation, and when necessary, shall underpin and support the same by proper foundations, irrespective of the depth to which the foundations of such building or structure may extend. If the necessary consent is not accorded to the person making the excavation, then it shall be the duty of the person refusing such license to preserve and protect such building or structure from injury and, when necessary, to underpin and support the same by proper foundations; and for that purpose such person shall, when necessary, be permitted to enter upon the premises where such excavation is being made.

B. When an excavation extends not more than three feet below the curb grade at the common property line or below the surface of the ground where there is no such curb grade, the owner of a building or structure, the safety of which may be affected by such excavation, shall preserve and protect the same from injury and, when necessary, shall underpin and support the same by proper foundations. For such purpose, he shall be permitted, if necessary, to enter upon the premises where such excavation is being made.

C. In case there is a party wall along a lot line of the premises where an excavation is being made, the person causing the excavation to be made shall, at his own expense, preserve such party wall in as safe a condition as it was before the excavation was commenced, and shall, when necessary, underpin and support the same by proper foundations.

ARTICLE XLIII
Foundations

§ 50-170. Foundation walls, piers or piles.

The foundation loads of permanent buildings or structures shall be carried down to satisfactory bearing material by means of walls, piers or piles, which shall be so designed that the entire transmitted load will be distributed over the bearing area at a unit intensity

not exceeding the allowable bearing values prescribed in Article XL of this chapter.

§ 50-171. Footings.

Footings shall be designed so that the pressure on the soil per unit of area shall be as uniform as possible under all parts of the building or structure. Footings shall be of stone masonry or stone concrete and shall be carried down not less than three feet below finished grade. They shall not be placed upon frozen soil nor be placed in freezing weather unless adequate precautions are taken against frost action. Except under rubble masonry walls where the allowable bearing values of the soil are not exceeded, all footings shall be at least eight inches wider than the foundation wall above and shall have a depth at least equal to the total projection beyond such foundation wall.

ARTICLE XLIV
Foundation Walls

§ 50-172. General requirements.

Foundation walls for the support of solid-wall construction shall be of solid masonry or concrete; foundation walls for the support of hollow block or tile construction may be of hollow concrete block. They shall be of adequate strength and thickness to resist lateral pressures from adjacent earth and to support their vertical loads, but the thickness shall not be less than the thickness of wall supported by them. Where cellars occur, foundation walls shall be continuous walls extending at least six inches below top of the finished cellar floor. Where foundation walls enclose a space between floors of wood construction and the earth, suitable ventilation shall be provided.

§ 50-173. Rubble masonry.

Foundation walls of rubble masonry shall be not less than 16 inches in thickness.

§ 50-174. Brick or concrete block.

Foundation walls of brick or concrete block shall be not less than 12 inches in thickness. The outside face of such walls in contact with the soil shall be dampproofed with 3/4 of an inch of cement mortar or with other approved material.

§ 50-175. Plain concrete.

Foundation walls of plain concrete shall be not less than 12 inches in thickness.

§ 50-176. Reinforced concrete.

Foundation walls of reinforced concrete shall be not less than eight inches in thickness. Reinforcing steel in footings and foundations shall be protected by at least three inches of concrete.

§ 50-177. Minor buildings.

The Building Inspector may exempt foundation walls for small one-story buildings or private garages from the foregoing provisions of this Article and permit their construction of such materials, thickness and depth as may meet his approval.

ARTICLE XLV
Masonry Construction

§ 50-178. Erection requirements.

Masonry shall be plumb and true to line. It shall be protected against freezing for at least 48 hours after being set. No frozen materials shall be used or built upon. Masonry walls that meet or intersect shall be adequately bonded or anchored. Isolated piers shall not exceed in height 10 times their least dimension. Masonry walls shall be braced either horizontally or vertically at right angles to the wall face, at maximum intervals of 20 times the wall thickness. Horizontal bracing may be obtained by floors or roofs. Vertical bracing may be obtained by cross walls, wall columns or buttresses or by increasing the wall thickness.

§ 50-179. Mortar.

A. Footings, foundation walls and piers, freestanding chimneys and chimneys from the underside of roof rafters to their tops shall be laid in cement mortar only. All other masonry construction shall be laid in cement or lime-cement mortar, provided that the Building Inspector may permit the use of lime mortar when in his judgment the nature of the construction warrants such use.

B. Mortar ingredients shall be thoroughly mixed and uniformly distributed throughout the mass. Mortar shall be used before the initial set has commenced. No retempered mortar containing cement shall be used.

§ 50-180. Brick masonry.

In brick walls, at least every seventh course on both sides of the wall shall be a header course or there shall be at least one full-length header in every 84 square inches of wall surface. In walls more than 12 inches thick, the inner joints of header courses shall be covered with another header course which shall break joints with the course below. When running bond is used, every seventh course on each face shall be bonded into the backing in a substantial manner. All brick having appreciable absorption shall be thoroughly wet before laying.

§ 50-181. Stone masonry.

In stone masonry, at least 10% of the face area shall consist of header stone uniformly distributed and extending through the wall. Sandstones and other stones showing a pronounced cleavage shall be laid on their natural bed.

§ 50-182. Hollow walls and walls of block or tile.

In hollow walls and in walls and piers of hollow block or tile, solid masonry shall be

provided at each line of floor beams and wherever load concentrations occur to ensure good bearing and a uniform distribution of load. In hollow walls, the separate parts thereof shall be bonded together so that the parts of the wall will exert common action under the load. In walls of block or tile one unit in thickness, each unit shall break joints with that next above. When more than one unit is required to produce a given wall thickness, the units shall break joints with the units next above and shall be laid with a masonry bond equivalent to one course of headers to each three courses of stretchers. The maximum height of hollow walls and walls of block or tile shall be 35 feet.

§ 50-183. Faced walls.

Faced walls shall be of at least the thickness required for masonry walls of the material forming the backing. Facings of brick or solid structural units shall be bonded into the backing with headers at least four inches thicker than the facing and equivalent to 1/6 the area of the wall. Dressed stone facings shall be similarly bonded, and, in addition, every stone other than bondstone shall be anchored to the backing with at least one noncorrodible metal anchor. Materials used in facing shall have a thickness of not less than 1/8 the height of the unit and not less than 3 3/4 inches in any case.

§ 50-184. Veneered walls.

When walls are veneered with brick, terra-cotta, stone or other approved material, the veneering shall be tied into the backing either by a header for every 300 square inches of wall surface or by substantial noncorrodible metal wall ties spaced not farther apart than one-foot vertically and two feet horizontally. In no case shall the veneering be considered a part of the wall in computing the strength of bearing walls, nor shall it be considered a part of the required thickness of the wall.

§ 50-185. Wall thicknesses.

A. Thickness specified.

(1) The thickness of masonry walls shall be sufficient to keep the stresses in the masonry within the allowable working stresses prescribed by this chapter[13] and, except as otherwise provided in Subsection B of this section, shall be not less than as specified in the following table:

Minimum Thickness of Masonry Walls (inches)

	Height of Wall in Stories		
	3	**2**	**1**
Third story	8		
Second story	12	8	
First story	12	12	8
Foundation	16	12	12

13. **Editor's Note: See Part 8, Article XXXVI.**

(2) For the purpose of calculating wall thicknesses, the maximum height of a story shall be 10 feet.

B. Exceptions.

(1) In single-family dwellings, the second-story wall in a three-story dwelling, the first- and second-story walls in a two-and-one-half-story dwelling and the first-story wall in a two-story dwelling may be eight inches thick.

(2) Except for party walls, walls supported by girders at each story may be eight inches thick.

(3) Nonbearing walls may be four inches less in thickness than as shown in the table in Subsection A above, provided that no such wall shall be less than eight inches nor more than 2 1/2 stories in height for such thickness.

(4) Rubblestone walls shall be four inches more in thickness than as shown in the table, provided that no such wall shall be less than 16 inches.

(5) Walls exceeding 75 feet in length between cross walls, piers or buttresses shall be increased four inches in thickness for each additional 75 feet or fraction thereof of length.

(6) When the clear span between bearing walls or between a bearing wall and an intermediate support is more than 26 feet, the thickness of such walls shall be increased four inches for each additional 10 feet or fraction thereof of span except where such bearing walls are adequately reinforced by buttresses.

§ 50-186. Chases and recesses.

A. No chase or recess shall be cut or built within the required area of a pier. The maximum depth of any permitted recess or chase shall be 1/3 of the wall thickness, and such recess or chase shall have not less than eight inches of material at the back, provided that radiator recesses under windows may have a maximum depth of 1/2 of the wall thickness and not less than four inches of material at the back.

B. The maximum length of any horizontal chase without suitable structural support shall be four feet and the maximum horizontal projection of any diagonal chase without suitable structural support shall be four feet.

C. The aggregate area of chases and recesses in a wall shall not exceed 1/4 of the whole area of the face of the wall in any story.

D. Chases and recesses that would reduce the thickness below the required minimum shall not be cut or built in fire walls, fire partitions or in fire protection of structural members.

E. Chases and recesses may be built into hollow walls and walls of hollow block or tile but shall not be cut in such walls.

ARTICLE XLVI
Wood Construction

§ 50-187. Beams and joists.

A. Wood beams and joists resting on masonry walls shall have a bearing of at least four inches on the masonry. The ends of wood beams and joists resting on masonry walls, except walls other than party walls in single-family and two-family dwellings, shall be cut to a bevel of three inches in their depth.

B. Wood members entering a masonry party or fire wall shall be separated from each other and from the opposite side of the wall by at least four inches of solid masonry.

C. Wood floor and flat-roof joists having spans in excess of eight feet shall be rigidly braced with continuous rows of bridging at intervals not exceeding eight feet.

D. Header joists over six feet long and tail joists over 12 feet long shall be hung in approved metal stirrups or hangers or secured by other means affording equivalent support.

E. Joists under partitions and running parallel thereto shall be doubled. Headers carrying more than three joists and the corresponding trimmers shall be doubled.

F. Except in single-family dwellings, all trimmers and at least one beam or joist in every six feet which rest on masonry walls shall be secured to such walls by approved metal anchors attached in a manner to be self-releasing. Except in single-family dwellings, where joists or beams run parallel to masonry walls, such walls shall be tied to the floor construction at intervals of not more than eight feet with approved metal anchors extending over and secured to at least three joists.

G. No beam or joist shall be cut or pierced in any manner that would cause it to be of insufficient strength for its load.

H. Wood floor joists and stair horses shall be not less than two inches in nominal thickness and shall be spaced not more than 16 inches on centers. Where the ceiling is to be plastered, the allowable deflection caused by the live load shall not exceed 1/360 of the span length.

I. Joist sizes for dwellings.

(1) For the purposes of this Article, the following sizes, in inches, of joists for dwellings, set on sixteen-inch centers, shall be acceptable construction:

(a) For lengths up to 10 feet: two by eight.

(b) For lengths up to 14 feet: two by 10, three by eight.

(c) For lengths up to 17 feet: two by 12, three by 10.

(d) For lengths up to 21 feet: three by 12.

(2) For an unplastered ceiling or where the allowable deflection is not exceeded for a plastered ceiling, the following net sizes, not nominal sizes, in inches, of

joists for dwellings, set on sixteen-inch centers, shall be acceptable construction:

(a) For lengths up to 12 feet: two by eight.

(b) For lengths up to 15 feet: two by 10.

(c) For lengths up to 18 feet: two by 12, three by 10.

(d) For lengths up to 22 feet: three by 12.

J. All wood beams and joists shall be trimmed away from flues and chimneys to provide a clearance of not less than two inches. In front of a fireplace, an opening shall be trimmed to support a trimmer arch or approved masonry hearth at least 12 inches from the face of the breast and at least nine inches wider than the fireplace opening on each side.

§ 50-188. Stud walls and partitions.

A. Bearing walls and partitions shall be constructed to develop a strength and rigidity equivalent to wood studding, not less than two inch by four inches, spaced not to exceed 16 inches in centers. Wood stud partitions shall not be used for bearing purposes in more than one story except in single-family and two-family dwellings.

B. Where studs continue through more than one story, joists shall be nailed securely to the studs and shall be supported upon not less than a one-inch-by-four-inch ribbon board notched into the studs and securely nailed thereto.

C. Bearing partitions of wood studding shall be provided at the top with double plates, each at least two inches thick and of the same width as the studs, or with a single plate at least three inches thick and of the same width as the studs. Where these partitions do not rest upon girders or upon partition plates below, they shall have sole plates of the same dimensions as the studs.

D. A wood sill not less than two inches in nominal thickness and not less than six inches in width shall be placed under all stud wall or partitions that rest on masonry or concrete foundations.

§ 50-189. Roof framing.

A. Wood rafters shall be not less than two inches in thickness, not less than six inches in depth and spaced not more than 24 inches on centers. Hip and valley rafters shall be two inches more in depth than common rafters. Studding and collar beams shall be used for bracing as required by the Building Inspector.

B. For double-pitch roofs, ridge pieces shall be provided of a depth not less than the plumb cut of the abutting rafters.

C. A wall plate of suitable size shall be provided and the feet of rafters securely nailed thereto.

ARTICLE XLVII
Reinforced Concrete Construction

§ 50-190. Conformance with standards.

Except as otherwise provided in this chapter, the design and construction of reinforced concrete shall be in accordance with the provisions of the Building Regulations for Reinforced Concrete (ACI 501-36T) as adopted February 25, 1936, by the American Concrete Institute.

§ 50-191. Average concrete.

When no preliminary tests of the materials to be used are made, the compressive strength in pounds per square inch which shall be assumed as the basis for design shall not exceed the values in the following table. The surface water contained in the aggregate must be included as part of the mixing water in computing the water-cement ratio.

Assumed Strength of Concrete Mixtures

Minimum Proportions: Volume of Portland Cement to Sum of Separate Volumes of Fine and Coarse Aggregate as Measured Dry	Maximum Water-Cement Ratio, U.S. Gallons per 94-Pound Sack of Cement	Assumed Compressive Strength at 28 Days in Pounds per Square Inch
1:7	8 1/4	1,500
1:6	7 1/2	2,000
1:5	6 3/4	2,500
1:4	6	3,000

ARTICLE XLVIII
Steel and Iron Construction

§ 50-192. Conformance with standards.

Except as otherwise provided in this chapter, the design, fabrication and erection of steel and iron construction shall be in accordance with the provisions of the Specification for the Design, Fabrication and Erection of Structural Steel for Buildings as adopted by the American Institute of Steel Construction in June 1936.

§ 50-193. Fusion welding and gas cutting of structural steel.

A. Fusion welding may be substituted for or used in combination with riveting, bolting or other connecting means specified in this chapter, and gas cutting may be substituted for shearing, sawing or other cutting means, only when the Building Inspector is satisfied that the nature of the work, the skill of the workmen and inspectors and the design of the building and details to be welded will produce results in conformity with this Article.

B. The design and execution of permitted fusion welding and gas cutting operations

shall be in accordance with the provisions and limitations of the Code for Fusion Welding and Gas Cutting in Building Construction, Part A — Structural Steel, Edition of 1937, of the American Welding Society.

ARTICLE XLIX
Miscellaneous Requirements

§ 50-194. Concrete floors.

In all buildings except accessory farm buildings and buildings of a similar nature, every floor resting directly on the ground shall be of portland cement concrete not less than three inches thick. The Building Inspector may require such floor to be laid on not less than three inches of sand or cinders or constructed in some other approved manner to guard against dampness from below such floor.

§ 50-195. Drainage.

Adequate provision shall be made for the drainage of water from all buildings, yards and courts. Rain conductors shall not discharge over the sidewalk of a street but shall be installed under the sidewalk through cast-iron pipe so as to discharge into the gutter at the curbline.

Part 10
Fire Protection and Fire Resistance

ARTICLE L
Determination of Fire Resistance

§ 50-196. Building materials and assemblies.

A. The fire resistance of materials of construction and fire protective materials, and assemblies or combinations thereof, when not specifically designated in this chapter, shall be determined by performance under the standard fire test made in accordance with the Standard Specifications for Fire Tests of Building Construction and Materials, ASTM Designation C 19-41.

B. Fire-resistive materials.

(1) Within the limitations and restrictions specified in this chapter for given uses and conditions, the following materials and assemblies or combinations of materials shall be classed as fire-resistive materials:

Brick: clay, shale or concrete
Concrete block or tile
Concrete, plain or reinforced
Gunite
Gypsum block or tile
Gypsum, plain or reinforced
Hollow clay tile
Metal lath and plaster

(2) In lieu of metal lath and plaster, approved fire-resistive plasterboard may be used on which plaster shall be applied to make the total thickness of board and plaster not less than that required for metal lath and plaster.

C. All fire-resistive construction of burned clay, concrete or gypsum units or other similar units shall be solidly bedded and laid in gypsum mortar, lime-cement mortar or cement mortar, provided that gypsum units shall be laid in gypsum mortar only. All such units shall be thoroughly bonded by broken joints in alternate courses or by approved metal ties.

D. Plaster for fire protection shall consist of gypsum mortar, portland cement mortar or other equally fire-resistive materials. Gypsum plaster only shall be used for plastering on gypsum units.

E. Poured-in-place concrete or gypsum fire-resistive materials shall be reinforced for protective purposes with a sufficient amount of metal bars or mesh to ensure the integrity of the construction.

F. Other materials or assemblies of materials for fire protection purposes may be used when approved by the Building Inspector on satisfactory evidence of their efficiency.

G. The provisions of this Part 10 are minimum requirements for fire protection purposes and shall not be deemed to modify the requirements of other parts of this chapter.

§ 50-197. Fire protection appliances.

A. Except as otherwise specifically provided in this Part 10, fire protection appliances, such as fire doors, fire windows, automatic and open sprinklers and automatic-releasing devices, shall conform to the specifications in rules duly promulgated by the Building Committee.

B. In the absence of such specifications or when not inconsistent with the provisions of this chapter, appliances enumerated in the List of Inspected Fire Protection Appliances of Underwriters' Laboratories, Inc., shall be deemed to meet the requirements of this Part 10.

ARTICLE LI
Fireproof Construction

§ 50-198. General rule of acceptance.

Subject to the specific limitations of this Article, any form of construction that develops the required fire resistance in the standard fire test shall be acceptable in fireproof construction.

§ 50-199. Structural iron and steel.

A. Iron and steel columns placed within exterior walls or along the outer lines of a

building shall be protected by approved masonry not less than four inches thick, provided that the interior faces may be protected as hereinafter specified for columns in the interior of the building.

B. For the protection of iron or steel columns in the interior of a building, brickwork shall be not less than 3 3/4 inches thick; concrete shall be not less than two inches thick; hollow clay tile shall be not less than two inches thick and, when single-shell tile is used, it shall be plastered on the exposed surfaces with gypsum mortar or cement mortar at least 1/2 inch in thickness, or, when double-shell tile is used, it may be unplastered; poured gypsum shall be not less than 1 1/2 inches thick; solid blocks shall be not less than two inches thick; and hollow gypsum blocks shall be not less than three inches thick. The fireproofing materials shall be in contact with the member to be protected, or the spaces between the fireproofing and the member to be protected shall be filled with concrete or mortar.

C. No fireproofing material for the protection of iron or steel columns shall be less than 1 1/2 inches thick in any case, provided that the outer edges of lugs and brackets may extend not nearer than one inch to the outer surface of the protecting material.

D. For iron or steel girders or lintels supporting walls, the brickwork, concrete, hollow clay tile or gypsum used as fire protection shall be not less than two inches thick, provided that when the span does not exceed six feet or such opening is spanned by an adequate masonry arch above the lintel, the fireproofing may be omitted.

E. For iron or steel girders or beams, except when supporting walls, the brickwork, concrete, hollow clay tile or gypsum used as fire protection shall be not less than 1 1/2 inches thick; or such girders or beams may be protected by gypsum mortar or cement mortar 1 1/2 inches thick on expanded metal lath weighing not less than three pounds per square yard.

F. Members of steel trusses shall be protected by fireproofing materials to provide a fire-resistive rating of not less than two hours, or the trusses may be protected on the sides and below the bottom chords with expanded metal lath and gypsum mortar or cement mortar not less than one-inch thick, provided that the protection of roof trusses, beams and purlings may be omitted if there is a clear height of at least 20 feet from the finished floor to the underside of the trusses.

G. No pipes, wires, cables or other service equipment shall be embedded in the required fireproofing of columns or other structural members, nor shall they be between the required fireproofing and the member protected.

H. Where the fireproofing of columns is exposed to the damage of trucking or the handling of merchandise, it shall be jacketed for a height of five feet from the floor with substantial covering.

§ 50-200. Steel in reinforced concrete.

A. The reinforcement in columns, girders and beams shall be covered on all sides by not less than 1 1/2 inches of concrete, and in walls and floor slabs by not less than

one inch of concrete.

B. When the exterior surfaces of the concrete are covered with cement mortar or gypsum mortar 3/4 of an inch or more in thickness, the concrete covering the reinforcement, except in footings, may be 1/2 inch less than herein otherwise required, provided that in no case shall it be less than 3/4 of an inch.

§ 50-201. Floor and roof construction.

A. Floor and roof construction between supporting beams shall consist of an approved system of arches or slabs of noncombustible material. Except as specifically provided otherwise, such construction shall, either by itself or in combination with its protective ceiling, have a fire-resistive rating of at least two hours.

B. Steel beams or approved steel joists which are not individually protected by fireproofing materials as specified in this Article shall be of uniform depth in each floor bay and shall be protected on the underside by a ceiling of expanded metal lath and gypsum mortar or cement mortar not less than one-inch thick and on the upper side with a concrete or gypsum slab not less than two inches thick.

C. Steel beams or joists shall be tied together by steel rods or by rigid steel bridging of proper size, spacing and location.

§ 50-202. Partitions.

Partitions shall be constructed of noncombustible materials, provided that unless otherwise specifically required, partitions may have wood doors, door casings, frames, jambs and bucks, window and transom frames and casings, and provided further that temporary partitions of wood and glass may be erected within rooms or spaces not exceeding 5,000 square feet in area, occupied by a single tenancy.

§ 50-203. Interior finish.

A. Where wood sleepers are used for laying floors, the space between the floor slab and the underside of the flooring shall be filled with noncombustible material.

B. Wood trim may be used for door or window casings, chair rails, picture moldings and baseboards when backed solidly with noncombustible materials.

C. Wood wainscoting and other surface coverings may be used on walls, partitions and ceilings when applied direct or to nailing strips and without concealed spaces, provided that such material used in a room or space exceeding 5,000 square feet in area shall have been treated to render it nonflammable.

ARTICLE LII
Heavy Timber Construction

§ 50-204. Columns.

A. Wood columns shall be not less than eight inches, nominal, in any dimension. All corners shall be rounded or chamfered.

B. Column and girder connections shall be of fire-resistive construction or protected by approved materials and methods having a fire-resistive rating of not less than one hour. Wood bolsters may be used only to support roofs.

C. Columns shall not rest on floor timbers, nor shall they rest on masonry foundations unless stone, cast-iron or steel bases are used to transmit their loads.

§ 50-205. Beams and girders.

A. Beams and girders of wood shall be not less than six inches in least dimension nor less than 10 inches in depth. If built up of two or more pieces, they shall be properly bolted together with precaution shall be taken to prevent decay of contact faces.

B. Wall plates, boxes of self-releasing type or approved hangers shall be provided where beams or girders rest on walls.

C. Where girders meet columns, they shall be fitted around them or butted up close to them. The ends of girders shall be held in place by steel or iron straps, spiked, bolted or lag-screwed on their sides unless the post caps have sides projecting upward which can be lag-screwed to the girders.

D. Where intermediate beams are found necessary for the support of a floor, they shall rest on top of the girders, or they may be supported by approved steel or iron hangers into which the ends of beams shall be closely fitted. Interstices between beams framed together shall be filled in with a preservative compound.

E. Wood beams and girders supported by walls shall have at least eight inches of masonry between their ends and the outside face of the wall. Where beams enter walls from opposite sides, there shall be at least eight inches of masonry between sides of adjacent beams.

§ 50-206. Floors.

Floors shall be constructed of splined or tongued and grooved plank not less than three inches in thickness covered with one-inch flooring laid cross-wise or diagonally, or of planks at least four inches thick set on edge close together with broken joints and spiked at intervals of not more than 18 inches. Flooring shall not extend closer than 1/2 inch to walls, and the space thus left shall be covered by a molding which will not obstruct an expansive movement of the floor due to wetting; or the masonry may be corbeled under the floor planks to cover this space.

§ 50-207. Roofs.

Roofs shall be constructed the same as floors, except that the plank shall be not less than 2 1/2 inches thick and beams supporting the roof shall be not less than six inches in either dimension.

§ 50-208. Condition of timber.

Wood used in heavy timber construction shall be thoroughly seasoned and dry and shall

be installed in such manner as to prevent dry rot or rapid decay. No paint or finish of any kind shall be applied until timbers are thoroughly seasoned.

§ 50-209. Structural members other than wood.

Structural members of steel or reinforced concrete may be used if protected as provided in this Part 10 for fireproof construction.

ARTICLE LIII
Fire Walls and Party Walls

§ 50-210. Construction.

Fire walls and party walls shall be of reinforced concrete or an approved type of masonry and shall comply with all requirements for exterior bearing walls. Fire walls may be offset from floor to floor in any building, provided the entire offset is of construction having a fire-resistive rating of not less than four hours.

§ 50-211. Parapets.

A. Parapets shall be provided on all fire walls and party walls where such walls connect with roofs other than roofs of fireproof construction, provided that party walls in single-family and two-family dwellings, the roofs of which pitch at an angle of 30° or more from the horizontal, may stop at the underside of the sheathing when the rafters on each side are placed directly against the wall.

B. Required parapets shall extend not less than two feet above the roof, provided that in residence buildings such parapets may extend not less than 12 inches above the roof.

C. Required parapets shall be properly coped with non-combustible weatherproof material.

§ 50-212. Openings.

The maximum area of an opening in a fire wall shall be 80 square feet, provided that when intended for the passage of motortrucks, the area may be a maximum of 140 square feet. The total width of all such openings on any level shall not be greater than 25% of the length of the wall. Every opening in a required fire wall shall be protected on each side with an approved automatic fire door, provided that when a fire wall serves also as a horizontal exit, one of the automatic fire doors at each opening shall be replaced by a self-closing fire door.

ARTICLE LIV
Partitions

§ 50-213. Garages.

Garages located within or attached to a building shall be separated from the remainder of the building by partitions having a fire-resistive rating of not less than one hour for

private garages and not less than two hours for minor garages. Openings in such partitions shall be restricted to a single doorway protected by an approved, self-closing fire door and the door sill shall be raised at least 10 inches above the garage floor level.

§ 50-214. Business buildings.

In every business building used also as a dwelling, partitions separating the business occupancy from the residence occupancy shall have a fire-resistive rating of not less than one hour. Openings in such partitions shall be protected by approved fire doors.

§ 50-215. Cellar partitions.

Except in single-family or two-family dwellings, partitions hereafter erected in cellars or basements without an approved sprinkler system shall be constructed of noncombustible materials or shall have a fire-resistive rating of not less than one hour, unless such partitions enclose only coal or wood bins and do not extend to the ceiling.

§ 50-216. Apartment partitions.

Partitions separating apartments, or apartments from hallways, or apartments from other occupancies shall, in fireproof or heavy timber construction, have a fire-resistive rating of not less than two hours, and in other types of construction, shall have a fire-resistive rating of not less than one hour. Openings in such partitions shall be protected by approved fire doors.

§ 50-217. Acceptable construction.

A. For the purposes of this Article, the following constructions shall be deemed to have a fire-resistive rating of two hours:

   (1) Brick four inches thick laid in cement mortar or lime-cement mortar plastered on both sides.

   (2) Hollow clay tile six inches thick laid in cement mortar, lime-cement mortar or gypsum mortar plastered on both sides with gypsum mortar or cement mortar not less than 1/2 inch in thickness, and having at least two cells in the thickness of the partition.

   (3) Cored gypsum blocks four inches thick laid in gypsum mortar.

B. For the purposes of this Article, the following construction shall be deemed to have a fire-resistive rating of one hour:

   (1) Wood studs covered on both sides with gypsum mortar or cement mortar not less than 3/4 of an inch in thickness on expanded metal lath.

ARTICLE LV
Ceilings

§ 50-218. Garages.

Garages which are in the basement or cellar of any building or which have a second story over them or which have loft or storage space above them shall have a ceiling construction having a fire-resistive rating of not less than one hour for private garages and of not less than two hours for minor garages.

§ 50-219. Business buildings.

In every business building used also as a dwelling, the floor or ceiling construction separating the business occupancy from the residence occupancy shall have a fire-resistive rating of not less than one hour.

§ 50-220. Cellar ceilings.

In buildings of ordinary masonry construction, except dwellings, one-story buildings outside the fire limits and buildings with cellars or basements having an approved sprinkler system, the ceiling over cellars or basements shall have a fire-resistive rating of not less than one hour.

§ 50-221. Acceptable construction.

For the purposes of this Article, the following ceiling construction shall be deemed to have a fire-resistive rating of not less than one hour: gypsum mortar or cement mortar not less than 3/4 of an inch in thickness on expanded metal lath.

ARTICLE LVI
Exterior Walls and Openings

§ 50-222. Locations.

A. Openings in an exterior wall of every building, except single-family and two-family dwellings and buildings accessory thereto and churches, which openings face, at a distance of less than 20 feet, the further side of a street or a combustible wall or roof or an unprotected opening in a wall or roof of another building on the same lot, or which are less than 10 feet from a side or rear property line, shall be protected by approved fire doors or fire windows.

B. Exterior walls of all buildings, except where fronting on a street, alley or public open space not less than 10 feet wide, which are less than five feet from a property line or less than 10 feet from another building on the same lot, shall be of not less than two-hour fire-resistive construction, and all openings therein shall be protected by approved fire doors or approved fire windows; provided that in buildings of metal frame construction, exterior walls of unprotected metal may be considered to meet the requirements of this subsection.

C. All openings over six feet wide in exterior walls of buildings of ordinary masonry construction shall have lintels of reinforced concrete or of steel with fireproofing at least two inches thick, provided that in residence buildings, the fire protection of steel lintels may consist of metal lath, well secured and covered with one inch of cement plaster. All such openings under six feet wide shall have lintels of

reinforced concrete or steel, provided that wood lintels may be used on the inside of the wall.

ARTICLE LVII
Stairway Enclosures

§ 50-223. When required.

A. In every building exceeding 30 feet to the floor of the topmost story or occupied by more than 40 persons above or below the first story above grade and in multiple dwellings more than two stories high, interior stairways, including hallways connecting them to the doorway leading to the outside, shall be enclosed with a partition construction of noncombustible materials having a fire-resistive rating of not less than two hours.

B. In all other buildings, except single-family and two-family dwellings, interior stairways which are not enclosed in partitions as prescribed in the preceding subsection shall be enclosed in partitions of wood studs firestopped at every floor with noncombustible material and covered on both sides with expanded metal lath and cement mortar or gypsum mortar not less than 3/4 of an inch in thickness or of other construction having a fire-resistive rating of not less than one hour.

C. Nothing in this Article shall require the enclosure of a stairway which does not serve as a required exit and does not connect more than two stories.

§ 50-224. Openings.

Doorways in required stair enclosures shall be equipped with approved self-closing fire doors, except that when two-hour partitions are not required for the enclosure, substantial self-closing metal or metal-covered doors or wood doors of the flush type of nominal thickness of one and 3/8 inches may be used.

§ 50-225. Basement stairs.

Except in single-family or two-family dwellings, no stair leading up from a basement or cellar shall be placed under a stairway leading from an upper story unless such stair and stairway are enclosed within the basement or cellar by a two-hour partition and with an unbroken ceiling construction having a fire-resistive rating of not less than one hour on the soffit of the flight through the lowest story of the stairway from above.

ARTICLE LVIII
Shaft Enclosures

§ 50-226. When required.

All shaftways through two or more successive floors, or floors and roof, hereafter constructed in a building, used for ventilation, light, elevator or other purpose, except stairways, ducts, incinerator chutes and flues, and shaftways in residence buildings of ordinary masonry construction extending from the ceiling of the top story to and above the roof, shall be enclosed to constitute a shaft.

§ 50-227. Construction.

The walls of shafts, unless construction of masonry or reinforced concrete, shall be partitions of noncombustible materials having a fire-resistive rating of not less than two hours, provided that the walls of shafts in residence buildings of ordinary masonry construction may be of a construction having a fire-resistive rating of not less than one hour.

§ 50-228. Openings.

Shafts shall have no openings other than such as are necessary for the purpose of the shaftway. Such openings shall be protected with approved fire doors, approved fire shutters or approved fire windows.

§ 50-229. Enclosure at top.

Every shaft extending into the top story of a building of heavy timber or ordinary masonry construction shall be carried through and not less than three feet above the roof. Every shaft extending above the roof, except open shafts, shall be covered at the top with a skylight or a sidelight of at least 3/4 of the area of the shaftway in the top story. Every skylight in which plain glass is used shall be protected by a substantial wire screen placed above it and wire screen suspended underneath. A shaft that does not extend into the top story shall have the top enclosed with a construction having a fire-resistive rating of not less than two hours.

§ 50-230. Enclosure at bottom.

A shaft that does not extend to the bottom of the building shall be enclosed at its lowest point with a floor construction of the same type as that required for the lowest floor to or through which it passes, provided that in any case it shall have a fire-resistive rating of not less than one hour.

ARTICLE LIX
Firestopping

§ 50-231. Concealed draft openings.

All buildings hereafter erected shall have all concealed draft openings firestopped with noncombustible material to form an effectual fire barrier between stories and between stories and between the upper story and roof space, provided that in single-family dwellings, concealed draft openings may be fire-stopped with wood blocks cut in solidly or by other approved methods.

§ 50-232. Pipes, belts and shafting.

Openings around exposed pipes or power shafting shall be filled with noncombustible material or shall be closed off by close-fitting metal caps at the ceiling and floor line or on each side of the wall. Openings for belts shall be provided with approved slotted doors or be otherwise closed off. Belts shall not pass through fire-walls.

§ 50-233. Cornices.

Continous exterior cornices built of wood or having wood frames shall be fire-stopped between each building and at maximum intervals of 20 feet. If such cornices are noncontinuous, they shall be built with closed ends and separated at least four inches.

§ 50-234. Inspection.

No firestopping shall be covered or concealed from view until inspected and approved by the Building Inspector.

Part 11
Chimneys and Heating Appliances

ARTICLE LX
Chimneys

§ 50-235. Construction.

A. Chimneys hereafter erected shall be built of reinforced concrete, brick or of other approved masonry not less than eight inches thick; provided that for stone masonry other than sawed or dressed stone in courses, properly bonded and tied with metal anchors, the thickness shall be not less than 12 inches; and provided that in single-family or two-family dwellings, the thickness of chimneys used exclusively for ordinary stoves, ranges, furnaces or open fireplaces may be reduced to not less than 3 3/4 inches for brick or solid concrete and to not less than 10 inches for stone.

B. Chimneys shall be built upon concrete or solid masonry foundations. The footing of an exterior chimney shall start below the frost line.

C. No chimney shall be corbeled from a masonry wall more than six inches nor from a wall less than 12 inches thick.

D. Chimneys shall extend at least three feet above the highest point at which they come in contact with a roof of the building and at least two feet higher than the highest portion of the roof within 10 feet of the chimney, provided that a chimney need not extend more than two feet above the ridge of a pitched roof.

E. Chimneys shall be properly capped with terra-cotta, stone, cast-iron or other approved noncombustible, weatherproof material.

§ 50-236. Flue linings.

A. Every flue shall have a flue lining of burned fireclay flue lining not less than 5/8 of an inch thick, firebrick or approved perforated radial chimney brick.

B. Flue linings shall be built in as the chimney construction is carried up, carefully bedded one on the other in mortar with close-fitting joints left smooth on the inside. All spaces between the masonry and lining shall be thoroughly filled with mortar. Cracked, broken or otherwise defective flue lining shall not be used in a chimney.

C. Flue linings shall start at least four inches below the bottom of smoke pipe intakes

or, in the case of fireplaces, from the throat of the fireplace. Flue linings shall be continuous for the entire height of the flue and extend at least two inches above the chimney top.

D. When two or more flues are contained in the same chimney, the flue linings shall be separated by a withe of cement grouting at least one-inch thick or by a division wall of brick or concrete at least 3 3/4 inches thick. Flues intended for heating furnaces or boiler connections shall be separated from other flues by a division wall of at least 3 3/4 inches thick. In party walls, flue linings of one building shall be separated from those of the adjoining building by at least eight inches of masonry.

§ 50-237. Smoke test.

The Building Inspector may require a smoke test of a chimney after the mortar has thoroughly hardened. Should the test indicate openings, they shall be made tight before making use of the chimney.

ARTICLE LXI
Fireplaces

§ 50-238. Construction and material specifications.

A. The backs and sides of fireplaces hereafter erected shall be of approved masonry or reinforced concrete not less than eight inches in thickness. A lining of firebrick or other approved material at least two inches thick shall be provided unless the thickness is 12 inches.

B. Fireplaces shall have hearths of brick, stone, tile or other approved noncombustible material supported by trimmer arches of masonry, concrete or iron. Such hearths and trimmer arches shall extend at least 12 inches outside of the chimney breast and not less than nine inches beyond each side of the fireplace opening along the chimney breast.

C. Wood centers used in the construction of that part of the supporting arch which is below the hearth of the fireplace inside of the chimney breast shall be removed when the construction of the arch is completed and before plastering on the underside.

D. No wood mantel or other woodwork shall be placed within five inches of the top or side of a fireplace opening.

ARTICLE LXII
Metal Smokestacks

§ 50-239. Construction.

Metal smokestacks shall be securely supported and all materials entering into their construction or serving as support shall be stressed within the working stresses fixed by

this chapter.[14] The metalwork shall be riveted or welded and of approved thickness. All metalwork shall be painted. Cleanout openings shall be provided at the base of every such stack. All metal smokestacks used for high temperatures shall extend to a height of not less than 10 feet above the highest point of any roof within 25 feet.

§ 50-240. Exterior stacks.

Every metal smokestack or part thereof hereafter erected on the exterior of a building shall be braced to the building at least every 20 feet and shall have a clearance from the wall of not less than 24 inches if the wall is of wood frame construction and of not less than four inches if the wall is of any other type of construction, provided that such clearances may be reduced by the Building Inspector if approved insulation is used.

§ 50-241. Interior stacks.

Every metal metal smokestack or part thereof hereafter erected within a building other than a one-story building shall be enclosed above the story in which the appliance served thereby is located, in walls of approved masonry with a ventilated air space between the enclosing walls and the stack. Where such a stack passes through a roof constructed of combustible materials, it shall be guarded by a galvanized iron ventilating thimble extending not less than nine inches above and below such roof construction and providing a clearance on all sides of the stack of not less than 12 inches.

ARTICLE LXIII
Smoke pipes

§ 50-242. Construction.

A. Smoke pipes shall enter the side of chimneys through a fireclay or metal thimble or flue ring of masonry. No smoke pipe shall pass through a floor nor through a roof unless such roof is constructed of noncombustible materials.

B. The clear distance between a smoke pipe and combustible material or construction, including plaster on combustible base, shall be not less than 18 inches, provided that such clearance may be reduced to nine inches when such smoke pipes are protected with not less than one inch of asbestos or in some other approved manner, or when such combustible material or construction is protected by sheet metal or equivalent covering placed at least one inch from the surface to be protected and extending the full length of the smoke pipe and not less than 1/2 the diameter of the pipe beyond it on both sides.

ARTICLE LXIV
Stoves and Ranges

§ 50-243. Mounting.

Cooking stoves, laundry stoves and heating stoves, other than gas and electric ranges,

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14. **Editor's Note: See Part 8, Article XXXVI.**

hereafter installed shall be set on hearth supported by masonry trimmer arches extending not less than six inches on all sides beyond such appliances, provided that such appliances with legs that provide an open space of not less than four inches below the bottom of the appliance may be set on sheet metal or other approved noncombustible material.

§ 50-244. Clearances.

No such appliance shall be placed within 12 inches of a wood stud partition, a wood-furred wall or combustible material, provided that such clearance may be reduced to not less than six inches if the appliance is properly protected by a shield of metal or other approved noncombustible material.

ARTICLE LXV
Oil-Burning Equipment

§ 50-245. Definition.

The words "oil-burning equipment" shall mean any device designed and arranged for the purpose of burning or preparing to burn fuel, range or other oils and all equipment connected thereto, including internal and external supply or storage tanks, piping, wiring and all accessories.

§ 50-246. Regulations. [Amended 4-9-1962 by Ord. No. 523, approved 4-9-1962]

The installation, erection, enlargement or repairing of oil-burning equipment and the storage and use of fuel, range or other oils in connection therewith shall be subject to the inspection and approval of the Building Inspector and shall conform to the Standard of the National Board of Fire Underwriters for the Installation of Oil Burning Equipment as recommended by the National Fire Protection Association, effective June 1961, as it may be amended.

ARTICLE LXVI
Air-Conditioning and Warm-Air Heating Systems

§ 50-247. Applicability.

The regulations of this Article shall apply to air duct systems such as are used for heating, ventilating or cooling or any combination of these functions.

§ 50-248. Standard practices observed. [Amended 4-9-1962 by Ord. No. 523, approved 4-9-1962]

Heat-producing appliances and systems (including incinerators) shall be installed in accordance with standard practices for safe installation and use without danger of overheating combustible material or construction. Ventilating, air-conditioning, blower and exhaust systems shall be installed in accordance with standard practice for safe installation and use, with all features presenting a possibility of starting or spreading a fire being safeguarded to a reasonable degree. Installation of such appliances and systems

in accordance with the Code for Heat Producing Appliances, Heating, Ventilating, Air Conditioning, Blower and Exhaust Systems recommended by the National Board of Fire Underwriters shall be deemed to be the standard practice for safe installation and use.

Part 12
Precautions During Building Operations

ARTICLE LXVII
Storage of Materials

§ 50-249. Storage within buildings.

Materials or equipment needed in a building operation shall be so placed that they will not load any part of the construction in excess of the weights for which it was designed, nor interfere with the safe prosecution of the work.

§ 50-250. Storage outside buildings.

Materials or equipment needed in a building operation shall not be stored within street lines except by special permission of the Highway Department and of the Building Inspector and under such conditions as they may impose.

ARTICLE LXVIII
Protection of Public and Workmen

§ 50-251. Sidewalk sheds.

Whenever, in the opinion of the Building Inspector, the erection and maintenance of a sidewalk shed is necessary for the protection of the public during the erection or demolition of a building, the owner or the person doing or causing such work to be done shall erect and maintain during such work a substantial sidewalk shed over the sidewalk or temporary sidewalk in front of the building.

§ 50-252. Scaffolds.

All scaffolds shall be so constructed and supported and of sufficient width as to ensure the safety of persons working thereon or passing under or near them.

ARTICLE LXIX
Disposal of Waste

§ 50-253. Storage and accumulation.

Waste material and rubbish shall not be stored or allowed to accumulate within the building or in the immediate vicinity, but shall be disposed of or removed from the premises as rapidly as possible. Dry materials or rubbish shall be wetted down, if necessary, to lay dust or prevent being blown about.

§ 50-254. Disposal within fire limits.

Within the fire limits, combustible waste and rubbish shall not be disposed of by burning

on the premises or in the immediate vicinity but shall be removed from the premises daily.

ARTICLE LXX
Adjoining Skylights and Roofs

§ 50-255. Protection of adjoining skylights and roofs.

When a building is to be carried above the roof of an adjoining building, protection for the skylights and roof of such adjoining building shall be provided by the person constructing or causing the construction, provided that if the owner, lessee or tenant of the adjoining building should refuse permission to have the roofs and skylights protected, the responsibility for necessary protection shall devolve upon the person refusing this permission.

ARTICLE LXXI
Sanitation

§ 50-256. Toilets.

Until permanent provision is made, suitable and adequate temporary toilet facilities shall be provided during the erection, alteration or repair of a building.

§ 50-257. Water.

An adequate supply of pure, cool drinking water shall be provided for workers during hours of employment.

Part 13
Display Signs

ARTICLE LXXII
Applicability

§ 50-258. General applicability; purpose.

A. The provisions of this Part 13 shall apply to all display signs, subject to the express exceptions of this Article.

B. For the purposes of this Part 13, "display sign" shall mean a structure that is arranged, intended, designed or used as an advertisement, announcement or direction, and includes signs, screens and similar advertising painted on or attached to structures.[15]

§ 50-259. New display signs. [16]

No display sign shall hereafter be painted on, erected or attached to, suspended from or supported on a building or structure except in accordance with the requirements of this

15. **Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.**

16. **Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.**

Part 13.

§ 50-260. Existing display signs.

Nothing in this Part 13 shall require the removal or discontinuance of a legally existing display sign that is not altered, rebuilt, enlarged, extended or relocated.

§ 50-261. Alterations.

No display sign shall hereafter be altered, rebuilt, enlarged, extended or relocated except in accordance with the requirements of this Part 13, provided that the changing of movable parts of signs that are designed for changes or the repainting of display matter shall not be deemed to be alterations or rebuilding within the meaning of this Article.

§ 50-262. Exceptions.

The provisions of this Part 13 shall not apply to those signs for which express provision is made within residence districts in the Narberth Zoning Ordinance,[17] nor to such signs within whatever zoning district they may be located; such provisions shall not apply to wall signs not exceeding two square feet in area, nor to street signs and signs for traffic control erected by the borough or other governmental unit.

ARTICLE LXXIII
Permits [18]

§ 50-263. Permit required; application for permit.

No display sign shall hereafter be painted on, erected or attached to, suspended from or supported on a building or structure, and no display sign shall hereafter be altered, rebuilt, enlarged, extended or relocated, until a permit for the same shall have been obtained. Applications for such permits shall be made in writing to the Building Inspector and shall present full particulars as to size, shape, material, supports, location and height above the sidewalk, together with the written consent of the owner of the property on which the sign is to be located.

ARTICLE LXXIV
Construction

§ 50-264. Wall signs.

Display signs placed against the exterior walls of buildings shall not extend more than 10 inches outside the wall surface. Such signs shall not exceed 40 square feet in area. They shall not extend beyond the ends of the wall surface on which they are placed nor above the top of such wall.

§ 50-265. Projecting signs.

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17. **Editor's Note: See Ch. 124, Zoning.**

18. **Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.**

Display signs fastened to, suspended from or supported by a building or structure so as to project therefrom at an angle shall not extend beyond the street line. Such signs shall not exceed 40 square feet in area.

§ 50-266. Billboards.

Display signs such as billboards shall not be permitted.

§ 50-267. Roof signs.

No display sign shall be erected above any building or structure.

§ 50-268. Location.

No display sign and no braces or chains supporting or staying such sign shall be so placed as to obstruct or interfere with a required window, doorway, fire escape or other required means of light, ventilation or egress. On a corner lot, no display sign shall be so located as to cause danger to traffic by obscuring the view.

§ 50-269. Stability.

Display signs shall be so constructed that they will withstand a wind pressure of at least 30 pounds per square foot of surface and will be otherwise structurally safe. Such signs shall be securely anchored or otherwise fastened, suspended or supported so that they will not be a menace to persons or property.

Part 14
Energy Conservation

ARTICLE LXXV
Building Materials and Techniques for Energy Conservation
[Added 8-10-1981 by Ord. No. 713, approved 8-10-1981]

§ 50-270. Applicability.

The following regulations shall apply to all structures defined as "Use Group R-3 Structures" in Act 222 of 1980, known as the "Building Energy Conservation Act of the Commonwealth of Pennsylvania."[19] Such structures as referred to in the Narberth Zoning Ordinance (Ordinance No. 343, as amended)[20] would include all buildings arranged for the use of one- or two-family dwelling units in the various residential districts or the Commercial District. In addition, the regulations would apply to all apartment construction in any of the residential or commercial districts whenever each unit has its own individual and self-supporting heating, ventilating and air-conditioning systems.

§ 50-271. Temperature regulation.

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19. **Editor's Note: See 35 P.S. § 7201.101 et seq.**

20. **Editor's Note: See Ch. 124, Zoning.**

A. In all buildings and structures referred to in § 50-270, at least one thermostat for regulation of space temperature shall be provided for each separate heating, ventilating and air-conditioning system. In addition, a readily accessible manual or automatic means shall be provided to partially restrict or shut off the heating or cooling input to each zone or floor, excluding unheated or uncooled basements and garages.

B. In all buildings and structures, or portions thereof as referred to in § 50-270, the thermostat, or an alternate means such as a switch or a clock, shall provide a readily accessible, manual or automatic means for reducing the energy required for heating and cooling during periods of nonuse or reduced need.

§ 50-272. Determination of energy consumed.

In all multifamily dwellings, including buildings and structures referred to in § 50-270, provisions shall be made to determine the electrical energy consumed by each tenant.

§ 50-273. Alternative systems; borough approval not required.

For all buildings and structures referred to in § 50-270, alternate building systems and equipment design which satisfy the criteria of Subchapter I of Act 222 of 1980 shall not require the approval of the borough, but the use of such alternate building system or equipment design shall be indicated in the warranty provided in Section 306 of Act 222 of 1980.

§ 50-274. Minimum insulation standards.

Except as provided in Section 237 of Act 222 of 1980, buildings and structures referred to in § 50-270 above shall be constructed utilizing the following minimum insulation standards as contained in Act 222 of 1980: ceilings, R-19; exterior walls, R-13; floors over unheated basements and crawl spaces, R-11; (basements containing a furnace and/or hot-water heater may be considered heated); edge insulation for heated slabs, R-6.3; unheated slabs, R-4.2; windows, multiglazing; entrance doors, R-2.5; sliding glass doors (if applicable), multiglazing; ducts in unheated areas, R-3.

§ 50-275. Notice; warranty.

Prior to construction of any building classified in § 50-270 above, the builder shall notify the borough by certified mail of his intent to begin construction. Such notice shall include a filing fee of $5 and contain the name of the owner of the building and its location. At the time a contract for the construction of any building classified as being covered by § 50-270 above is entered into, the builder shall warrant to the owner in writing that the building shall be constructed in accordance with the provisions of this chapter and Act 222 of 1980. Such warranty shall be a document separate from the contract.

§ 50-276. Building permit to include notice of compliance.

Any building permit issued by the Borough of Narberth shall have printed upon its face notice that the provisions of this chapter and of Act 222 of 1980 must be complied with.

Chapter 57

DISORDERLY CONDUCT; NUISANCES

[HISTORY: Adopted by the Council of the Borough of Narberth 9-11-1978 by Ord. No. 679, approved 9-11-1978.[1] Amendments noted where applicable.]

GENERAL REFERENCES

Adult uses — See Ch. 43.
Air guns and pistols — See Ch. 45.
Abandoned refrigerators — See Ch. 99.
Accumulation of rubbish and dangerous structures — See Ch. 102.
Abandoned vehicles — See Ch. 117.

§ 57-1. Unlawful acts.

"Disorderly conduct" and/or "nuisances," within the limits of the Borough of Narberth, are hereby defined as any act, work or conduct causing or tending to cause a disturbance of the peace and good order of the borough or causing or tending to cause any danger, discomfort or annoyance to the inhabitants or users of its streets and highways and other public property and shall include loafing, fighting, drunkenness, obscenity, vagrancy, begging, the making of unnecessary noises, profanity or indecent language, reckless or careless driving or any other use of vehicles by owners or occupants thereof or any such use as shall endanger the safety or interfere with the comfort and convenience of persons using or residing on the streets or highways or other public property.

§ 57-2. Enumeration of unlawful acts.

Without in any manner intending to limit or restrict the generality of the above definition of and prohibition against disorderly conduct and/or nuisances, the following are hereby declared to constitute disorderly conduct and/or nuisances:

A. The unnecessary sounding of automobile horns, sirens, bells, whistles or other warning devices. The operators of motor vehicles shall, at all times, exercise due care and foresight in their operation and shall not substitute the sounding of warnings for careful driving and the maintenance of proper control over their respective vehicles. It is not intended hereby to prohibit the use of such warning devices in emergencies or at times when in the exercise of good judgment, a prudent operator would use such devices.

B. The keeping of dogs, chickens or other animals or fowl under such conditions or in such a manner that, by barking, crowing or otherwise, they disturb the peace and quiet of the immediate neighborhood or cause or tend to cause any danger, discomfort or annoyance to the inhabitants or users of its streets and highways or

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1. **Editor's Note: This ordinance also repealed Ord. No. 302, adopted and approved 9-10-1934.**

other public property.[2]

C. The operation of amplification devices, radios, victrolas or other mechanical, electrical or electronic instruments in a manner and at a time which is generally considered to be inappropriate and which unnecessarily disturbs the peace and quiet of the immediate neighborhood.

D. The loading, unloading and delivery of coal and other materials, merchandise or commercial products at a time of the day or night which necessarily disturbs the peace and quiet of the immediate neighborhood.

E. The discharging on or across the streets, highways or other public property of air guns, spring guns, rifles or firearms of any kind or character whatsoever.[3]

F. Loafing, loitering, idling or lounging in or about any place or facility, but not including the presence of any person in such place in the course of using it for the purpose for which it exists.

G. Acting in and about the streets or other public places of the borough in a noisy, loud, boisterous and unseemly manner or in such manner as to disturb the peace and quiet of the community.

H. Resisting or interfering with police officers, fire police or firemen in the performance of their duties.

I. Violation or refusal to obey rules and regulations established by ordinance, resolution or decree of the Mayor, Borough Council or other boards or commissions created by Borough Council with respect to the use of public buildings, playgrounds or other public areas.

§ 57-3. Violations and penalties.

Any person or persons violating this chapter or causing or helping others to violate it shall be subject, upon conviction thereof, to a fine not to exceed $300 for each offense or to imprisonment for a period not exceeding 30 days, or both such fine and imprisonment.

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2. **Editor's Note: For general regulations pertaining to dogs, see Ch. 59, Dogs.**

3. **Editor's Note: For additional regulations on firearms, see Ch. 45, Air Guns and Pistols.**

Chapter 59

DOGS

[HISTORY: Adopted by the Council of the Borough of Narberth 11-9-1981 by Ord. No. 714, approved 11-9-1981. Amendments noted where applicable.]

GENERAL REFERENCES

Barking dogs as nuisances — See Ch. 57.

§ 59-1. Running at large.

It shall be unlawful for the owner of any dog to permit it to run at large at any time.

§ 59-2. Damage or destruction to property.

It shall be unlawful for the owner of any dog to permit it to damage or destroy property, including other animals, lawns, flower and vegetable gardens, plants and shrubbery.

§ 59-3. Soiling or defiling property.

It shall be unlawful for any person owning, harboring, keeping or in charge of any dog to cause or allow such dog to soil, defile or defecate upon any other person's private property without the permission of such other person or upon any public property within the borough.

§ 59-4. Making of information; hearing.

The owners of animals or property damaged, destroyed or soiled by dogs in violation of this chapter may make information before any District Justice in the Borough of Narberth, who shall issue a summons for a hearing to be held within not less than three days nor more than 10 days from date of service, unless continued for cause shown.

§ 59-5. Violations and penalties.

Any person, firm or corporation violating the provisions of this chapter shall be liable to a fine of not more than $300 and costs of prosecution or to undergo imprisonment not exceeding 30 days, or both.

§ 59-6. Repealer.

All ordinances or parts of ordinances inconsistent herewith, and specifically Ordinance No. 367, approved the 12th day of April 1943, are hereby repealed.

Chapter 61

DRIVEWAYS AND OTHER ACCESS CONNECTIONS

[HISTORY: Adopted by the Council of the Borough of Narberth 4-14-1980 by Ord. No. 697, approved 4-14-1980. Amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. 50.
Streets and sidewalks — See Ch. 112.
Zoning — See Ch. 124.

§ 61-1. Purpose.

The purpose of this chapter is to protect the health, welfare and safety of the borough and its citizens by properly regulating the construction, alteration, repair and removal of driveways and other traffic ways connecting to the roads in the borough; to ensure that they will not produce traffic congestion, unsafe traffic conditions within the borough or damage to highways and sidewalks in the borough; and to ensure that their construction and/or alteration and the construction and/or alteration of the lands and facilities they serve shall not cause an undue increase in the stormwater flows in the highway gutters or storm drainage systems in the borough.

§ 61-2. Definitions.

Wherever in this chapter the following abbreviations, words, expressions or pronouns used in their stead occur, they shall have the meanings given herein:

ACCESS CONNECTION — Any roadway facility by means of which vehicles can enter or leave a highway or private way. Included are highway intersections, driveways and similar works.

ALTERATION — Work on an existing facility, including repairs which will change the configuration, size or area of the facility or the structures and area served by the facility, or the structures and area served by the facility.

CALENDAR DAY — Every day shown on the calendar.

COMMERCIAL PROPERTY — Any parcels of property that are not used exclusively for residential purposes, including properties used for both residential and nonresidential uses.

CONSTRUCTION — Work that will create a new facility where such a facility does not exist.

CURB — The vertical or sloped edging structure located along the edge of the traveled way of a highway or private way.

DRIVEWAY — A private roadway, other than a private way, serving one or more parcels of property.

FORM 408 — The latest revision of specifications issued by PennDot.

HIGHWAY — The entire area between the right-of-way lines of all public roads as established by ordinances of and/or acceptance by the borough, by court decree or similar acts.

PENNDOT — The Pennsylvania Department of Transportation.

PRIVATE WAY — The entire area between the limits of easement or common ownership lines of any road that is not a highway or driveway but which serves more than two parcels of property with common rights of access over the way.

REMOVAL — Work on an existing facility to discontinue its use and including restoration of the curbs, sidewalks and grass strips within the highway.

REPAIR — Work on an existing facility to restore and/or maintain the facility without materially changing its configuration, size or area or the structures served by the facility.

RESIDENTIAL PROPERTY — Any parcel of property containing structures used for residential purposes only.

RIGHT-OF-WAY — The area which has been secured and reserved by the borough for highway purposes.

ROAD — A general term denoting a way for purposes of vehicular travel.

ROADWAY — That portion of a highway or private way between the faces of curbs, outside edges of shoulders and gutters or a combination thereof that is used for vehicular travel or parking.

SIDEWALK — That portion of the highway primarily constructed for the use of pedestrians.

§ 61-3. Permit required; compliance with provisions.

No person or party shall construct, alter, repair or remove or cause to be constructed, altered, repaired or removed any highway access or driveway unless he shall have first applied for and obtained a permit to do so in the manner prescribed below in this chapter. All work necessary for and incidental to the construction, alteration and removal that does or will lie within a highway and/or the limits of existing or proposed sidewalks, including those portions of said sidewalks that may be beyond the limits of the highway, shall be performed in the manner prescribed below in this chapter.

§ 61-4. Types of access connections.

For purposes of this chapter, access connections shall be divided into four classifications as follows:

A. Highway-to-highway connections: These include any and all intersections of

existing borough highways. Highway-to-highway connections are exempt from the requirements of this chapter.

B. Road-to-highway connections: These include any and all intersections of new roads to highways or of private ways to existing highways.

C. Class A driveway connections: These are any and all driveways that connect to a highway or private way and which serve one of the following: commercial properties, more than two residential properties, a residential property whose structures house more than 16 families or a parcel or parcels of land whose total area exceeds 1 1/2 acres.

D. Class B driveway: These are any and all driveways that connect to a highway or private way, serve residential or agricultural properties and do qualify as Class A driveways as defined above.

§ 61-5. Contents of permit applications.

All applications for permits for the repair, alteration, removal or construction of an access connection shall be submitted on an approved application form and shall give the following information:

A. Location of the connection.

B. Type of connection.

C. Type of work to be performed.

D. Owner or owners of the properties to be served.

E. The type and area of the properties to be served.

F. Square footage of area to be paved, area to be left unpaved and area to be built upon.

G. The estimated cost of the work to be performed within the limits of any highway.

H. The person or party who will perform the work.

I. An affidavit signed by the person who will perform the work that all work will be done in accordance with this chapter and applicable to borough standards.

J. Proposed start of construction and total estimated time of construction.

§ 61-6. Plan and profile required in certain cases; contents.

In addition to the requirements of § 61-5 above, all applications for the alteration or construction of a road-to-highway access connection or a Class A driveway shall be accompanied by a plan and profile of the proposed connection and a plan of the entire lands that it will serve. The plans and profile shall be prepared by a person or persons duly qualified to do so under the laws of the commonwealth.

A. The plan shall contain the following:

(1) The limits of the lands to be served by the facility.

(2) The total areas of the lands to be served by the facility.

(3) Existing and proposed contours of the lands to be served by the facility.

(4) All proposed and anticipated improvements to be made and structures to be constructed on the lands to be served by the facility.

(5) A sketch showing present and anticipated vehicular traffic past and in and out of the facility. Traffic data shall include average daily traffic and morning and evening peak-hour traffic. It shall also include data as to the capacity of adjacent intersections.

(6) Horizontal and vertical sight distances at the proposed connection.

(7) Present and anticipated stormwater flows from and through the lands served by the facilities, whenever such stormwaters do or will flow through or towards the borough at this or any other location. This data shall be given for storm frequencies of two-, five-, 10-, 25-, and 100 years.

(8) The proposed methods by which stormwaters will be collected, impounded and/or discharged from the lands served by the facility. The data shall include the size and capacities of all existing and proposed storm drainage facilities.

(9) The signature and official seal of the person who prepared the plan.

B. Where it is impractical to show all of the required traffic and drainage information on the plan, it may be submitted as a written report accompanying the plan, provided that it contains all of the required information and the signature and official seal of the person preparing the report.

§ 61-7. Permits.

A. Permits for the repair or removal of road-to-highway connections, for the repair or removal of Class A driveways and for the construction, alteration, repair or removal of Class B driveways shall be issued by the Building Inspector within seven days of receipt of the permit application, permit fee and security deposit, provided that he shall determine that the application meets all the requirements of this chapter and other applicable laws, ordinances, rules and regulations of the borough and the commonwealth. Otherwise, the application shall be denied and the applicant advised of the reason for denial.

B. Permit applications for the construction or alteration of road-to-highway connections and Class A driveways shall be approved by the Building Inspector within 60 days of receipt of the permit application and permit fee, provided that after review of the application by the Highway Committee of the Borough Council, the Borough Council shall have, at a proper meeting by majority vote, determined that the application meets all requirements of this chapter and other applicable laws, ordinances, rules and regulations of the borough and the commonwealth and that the proposed work will not be injurious to the health, safety and welfare of the

borough or its citizens. Otherwise, the application shall be denied and the applicant advised of the reason for denial. Should the Highway Committee of Borough Council or Borough Council determine that a technical review of the application is advisable, it shall retain a person or persons who are duly qualified under the laws of the commonwealth to make the review on its behalf.

C. The applicant shall reimburse the borough for actual cost of the technical review, plus normal administration costs, if the application is approved or disapproved. After an application has been approved, the applicant shall furnish to the borough the required security deposit or bond after which the Building Inspector shall issue a permit for the work. Work shall begin within 30 days of issuance of the permit or the permit shall become void.

§ 61-8. Construction requirements.

All work necessary for the construction, alteration, repair and/or removal of any access connection within the limits of the highway and/or the limits of the existing and proposed sidewalks, including those portions of said sidewalks that may be beyond the limits of the highway, shall be constructed in accordance with the lines, grades and details on the approved application plans and the following requirements:

A. Barricades. Suitable barricades and other warning devices shall be erected around and through the work site as are necessary to protect motorists, pedestrians and abutters from injury and undue inconvenience and as required by law.

B. Excavation. All excavation shall be performed in accordance with Section 104.07 and 203 of Form 408, with the following additional requirements:

(1) Excavation material shall not be stored within the limits of any highway.

(2) Any and all existing stone or granite curb, drainage pipes and casting, guard posts, guardrails and signs and signposts within the work site, which are to be removed and will not be incorporated in the finished work, shall carefully be removed, delivered and properly stacked at a location within the borough designated by the Borough Manager, except such of the above as the Borough Manager shall determine are of no use or value to the borough.

(3) Any materials damaged during the removal, delivery and staking shall be replaced with material of like kind by the permittee.

C. Parking meters. Any existing parking meters and posts that must be removed and/or relocated due to the work will be removed or relocated by the borough. The permittee shall reimburse the borough for the actual cost of the work, plus normal administrative costs.

D. Roadway pavement. All new roadways within the limits of the highway, including patches of existing pavements, shall be in accordance with the following:

(1) Subgrade shall be 16 1/2 inches below the finished roadway grade and shall be prepared in accordance with Section 210 of Form 408.

(2) The total depth of subbase and the base course shall be 14 inches. The subbase shall be constructed in accordance with Section 350 of Form 408. The base course shall be either a seven-inch-thick plain cement concrete base course constructed in accordance with Section 301 of Form 408 or a five-inch-thick bituminous concrete base course constructed in accordance with Section 305 of Form 408.

(3) The finished pavement shall consist of a one-inch-thick bituminous concrete wearing course, ID-2 constructed in accordance with Sections 401, 420 and 421 of Form 408.

E. Curbs. All curbs for new construction shall be Type AV granite curb constructed in accordance with Section 634 of Form 408 or concrete curb construction in accordance with the appropriate section of Form 408. Existing granite curb encountered at the work location may be reused. It shall be reset in accordance with Section 637 of Form 408. Existing curbs may be repaired in kind.

F. Sidewalks and driveways. All driveways within the limit of the highway and all sidewalks shall be cement concrete sidewalks constructed in accordance with Section 676 of Form 408, with the following additional requirements:

(1) For Class B driveways, including the sidewalk portion thereof, the foundation shall be 10 inches below the finished surface, and the aggregate bed and the concrete shall each be five inches in depth.

(2) For Class A driveways, including the sidewalk portion thereof, the foundation shall be 14 inches below the finished surface, the aggregate bed shall be eight inches in depth, and the cement concrete shall be six inches in depth and shall be reinforced at its center with six-inch-by-six-inch No. 6 steel wire fabric conforming to Subsection 709.3 of Form 408.

G. Cleanup and roadside development. Upon completion of the work, all areas within the highway shall be left in a neat and clean condition. All nonpaved areas within the highway that were disturbed in any way as a result of the work shall be dressed and shaped, topsoiled to a depth of not less than four inches and sodded in accordance with Sections 802, 803, and 809 of Form 408.

H. Incidental work. All other work incidental to or required to complete the access continuation, including but not limited to alteration and construction of storm drainage systems, sanitary sewers, guardrails and signs, shall be done in accordance with the applicable requirements of Form 408 and standards of the borough.

§ 61-9. Permit fees.

All permit applications shall be accompanied by the appropriate fees in accordance with the following schedule:

A. Construction or alteration of a road-to-highway access or a Class A driveway: $50 for each acre of ground or portion thereof served by the access connection.

B. Construction or alteration of a Class B driveway: $25.

C. Repair or removal of a road-to-highway connection or a Class A driveway: $25.

D. Repair or removal of a Class B driveway: $10.

§ 61-10. Security deposit or bond.

Before a permit for the construction, alteration, repair or removal of an access connection, except Class B driveways, is issued, the applicant shall furnish to the Building Inspector a security deposit or bond in an amount equal to the estimated cost of that portion of the work that is within the highway. The security deposit or bond will be returned to the permittee after the Building Inspector has determined that all work within the highway has been satisfactorily completed.

§ 61-11. Action by borough upon noncompliance.

Should an access connection be constructed or altered within the borough in violation of the requirements of this chapter, the Borough Council may order it to be closed to traffic and/or direct the owners of the property served to file a proper permit application. After receipt of the application, it shall be approved or denied in accordance with the provisions of § 61-7 of this chapter. If the application is denied, the person or persons who caused the access connection to be constructed or altered shall restore the highway or private way to the condition that existed prior to the start of the work and shall remove any other offending portions of the work as the Building Inspector may direct. Should the offending party fail to close and/or restore an improper access connection, the borough shall do so and the offending party shall reimburse the borough for the cost thereof, including normal administrative costs.

§ 61-12. Abandonment of work.

Should any work on an access connection with the highway be discontinued for more than five calendar days for reasons other than strikes, civil emergencies, inclement weather or other reasons considered to be valid by the Building Inspector, the work shall be considered abandoned. If the work is abandoned, the borough may complete the work to the limit of the highway or the sidewalk and use for payment of same the security deposit or bond.

§ 61-13. Costs incurred to constitute lien.

Any costs incurred by the borough in processing a permit application or doing other work in accordance with this chapter shall be a lien against the properties served by the access connection.

§ 61-14. Violations and penalties.

Any person or party who violates this chapter shall be subject to a fine of $300 and/or 30 days in jail. Each calendar day that the violation exists shall be a separate offense.

§ 61-15. Conflicts with other legislation.

The definitions given in § 61-2 of this chapter shall apply to this chapter only and shall not be construed as applied to any other ordinance of the borough. Should there be any conflicts between the provisions of this chapter and either the Zoning Ordinance or Building Code Ordinance, in those particulars the Zoning or Building Code Ordinances shall prevail and take precedence.

Chapter 64

ENTERTAINMENT AND EXHIBITIONS

[HISTORY: Adopted by the Council of the Borough of Narberth 5-14-1928 by Ord. No. 255, approved 5-14-1928. Section 64-3 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

§ 64-1. Permit required.

From and after the passage of this chapter, there shall not be given, held or exhibited in the Borough of Narberth any fair, bazaar, lecture, motion-picture exhibition, concert, theatrical or other performance, show, display, exhibition, dance or entertainment of any kind for which a price of admission is charged unless a license or permit therefor shall have been granted by the Mayor at his discretion.

§ 64-2. Rates and charges; exemptions.

The rates therefor shall be $1 for any one fair, bazaar, lecture, motion-picture exhibition, concert, theatrical or other performance, show, display, exhibition, dance or entertainment; $10 for all such performances or entertainments held in any one week; or $100 for those held in any one calendar year; provided, however, that the Mayor may, in his discretion, issue licenses and permits without payment of a fee for entertainments for religious, charitable or educational purposes.

§ 64-3. Violations and penalties. [1]

The penalty for each violation of any of the provisions and requirements of this chapter shall be a fine of not more than $300 and costs of prosecution or imprisonment in the county prison for not more than 30 days, or both such fine and imprisonment.

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1. **Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.**

Chapter 67

FIRE PREVENTION

[HISTORY: Adopted by the Council of the Borough of Narberth 4-8-1974 by Ord. No. 643, approved 4-8-1974. Sections 67-2, 67-3 and 67-4 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

GENERAL REFERENCES

Police Department — See Ch. 27.
Building construction — See Ch. 50.

§ 67-1. Adoption of standards.

A. There is hereby adopted by the Council of the Borough of Narberth for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the "Fire Prevention Code, Abbreviated Edition," recommended by the American Insurance Association, being particularly the 1970 Edition thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended by § 67-7 of this chapter, of which code not less than three copies have been and now are filed in the office of the Secretary of the borough, and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this chapter shall take effect, the provisions thereof shall be controlling within the limits of the Borough of Narberth.

B. The provisions of this chapter shall be deemed to supplement any and all laws of the State of Pennsylvania and ordinances of this borough relating to and prescribing regulations governing conditions hazardous to life and property from fire or explosion and all rules and regulations adopted thereunder, provided that where this chapter imposes greater restrictions and requirements than are imposed by such laws, ordinances, rules and regulations, except applicable statutes of the State of Pennsylvania and the regulations of agencies thereunder, the provisions of this chapter shall control.

§ 67-2. Enforcement. [1]

The code hereby adopted shall be enforced by a Fire Marshal or a Deputy Fire Marshal. The Deputy Fire Marshal shall be appointed by the Fire Marshal, subject to approval by the Council, for a two-year term beginning in January of each even-numbered year. Wherever said code shall refer to the Chief of the Fire Department, such reference shall be to the Fire Marshal or Deputy Fire Marshal.

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1. **Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.**

§ 67-3. Salaries. [2]

The salaries of the Fire Marshal and/or the Deputy Fire Marshal, if any, shall be fixed by the Council.[3]

§ 67-4. Definitions. [4]

For the purpose of this chapter, the terms used herein are defined as follows:

FIRE MARSHAL — Also means Chief of the Fire Department, or Deputy Fire Marshal when acting in the absence of the "Fire Marshal" or at his direction.

MUNICIPALITY — The Borough of Narberth.

§ 67-5. Storage of flammable liquids in outside aboveground tanks.

The limits referred to in Section 74 of the code hereby adopted, in which storage of flammable liquids in outside aboveground tanks is prohibited, are hereby established as follows: all the territory designated as C Commercial Districts by the Zoning Ordinance approved January 4, 1940, as amended,[5] or as the same may be amended hereafter.

§ 67-6. Bulk storage of liquefied petroleum gases.

The limits referred to in Section 114 of the code hereby adopted, in which bulk storage of liquefied petroleum gas is restricted, are hereby established as follows: all the territory designated as C Commercial Districts by the Zoning Ordinance approved January 4, 1940, as amended,[6] or as the same may be amended hereafter.

§ 67-7. Amendments to standards.

The code hereby adopted is amended and changed in the following respects:

A. Article 2 is omitted (junkyards).

B. Article 3 is omitted (bowling alleys).

C. Article 4 is omitted (dry-cleaning plants).

D. Article 13 is omitted (oil-burning equipment).

E. Article 16, Section 160, Bonfires and Outdoor Rubbish Fires, is amended by the following addition:

F. The Fire Marshal may issue, by publication in a newspaper having general circulation in Narberth, a general permit for the burning of leaves and other light

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2. **Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.**
3. **Editor's Note: See Ch. 36, Salaries and Compensation.**
4. **Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.**
5. **Editor's Note: See Ch. 124, Zoning.**
6. **Editor's Note: See Ch. 124, Zoning.**

materials during certain stated periods when conducted during daylight and with an adult in constant attendance.

§ 67-8. Modifications.

The Fire Marshal shall have power to modify any of the provisions of the standards hereby adopted upon application in writing by the owner or lessee or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the standards shall be observed, public safety secured and substantial justice done. The particulars of such modifications when granted or allowed and the decision of the Fire Marshal thereon shall be entered upon the records of the Fire Department and a signed copy shall be furnished the applicant.

§ 67-9. Appeals.

Whenever the Fire Marshal shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the standards have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Fire Marshal to the Public Safety Committee of Borough Council in writing within 30 days from the date of the decision appealed.

§ 67-10. Violations and penalties.

A. Any person who shall violate any of the provisions of the standards hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the Public Safety Committee of Borough Council or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance, respectively, be guilty of a misdemeanor, punishable by a fine of not more than $300 or by imprisonment for not more than 30 days, or by both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each 10 days that prohibited conditions are maintained shall constitute a separate offense.

B. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

Chapter 69

FIREWORKS AND FIREARMS

[HISTORY: Adopted by the Council of the Borough of Narberth at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Amendments noted where applicable.]

GENERAL REFERENCES

Fire prevention — See Ch. 67.

§ 69-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

FIREARMS — Any pistol, revolver, shotgun, rifle or device that discharges by a combustible charge.

FIREWORKS — Any combustible or explosive composition of any substance or combination of substances or, except as hereinafter provided, any article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation and includes blank cartridges and toy cannons in which explosives are used, the type of balloons which require fire underneath to propel the same, fire-crackers, torpedoes, skyrockets, roman candles, dago bombs, sparklers or other fireworks of like construction and any fireworks containing any explosive or flammable compound or any tablets or other device containing any explosive substance. Such term shall not include toy pistols, toy canes, toy guns or other devices in which paper caps containing 25/100 grain or less of explosive compound are used, provided that they are so constructed that the hand cannot come in contact with the cap when in place for the explosion, and toy pistol paper caps which contain less than 20/100 grain of explosive mixture, the sale and use of which shall be permitted at all times.

§ 69-2. Sale and use of fireworks prohibited; permit for public displays.

It shall be unlawful for any person, copartnership, association or corporation to sell, offer or expose for sale or use, store, keep, use or explode any fireworks in the Borough of Narberth, provided that the Mayor may grant permits for supervised public displays of fireworks.

§ 69-3. Displays.

Every such display shall be handled by a competent operator and shall be of such a character and so located, discharged or fired as, in the opinion of the Chief Engineer of the Narberth Fire Department, shall not be hazardous to property or endanger any person or persons. Applications for permits shall be made in writing at least 15 days in advance of the date of the display. After such privilege shall have been granted, the sale, possession, use and distribution of fireworks for such display shall be lawful for that

person only. No permit granted hereunder shall be transferable.

§ 69-4. Liability insurance.

The Mayor shall not grant a permit until the applicant therefor has provided liability insurance in a company and form approved by the Borough Solicitor, with minimum limits as set forth by the Borough Council, but with a minimum of $300,000 for injuries to one person and $500,000 for injuries to more than one person and $150,000 for property damage.

§ 69-5. Extension of permit.

The permit granted by the Mayor may be extended for not more than one week if, by reason of unfavorable weather, the display for which it was granted does not take place at the time authorized.

§ 69-6. Seizure of fireworks in violation.

Any police officer or constable shall seize, take, remove or cause to be removed, at the expense of the owner, all stocks of fireworks or combustibles offered or exposed for sale, stored or held in violation of this chapter.

§ 69-7. Unnecessary discharge of firearms prohibited.

It shall be unlawful and it is hereby prohibited for any person, copartnership, association or corporation to discharge unnecessarily in or into any street, highway or public place in the Borough of Narberth any firearm, whether projecting or exploding any bullet, cartridge or blank cartridge or being otherwise discharged.

§ 69-8. Violations and penalties.

Any person, copartnership, association or corporation violating the provisions of this chapter shall be liable, for every such offense, upon conviction therefor before a District Justice, to a fine not exceeding $300, to be collected as debts of like amount are now collectible, or, in the case of individuals, the members of a partnership and the responsible officers and agents of an association or corporation, to imprisonment not exceeding 30 days, or both such fine and imprisonment.

Chapter 71

GARBAGE GRINDERS, DOMESTIC

[HISTORY: Adopted by the Council of the Borough of Narberth 4-8-1957 by Ord. No. 473, approved 4-8-1957. Section 71-3 amended at time of adoption of Code; see Ch. 1, General Provision, Art. I. Other amendments noted where applicable.]

§ 71-1. Rules and regulations adopted.

The following rules and regulations adopted and established by the Board of Health at a meeting held on the eighth day of April 1957 are hereby approved and adopted:

A. Application for permission to install and use. No person shall install and use, or if already installed, continue to use, except as hereinafter provided, any domestic garbage grinder unless he shall first have obtained permission from the Plumbing Inspector. Any person desiring to install and use or continue to use a domestic garbage grinder shall have a master plumber file an application with the Plumbing Inspector, on a form furnished by him, setting forth the location of the property, the type and size of the grinder and such additional information as the Plumbing Inspector shall require. Upon approval of the application by the Plumbing Inspector, the grinder may be installed, provided that the applicant complies in all respects with the provisions hereof and of the Borough of Narberth Plumbing Code, as amended, and pays the fees specified therein.[1]

B. Garbage grinders heretofore installed. All installations of domestic garbage grinders heretofore installed are hereby declared to be nonconforming and the use or continued use thereof is prohibited unless application shall be made to the Plumbing Inspector and permission to continue the use of the grinder is obtained within three months from the effective date of this chapter, unless the time for so doing shall be extended by the Board of Health.

C. Requirements. Garbage, fruit, vegetable, animal or other solid kitchen waste materials may be admitted to the sanitary sewers of the Borough of Narberth if they shall first be passed through a mechanically operated grinder so designed:

(1) That it will operate with water flowing into the grinder and through the sink drain line.

(2) That it will discharge wastes at a reasonably uniform rate, in fluid form which will flow readily through an approved trap, drain line or soil line in a manner which will prevent clogging or stoppage of the drain line.

(3) That it will be self-scouring, with no fouling surfaces to cause objectionable

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1. **Editor's Note: See Ch. 91, Plumbing.**

odors.

(4) That it will be free from any cross-connection.

(5) That it will be free from electrical or mechanical hazards.

D. Commercial garbage grinders prohibited. The right to install and use or continue to use a domestic garbage grinder covers grinders which dispose of garbage from homes and residences only, and the use of garbage grinders by any type of commercial enterprise, store, restaurant or outlet for food is hereby prohibited.

E. Use of garbage grinders without permission. The installation, use or continued use of any domestic garbage grinder without the permission herein required shall constitute a violation of this chapter, and upon written notice from the Plumbing Inspector, the grinder shall be removed within 10 days of such notice.

§ 71-2. Approved types and models.

The Board of Health is hereby authorized and directed to prepare forthwith and amend from time to time a list of the types or models of domestic garbage grinders which will be approved for installation in the borough. The Board is also authorized to make, promulgate and enforce additional rules and regulations governing the installation and use of domestic garbage grinders, not inconsistent with the provisions of this chapter.

§ 71-3. Violations and penalties. [2]

Any person who shall violate any of the provisions of this chapter or fail to comply with any of the regulations of the Board of Health promulgated hereunder shall be liable, on conviction thereof, to a fine or penalty not exceeding $300 or imprisonment for not more than 30 days, or both such fine and imprisonment, for each and every offense; and whenever such person shall have been notified by the Plumbing Inspector, by the service of summons in a prosecution or in any other way, that he is committing such a violation, each day that he shall continue such violation after such notification shall constitute a separate offense, punishable by a like fine or penalty. Such fines or penalties shall be collected as like fines or penalties are now by law collected.

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2. **Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.**

Chapter 72

GARBAGE, RUBBISH AND REFUSE

[HISTORY: Adopted by the Council of the Borough of Narberth 12-30-1985 by Ord. No. 755, approved 12-30-1985. Amendments noted where applicable.]

GENERAL REFERENCES

Domestic garbage grinders — See Ch. 71.
Recycling — See Ch. 97.
Rubbish accumulation; dangerous structures — See Ch. 102.

§ 72-1. Definitions.

The following words, when used in this chapter, shall have the meanings ascribed to them in this section, except in those instances where the context clearly indicates otherwise:

GARBAGE — The animal and vegetable waste resulting from the handling, preparation, cooking and consumption of foods. It shall not include more than a minimum amount of free liquids. It shall not include food-processing waste from canneries, packing plants or similar industries nor large quantities of condemned food products.

ONE REFUSE CONTAINER OR BUNDLE — Thirty gallons in volume or 50 pounds in weight.

ONE UNIT or ONE UNIT OF REFUSE — Six refuse containers or bundles [180 gallons in volume or 300 pounds in weight] on a single collection day. Any part of a unit shall be considered a full unit.

PERSON — A natural person, firm, association or corporation.

REFUSE — Garbage and rubbish as herein defined.

RUBBISH — All solid waste materials, leaves, vegetation and plant materials, except building rubbish from building construction, street refuse, industrial refuse, dead animals, machinery or vehicles or parts thereof, tires, bulky furniture and furnishings or large metal objects and appliances and such other waste materials as are not commonly produced in homes, stores and institutions.

§ 72-2. Classification of properties.

For the purposes of this chapter, properties shall be divided into three classes:

A. Residential dwelling: a property designed for and occupied exclusively as a home or residence for a single family.

B. Multiple dwellings: a property used as a dwelling house or residential unit for two or more families, each family separate and apart from the other.

C. Commercial establishment: a property used for the conduct of business or service.

§ 72-3. Placement of refuse for collection.

A. Residential and multiple dwellings may place, for collection by the borough or its designated agent, one unit of refuse for each dwelling unit contained therein on each designated collection day.

B. Commercial establishments may place, for collection by the borough or its designated agent, one unit of refuse on each collection day.

C. All refuse shall be kept in watertight containers provided with tight covers and so covered at all times as to prevent offensive odors from escaping therefrom and refuse from being blown, dropped or spilled.

D. Tree and plant branches shall be securely assembled in bundles not exceeding four feet in length and three feet in diameter and not weighing in excess of 50 pounds.

E. Recyclable materials required by ordinance[1] to be separately collected shall not be included in the same containers or bundles with other garbage and rubbish described in § 72-1 hereof.

§ 72-4. Storage of refuse.

A. No person shall place any refuse in any street or highway, alley or other public place nor upon any private property, whether owned by such person or not, within the borough, except that the same shall be in receptacles or bundles for collection. No person shall throw or deposit any refuse in any stream or body of water.

B. Any unauthorized accumulation of refuse is hereby deemed to be a nuisance and is hereby prohibited. Failure to remove any existing accumulation of refuse within 30 days after the effective date of this chapter shall be deemed a violation of the provisions hereof.

C. It shall be unlawful for any person, other than the occupants of the premises upon which the refuse receptacles are stored or the collector, to remove covers or any of the contents of refuse receptacles.

§ 72-5. Collection practices.

A. Refuse shall be collected twice a week. Commercial establishments which are required to dispose of their refuse must dispose of the same at least twice a week, and, where necessary to protect the public health and safety, the Health and Welfare Committee of the Borough Council may require that more frequent collections be made.

B. It is the intent of this chapter that the reasonable accumulation of residential and multiple-dwelling refuse for the collection period will be collected at standard

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1. **Editor's Note: See Ch. 97, Recycling.**

charges.

C. It is the intent of this chapter that commercial establishments with units of refuse in excess of those set forth in § 72-3 hereof shall privately contract for and have their accumulation of refuse collected at reasonable times so as to protect the public health and safety.

D. Contagious disease refuse. The removal of wearing apparel, bedding or other refuse from homes or other places where highly infectious or contagious diseases have prevailed shall be performed under the supervision and direction of the Health Officer. Such refuse shall not be placed in containers for regular collections.

E. Highly flammable, explosive and poisonous materials shall not be placed in containers for regular collection but shall be disposed of as directed by the Health and Welfare Committee of the Borough Council at the expense of the owner or possessor thereof.

F. Refuse for collection shall be placed at ground level and not more than three feet distant from the side of the street or highway or alley from which collection is made.

§ 72-6. Fees.

A. Subject to the limitations set forth in this chapter, the annual fee for the year 1986 for the collection of refuse by the Borough of Narberth shall be $15.58 per $1,000 or fraction thereof, of the assessed value placed upon each property for the purposes of taxation by the County of Montgomery for said year.

B. Appropriate additional charges as fixed by the Health and Welfare Committee of the Borough Council shall be made for the collection and removal of furniture and furnishings, carpets and rugs, large metal objects, appliances and equipment and other bulky articles not included in the regular refuse containers or bundles when performed by the borough or its designated agent.

§ 72-7. Violations and penalties.

Any person violating any of the provisions of this chapter shall, upon conviction thereof in a summary proceeding before a District Justice, be subject to the following penalties, together with the costs of prosecution, and in default of payment thereof shall be subject to imprisonment for not more than 10 days:

A. First offense: $25.

B. Second offense: $50.

C. Third offense: $100.

Chapter 74

HANDBILLS AND CIRCULARS

[HISTORY: Adopted by the Council of the Borough of Narberth at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Amendments noted where applicable.]

§ 74-1. Unlawful distribution.

From and after the passage of this chapter, it shall be unlawful for any person, organization, firm or corporation to distribute or cause to be distributed, by throwing, handling or placing, any handbills, circulars, samples of merchandise or other advertising matter or devices or wastepaper in or upon any street, lawn, sidewalk, alley or pole of the Borough of Narberth or, except as hereinafter provided, to distribute or cause to be distributed the same in or upon any porch or vestibule of any building in the Borough of Narberth.

§ 74-2. Nonapplicability.

Nothing herein contained shall apply to the delivery of newspapers or addressed envelopes.

§ 74-3. Permit required.

No person, organization, firm or corporation shall distribute or cause to be distributed any advertising matter, circulars, samples of merhandise, handbills or other advertising matter or devices within the Borough of Narberth without first having obtained a permit for the same at the borough office, and the fee for such permit is hereby fixed at $1 per day for each person engaged in distributing such advertising matter.

§ 74-4. Issuance of permit.

No permit shall be issued except upon the condition that the distribution of said advertising matter, handbills, circulars or other advertising matter or devices shall be conducted in conformity with this chapter. A complaint regarding the form of advertising matter or conviction for violation of the provisions of this chapter shall be sufficient cause for the refusal of a future permit.

§ 74-5. Manner of distribution.

Advertising matter shall be left only upon porches or within doorways or vestibules and must not be thrown upon lawns, sidewalks or steps. It shall be in such form as not to be easily blown about by the wind. This may require folding, tying, sealing or the use of clips.

§ 74-6. Violations and penalties.

Any person, organization, firm or corporation which shall violate any provision of this chapter may be fined in a sum not exceeding $300 or undergo imprisonment for a term not exceeding 30 days, or both, for every such violation, such fine to be collected as like fines are by law collected. The dealer whose merchandise is advertised and the distributor of such advertising matter and his employer, if any, shall be jointly and severally liable to fine for violation of the provisions of this chapter.

Chapter 76

HUCKSTERING AND PEDDLING

[HISTORY: Adopted by the Council of the Borough of Narberth 7-8-1935 by Ord. No. 307, approved 7-9-1935. Section 76-6 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

§ 76-1. License required.

It shall be unlawful for any person to engage in the huckstering, peddling or selling of food of any description, books, magazines, goods, wares or merchandise of any description from house to house or upon the public streets and highways in the Borough of Narberth without having first obtained a license therefor; provided that nothing herein contained shall apply to honorably discharged soldiers, sailors and marines exhibiting a duly authenticated certificate, to farmers selling their own produce, to any sale of goods, wares or merchandise donated by the owners thereof, the proceeds whereof are to be applied to any charitable or philanthropic purpose, or to any manufacturer or producer selling bread and bakery products, meat and meat products or milk and milk products. Solicitation of orders for later delivery of any such merchandise shall be considered to be huckstering or peddling within the scope of this chapter.

§ 76-2. Application for license.

Application for license shall be made in person at the Borough Office and shall state the name, address and citizenship of the applicant and the nature of the goods to be sold. If the actual huckstering or peddling is to be performed by an employee of the licensee unaccompanied by the licensee, the application must so state, together with the name and residence of the actual vendor or vendors, which information will be recorded on the license. All licenses shall expire on December 31 of each year and no such license shall be transferable except to another employee of the licensee, in which case the transfer will be made at the Borough Office without charge.

§ 76-3. License fees.

The license fees to be charged shall be as follows:

A. When no horse-drawn or motor vehicle is used:

   (1) For residents of the borough: $3.

   (2) For other residents of Montgomery County: $6.

   (3) For all others: $12.

B. When a horse-drawn or motor vehicle is used, the fee charged shall be double the above for each vehicle so used.

C. When licenses are not applied for in the beginning of the year, the fee shall be prorated monthly, but the fee shall in no case be less than $1.

§ 76-4. Issuance of identification certificates.

At the time of issuance of any such license, the licensee will receive a numbered certificate carrying the name and address of the actual vendor and, if an employee, the name of the employer, which the vendor shall be required to have in his possession at all times when engaged in huckstering or peddling or selling in said borough. Whenever the licensee makes use of any vehicle for the purpose of such huckstering or peddling or selling, the name and address of the licensee, together with the number of the license, shall be conspicuously displayed thereon. All licenses shall be dated.

§ 76-5. Revocation of license.

Licenses granted under this chapter may be revoked by the Mayor, at his discretion, for any unauthorized transfer or misuse thereof or for the violation of any statute, ordinance or regulation now in existence or which may hereafter be enacted.

§ 76-6. Violations and penalties. [1]

Any person who shall violate any provision of this chapter shall be subject to a fine not exceeding $300, plus costs of prosecution, and in default of payment of such costs and prosecution, imprisonment for a term not exceeding 30 days.

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1. **Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.**

Chapter 91

PLUMBING

[HISTORY: Adopted by the Council of the Borough of Narberth 10-10-1938 by Ord. No. 328, approved 10-10-1938. Section 91-11 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. 50.
Sewers — See Ch. 105.

§ 91-1. Certificate or license required to engage in business.

Every person, firm or corporation engaged in the business of plumbing or house or building drainage in the Borough of Narberth shall obtain a certificate or license to engage in or work at said business from the Department of Health of the Commonwealth of Pennsylvania.

§ 91-2. Examination, licensing and registration of master plumbers.

A. All and every person or persons with three years or more of practical experience, engaged or engaging in the business or work of plumbing, house and building drainage in the Borough of Narberth, shall apply in writing to the Secretary of the Board of Health for a certificate or license. The said Secretary shall forward said application to the Examining Board of Lower Merion Township as the Examining Board for the Borough of Narberth, subject to the approval of the Secretary of Health of the Commonwealth of Pennsylvania, to which Board all examination fees as provided by law shall be paid. Upon notification by the Examining Board of Lower Merion Township that the applicant has qualified, the Secretary of the Board of Health shall notify the Department of Health of the Commonwealth of Pennsylvania, requesting the issuance of a certificate or license to such person or persons as provided by Section 2 of the Act of Assembly of March 31, 1937, P.L. 168. Upon receipt of said license by such person or persons, it shall be registered with the Plumbing Inspector to be appointed as hereinafter provided.

B. Master plumbers whose residences or places of business are located in the Borough of Narberth or Lower Merion Township shall pay an annual fee of $25 for the use of the Borough of Narberth. [Added 12-14-1970 by Ord. No. 600, approved 12-14-1970; amended 12-11-1972 by Ord. No. 624, approved 12-11-1972]

§ 91-3. Registration of transient master plumbers. [Amended 12-11-1972 by Ord. No. 624, approved 12-11-1972; 12-30-1976 by Ord. No. 671, approved 12-30-1976]

Any master plumber holding a license granted pursuant to the Act of Assembly approved March 31, 1937, P.L. 168 (as amended), to engage in or work at the business of plumbing

and drainage, whose residence or place of business is beyond the limits of the Borough of Narberth and/or Lower Merion Township and who desires to do plumbing or drainage work in the Borough of Narberth, shall, without examination, register with the Borough Manager before entering upon such work.

§ 91-4. Registration fee for transient master plumbers. [Amended 12-14-1970 by Ord. No. 600, approved 12-14-1970; 12-11-1972 by Ord. No. 624, approved 12-11-1972; 12-30-1976 by Ord. No. 671, approval 12-30-1976]

Transient master plumbers registered as hereinbefore provided shall pay an annual registration fee of $25 for the use of the Borough of Narberth.

§ 91-5. Appointment of Plumbing Inspector.

In accordance with the provisions of the Act of Assembly of March 31, 1937, P.L. 168, Council shall appoint a properly qualified person as Plumbing Inspector, whose term of office shall be until the first Monday of January 1940, and thereafter the term shall be for two years, subject to the right of removal by Council.

§ 91-6. Duties of Plumbing Inspector.

The duties of the Plumbing Inspector shall be to supervise, superintend and inspect all plumbing, house and building drainage in conformity with the rules and regulations of the Board of Health of the Borough of Narberth and the provisions of the Acts of Assembly of June 12, 1913, P.L. 471, and of March 31, 1937, P.L. 168, and the amendments and supplements thereto.

§ 91-7. Salary of Plumbing Inspector. [Amended 2-14-1970 by Ord. No. 600, approved 2-14-1970]

The salary of the Plumbing Inspector shall be $300 per year, payable semiannually.

§ 91-8. Records of Plumbing Inspector.

The Plumbing Inspector shall keep accurate records of the approved plans and inspections and shall make full written reports thereof to the Borough Secretary monthly and shall file with the Borough Secretary duplicates of any reports made to the Department of Health of the Commonwealth of Pennsylvania or other authority.

§ 91-9. Plans and specifications.

The drainage of all buildings, public and private, and all alterations, extensions and additions to drainage systems shall be executed in accordance with plans and specifications approved in writing by the Plumbing Inspector.

§ 91-10. Fees for plans and specifications. [Amended 12-14-1970 by Ord. No. 600, approved 12-14-1970; 12-11-1972 by Ord. No. 624, approved 12-11-1972; 12-30-1976 by Ord. No. 671, approved 12-30-1976; 7-12-1982 by Ord. No. 723, approved 7-12-1982]

Fees shall be paid in advance by the plumber as follows:

A. Fifty dollars for each set of drawings and ground plans submitted for new buildings having from one to five fixtures and $5 for each additional fixture.

B. Twenty dollars for each set of drawings for alterations and additions, to include three fixtures which may be submitted for each and every building, and an additional fee of $5 for each additional fixture.

§ 91-11. Violations and penalties. [1]

Any person or persons who shall fail to comply with any of the provisions of this chapter shall, upon conviction thereof, be subject to a fine not exceeding $300 or to imprisonment in the county prison for a term not exceeding 30 days, or both such fine and imprisonment.

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1. **Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.**

Chapter 94

PROPERTY PROTECTION, PUBLIC

[HISTORY: Adopted by the Council of the Borough of Narberth at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Amendments noted where applicable.]

§ 94-1. Injury to or tampering with public property.

No person or persons shall destroy or injure in any way whatsoever, remove or tamper with or deface any public property of the Borough of Narberth or any grass, walk, lamp, ornamental work, sign, building, streetlight, fire hydrant or water or gas stop box on any of the streets, alleys, parks or other public grounds in the borough.

§ 94-2. Interference with posts, stakes or monuments.

No person or persons shall in any manner interfere with or meddle with or pull, drive, change, alter or destroy any stake, post, monument or other evidence of any elevation, grade, line location, corner or angle in the Borough of Narberth made, placed or set or hereafter made, placed or set or caused to be done by the authorities of said borough in any survey of or in any street, alley or public ground in the borough to evidence the elevation, line grade, location, corner or angle of any public street, alley, sidewalk, curb, gutter, sewer or other public work, matter or thing.

§ 94-3. Defacement or removal of lamps, warning signs or barricades.

No person shall willfully or maliciously destroy, remove, deface, obliterate or cover up any lamp, warning sign or barricade erected by the authorities of the borough or by any person, firm or corporation doing work by permission of the authorities of the borough on any of the streets, alleys, sidewalks or bridges in the borough as a warning of danger.

§ 94-4. Removal of earth or stone or other material.

No person or persons shall take any earth, stone or other material from any of the streets, alleys, parks or other public grounds in the borough.

§ 94-5. Nonapplicability.

This chapter shall not apply to normal activities in connection with the construction, maintenance and repair of streets, alleys, sidewalks and public grounds and the structures and fixtures located thereon nor to incidental results of work thereon or therein upon permit or authority of the borough.

§ 94-6. Violations and penalties.

Any person who shall violate any of the provisions of this chapter shall, upon conviction

thereof, pay for all damages to the borough and be sentenced to pay a fine of not more than $300 and costs of prosecution and, in default of payment of such fine and costs, to imprisonment for not more than 30 days, provided that the fact that a violator has been penalized, after hearing, as herein provided, shall not preclude other injured parties from taking proper legal action to recover damages resulting from such violation.

Chapter 95

PROPERTY REGISTRATION

[HISTORY: Adopted by the Council of the Borough of Narberth 1-13-1986 by Ord. No. 758, approved 1-13-1986. Amendments noted where applicable.]

GENERAL REFERENCES

Subdivision — See Ch. 113.
Realty transfer tax — See Ch. 114, Art. I.
Zoning — See Ch. 124.

§ 95-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

COMMERCIAL UNIT — Any area within a building which is used as a store, office, personal service business, bank, financial institution, restaurant, theater, hotel, rooming house, boardinghouse, greenhouse, public garage, automobile service or gasoline station, taproom, hospital, sanatorium, entertainment facility, warehouse or other business establishment, whether or not located within the same building with single-family or multiple-family dwelling units.

FAMILY — Any number of individuals living and cooking together as a single housekeeping unit, provided that not more than two of such number are unrelated to all of the others by blood, marriage or legal adoption, except where the Narberth Zoning Hearing Board, upon petition, has as a special exception interpreted the term "family" to apply to a group of individuals, not exceeding four, not related to each other by blood, marriage or legal adoption, living and cooking together as a single housekeeping unit.

MULTIPLE-FAMILY DWELLING UNIT — An area designed for and occupied exclusively as a residence by a single family and located within a building containing two or more such areas, whether or not such area is owned in single and separate ownership or as a condominium.

SINGLE-FAMILY DWELLING UNIT — A building designed and occupied exclusively as a residence for one family, whether completely detached from adjacent buildings or having a party wall or walls in common with an adjacent building or buildings.

§ 95-2. Report required.

The owner or owners of each property within the Borough of Narberth shall, on or before the first day of July 1986, report to the borough in writing on a borough property registration form the total number of single-family dwelling units, multiple-family dwelling units and commercial units contained in or located upon the property owned by him or them, and said owner or owners shall report to the borough in writing on a borough property registration form on or before the first day of January in each

succeeding year any increase or decrease in the number of such units during the preceding year.

§ 95-3. Minimum charge for untimely reporting.

Any owner or owners of property within the Borough of Narberth who shall fail to report to the borough in writing on a borough property registration form the total number of single-family dwelling units, multiple-family dwelling units and commercial units contained in or located upon the property owned by him or them in accordance with § 95-2 above shall be billed by the borough for a minimum of three units in the year 1987 and subsequent years unless an increase or decrease in that number of units is filed in accordance with said § 95-2.

§ 95-4. Certification for sale of property; fee; delinquent charges.

A. Prior to the sale by the owner or owners of any property located within the Borough of Narberth on or after the first day of January 1987, such owner or owners or their agent shall make application to the Borough Secretary for and receive from him a certification that the property to be sold has been inspected with regard to the number of single-family dwellings, multiple-family dwellings or commercial units therein or thereon and whether such inspection verified information on file in the borough office. The charge for such certification shall be $15.

B. In the event that said owner or owners has failed to report or has failed to report the correct number of single-family dwellings, multiple-family dwellings and commercial units in or located upon said property, he or they shall be billed for and shall pay all delinquent charges for the collection of garbage, rubbish and other solid waste materials as levied by Ordinance Number 756, dated December 30, 1985, and any amendments thereto, together with all penalties, costs, interest and lien charges. The Borough Secretary shall not issue a certification as to such property until all such delinquent charges, penalties, costs, interest and lien charges have been paid in full.

§ 95-5. Violations and penalties.

Any person violating any of the provisions of this chapter shall, upon conviction thereof in a summary proceeding before a District Justice, be subject to a fine of not more than $300, together with the costs of prosecution, and in default of payment thereof shall be subject to imprisonment for not more than 30 days.

Chapter 97

RECYCLING

[HISTORY: Adopted by the Council of the Borough of Narberth 12-9-1985 by Ord. No. 752, approved 12-9-1985. Amendments noted where applicable.]

GENERAL REFERENCES

Garbage, rubbish and refuse — See Ch. 72.

§ 97-1. Purpose.

The reduction of the amount of solid waste and conservation of recyclable materials is an important public concern by reason of the growing problem of solid waste disposal and its impact on the environment. The collection of newspapers, glass and other recyclable materials for recycling from residences in the Borough of Narberth will serve the general public interest by reducing the volume of municipal solid waste which must be disposed, thereby reducing storage, collection, transportation and disposal costs of said waste, and by preserving valuable natural resources and will result in a financial benefit to the residents and taxpayers of the borough by reason of the income realized from the sale of these recyclable materials. Collection regulations must be established to implement the program, to facilitate the accomplishment of its objectives and to encourage the fullest possible citizen participation in the program.

§ 97-2. Definitions.

Unless the context clearly indicates otherwise, the following words and phrases used throughout this chapter shall have the following meanings:

BOROUGH — Borough of Narberth.

GLASS — All products made from silica or sand, soda ash and limestone; the product may be transparent, translucent or colored and may be used as a container for packaging or bottling of various matter; and all other material commonly known as "glass."

MUNICIPAL SOLID WASTE — All garbage and refuse normally placed by persons for regular collection by the borough or its designated agent.

NEWSPAPER — Paper of the type commonly referred to as newsprint and distributed at stated intervals, usually daily or weekly, having printed thereon news and opinions and containing advertisements and other matters of public interest.

PERSON — Includes a lessee as well as an owner of a residence and includes a person, firm or corporation which owns a residence.

RECYCLABLES — Material having an economic value in the secondary materials market. The following materials have such economic value: aluminum cans and articles,

bimetal cans, corrugated paper (cardboard and paper boxes), magazines, computer printout paper, computer tab cards, office paper, steel cans and paper products not chemically coated.

RESIDENCE — Any single-family, multifamily or other residential dwelling, office building or commercial or institutional establishment from which the borough collects municipal solid waste.

§ 97-3. Program established.

The borough hereby establishes a Resource Recovery Program for the mandatory separation and collection of newspapers, glass and other recyclable materials from all residences in the borough for which municipal solid waste collection is provided by the borough. Collection of the materials to be recycled shall be made periodically by the borough or its designated agent for recycling purposes. This chapter is ordained pursuant to Section 1202(11) of the Borough Code [Act of February 1, 1966, P.L. (1965) 1656, No. 581], as amended.[1]

§ 97-4. Borough Manager to promulgate regulations.

The Borough Manager is hereby authorized and empowered to establish and promulgate regulations on the manner, days and times of collections, the description and classification of recyclable materials and the bundling, handling, location and time of placement of such materials for collection.

§ 97-5. Separation and collection of recyclable materials.

All persons who are residents of the borough shall separate all newspapers, glass and other recyclable materials to be collected from all other municipal solid waste produced at their residences and shall place the same for collection by the borough or its designated agent in accordance with the regulations established hereunder.

§ 97-6. Ownership of recyclable materials.

All newspapers, glass and other recyclable materials placed by the resident for collection by the borough pursuant to this chapter and regulations hereunder shall, from time of pickup, become the property of the borough, except as otherwise provided by § 97-8 of this chapter.

§ 97-7. Unauthorized collection prohibited.

It shall be a violation of this chapter for any person, firm or corporation, other than the borough or an agent designated and authorized by the Borough Council, to collect the newspapers, glass or other recyclable materials placed by a resident for collection by the borough, unless such person, firm or corporation has prior written permission to make such collection as set forth in § 97-8 of this chapter. Each unauthorized collection in

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1. **Editor's Note: See 53 P.S. § 46202(11).**

violation hereof from one or more residences on one calendar day shall constitute a separate and distinct offense punishable as hereinafter provided.

§ 97-8. Other means of disposal.

Any resident may donate or sell newspapers, glass and other recyclable materials to any person, firm or corporation, whether operating for profit or not, provided that the receiving person, firm or corporation shall not collect such donated recyclable materials from the collection point of a residence without prior permission from the borough to make such collection.

§ 97-9. Violations and penalties.

A. Any person, firm or corporation who shall violate the provisions of §§ 97-5 and 97-8 shall receive an official written warning of noncompliance for the first and second offense. Thereafter, all such violations shall be subject to the penalties hereinafter provided.

B. Except as hereinafter provided, any person, firm or corporation who shall violate any of the provisions of this chapter shall, upon conviction, be sentenced to pay a fine of not less than $25 nor more than $300 and costs of prosecution for each and every offense.

C. The Borough reserves the right not to collect municipal solid waste containing recyclable materials in combination with nonrecyclable materials.

§ 97-10. Amendments.

The Council of the Borough of Narberth may, from time to time, by informal resolution, modify, add to, delete from or redefine the list of recyclable solid waste materials to be collected by the borough or its designated agent and the standards and regulations pertaining thereto.

Chapter 99

REFRIGERATORS, ABANDONED

[HISTORY: Adopted by the Council of the Borough of Narberth 11-21-1955 by Ord. No. 457, approved 11-21-1955. Section 99-3 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

§ 99-1. Abandoned refrigerators and containers hazardous to safety.

It is hereby determined that the abandoning, discarding, storing or keeping in any place accessible to children of refrigerators, iceboxes, freezer cabinets or similar containers of a capacity of 1 1/2 cubic feet or more which are no longer used for refrigeration purposes, without the attached doors, hinges, lids or latches being removed, constitutes a serious hazard to the health, welfare and safety of children.

§ 99-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

PERSON — As applied to a partnership or association, means the partners or members thereof, and as applied to a corporation, the officers thereof.

§ 99-3. Violations and penalties. [1]

Any person violating the provisions of this chapter shall, upon conviction thereof, be subject to a fine not exceeding $300 and costs or imprisonment for a term not exceeding 30 days, or both, and each day such violation is committed or permitted to continue shall constitute and be punishable as a separate offense.

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1. **Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.**

Chapter 102

RUBBISH ACCUMULATION; DANGEROUS STRUCTURES

[HISTORY: Adopted by the Council of the Borough of Narberth 9-10-1934 by Ord. No. 303, approved 9-10-1934. Sections 102-2 and 102-8 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

GENERAL REFERENCES

Fire prevention — See Ch. 67.

§ 102-1. Definitions. [Amended 6-10-1946 by Ord. No. 377, approved 6-10-1946]

The following words shall, for the purpose of this chapter, have the following meanings:

DANGEROUS STRUCTURES — Any neglected, abandoned or uncared-for buildings, walls, porches, doors, windows, chimneys or other structures or parts thereof which are permitted or allowed to remain in unsightly, unsafe, unsanitary, hazardous or other dangerous condition.

NOXIOUS VEGETATION — Any neglected or uncaredfor vegetation, whether living or dead, including all unpruned, decayed, rank or uncut weeds, grass, vines, hedge, plants, shrubs, brush, undergrowth or trees.

OBJECTIONABLE ACCUMULATIONS — Any accumulations of supplies, goods, chattels, merchandise, fuel, manufacturing waste and any and all materials used or to be used for building, grading or other purposes, whether possessing value or not, deposited or stored in such a manner or place or for such length of time or under such circumstances as to be objectionable, unsanitary, unsightly, inconvenient or dangerous or hindering free ingress or egress, including anything described herein as rubbish or noxious vegetation and every other kind of material deposited at a place other than or in an amount in excess of that reasonably necessary to the lawful use of the premises for business, residence or other legitimate purposes.

RUBBISH — Any waste, discarded or rejected matter or substance, either vegetable, animal or mineral, including unused chattels, furnishings, tools, vehicles, implements, trash, debris, scrap, junk, garbage, leaves, decayed or fallen trees, the branches or other parts thereof, dirt or mud washed on sidewalk or street pavements by rain or flowing water, stones, ashes, cinders, paper and all other superfluous, abandoned or unused materials or substances of whatsoever kind and condition.

§ 102-2. Objectionable accumulations and dangerous structures prohibited. [Amended 6-10-1946 by Ord. No. 377, approved 6-10-1946[1]]

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1. **Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.**

It shall be unlawful and constitute a public nuisance for any person, firm or corporation, whether or not owning or occupying private property in the Borough of Narberth, to deposit or to cause or permit the deposit, maintenance, growth or existence of rubbish, noxious vegetation or other objectionable accumulations or to permit the existence of a dangerous structure, as above defined, on any public or private property or on or in any public or private highway, street, lane, gutter, grass plot, sidewalk, way, lawn, yard, driveway, alley, passageway, creek, stream or within five feet of any fire hydrant or street or traffic sign in the Borough of Narberth, except as hereinbefore provided. Construction or building materials may, however, be deposited on the streets in accordance with provisions made elsewhere, after obtaining a permit therefor.

§ 102-3. Storage of rubbish and garbage in metal containers. [Added 10-8-1956 by Ord. No. 467, approved 10-8-1956]

It shall be unlawful and constitute a public nuisance for any person, firm or corporation engaged in the business of selling foodstuffs to permit the accumulation of rubbish and noxious vegetable or animal matter unless it shall be deposited in metal containers and kept covered until removal.

§ 102-4. Enforcement. [Amended 6-10-1946 by Ord. No. 377, approved 6-10-1946]

In the case of any violation of this chapter, in addition to other remedies provided by law, the borough may, after five days' notice by the Superintendent of Public Works, or in urgent cases without notice, enter upon or in all such premises, with its workmen, contractors or agents, and clean up and remove such rubbish, noxious vegetation or other objectionable accumulations or dangerous structures, and take such other action at such times and as often as the particular circumstances warrant for the health and cleanliness and the beauty, convenience, comfort and safety of the borough.

§ 102-5. Recovery of costs and expenses.

Whenever and as often as it becomes necessary for the borough to take action under this chapter, the expense thereof, with 20% additional as a penalty, together with all incidental costs, fees, charges and expenses, may be collected by action in assumpsit or otherwise from the owner or occupant, either or both, at the option of the borough. The said borough may also, as an additional remedy, cause a municipal lien or claim to be filed against the said property or as much thereof, with the appurtenances, as is involved in the violation aforesaid.

§ 102-6. Service of notice.

Any notice referred to in this chapter may be served upon the tenant or occupant of the premises or any part thereof or may be given by posting a written notice upon some public part of the premises or by mailing same to the last known address of the owner or occupant of such premises, at the option of the borough.

§ 102-7. Permit required to engage in business. [Amended 6-10-1946 by Ord. No. 377, approved 6-10-1946]

No person, firm or corporation shall engage in the business of removing rubbish or other accumulations or dangerous structures in the Borough of Narberth unless and until he or they shall have obtained a permit for such purpose. Such permit shall be issued free of charge by the Borough Secretary or by the Superintendent of Public Works, subject to general regulations governing permits, and shall expire on the 31st day of December of each year, but may be revoked or suspended by the person issuing the same.

§ 102-8. Violations and penalties. [2]

Any person who shall violate any of the provisions of this chapter shall, upon conviction thereof before any District Justice, be sentenced to pay a fine of not more than $300 and costs of prosecution or to imprisonment in the county prison for not more than 30 days, or both such fine and imprisonment.

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2. **Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.**

Chapter 105

SEWERS

[HISTORY: Adopted by the Council of the Borough of Narberth: Art. I, 1-12-1959 by Ord. No. 487, approved 1-12-1959; Art. II, 7-23-1917 by Ord. No. 181, approved 8-6-1917. Amendments noted where applicable.]

ARTICLE I
Maintenance and Construction Costs
[Adopted 1-12-1959 by Ord. No. 487, approved 1-12-1959]

§ 105-1. Maintenance of sewer mains.

The sewer mains of the sanitary sewer system of the Borough of Narberth shall be maintained at the expense of the borough.

§ 105-2. Maintenance of laterals.

The entire length of the sewer laterals from the mains to buildings shall be maintained at the expense of the owner of the property served by the laterals.

ARTICLE II
Sewer Construction Assessments
[Adopted 7-23-1917 by Ord. No. 181, approved 8-6-1917]

§ 105-3. Assessment against adjoining property; collection.

The Council of the Borough of Narberth does hereby ordain that on and after the date of this Article the cost of all sewers constructed by the borough authorities shall be assessed as a sewage tax upon the property adjoining or adjacent to the said sewers by the foot-front rule, and that such assessments, duly certified under the seal of the borough, attested by the Mayor or President of Council and Secretary, shall be collected as provided by law.

Chapter 107

SHOPPING CARTS

[HISTORY: Adopted by the Council of the Borough of Narberth 9-14-1964 by Ord. No. 545, approved 9-14-1964. Section 107-2 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

§ 107-1. Removal and abandonment prohibited.

No person shall remove a grocery or shopping cart from any store, shop, market or supermarket and leave or abandon such cart on any sidewalk, street, public parking lot or other property, public or private, not owned or controlled by the owner of such cart.

§ 107-2. Violations and penalties. [1]

Any person who shall violate the provisions of this chapter shall be liable, on conviction thereof, to a fine or penalty of not more than $300 or imprisonment for a term not to exceed 30 days, or both, for each and every offense. Such fines or penalties shall be collected as like fines or penalties are now by law collected.

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1. **Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.**

Chapter 109

SNOW AND ICE REMOVAL

[HISTORY: Adopted by the Council of the Borough of Narberth 12-8-1980 by Ord. No. 702, approved 12-8-1980. Amendments noted where applicable.]

GENERAL REFERENCES

Streets and sidewalks — See Ch. 112.

§ 109-1. Duty to remove.

Whenever snow shall have fallen or ice shall have accumulated on the sidewalk or sidewalks of any property in the Borough of Narberth, it shall be the duty of the owner, occupant or tenant, and such owner, occupant or tenant is hereby required, to remove such snow or ice within 24 hours of the time when the fall of snow shall have ceased or the accumulation of ice shall have occurred and to provide a clear and unobstructed passage for the full width of the pavement as laid; provided, however, that when, by reason of unusual weather conditions, such snow shall have melted and then been frozen or when ice shall have accumulated on the sidewalk or sidewalks in such a manner as to resist removal, then in such cases such owners, occupants or tenants shall be required to remove the loose snow or ice and cover the remainder with sand, sawdust or other such material as may be approved by the Borough Manager or the Borough Highway Committee. Should snow or ice reaccumulate on the sidewalk or sidewalks of any property in the Borough of Narberth due to children at play, plowing operations or for any other reason, it is the responsibility of the owner, occupant or tenant to again see to its removal.

§ 109-2. Removal by borough upon noncompliance.

If such owner, occupant or tenant shall not have removed such snow or ice or covered the ice as provided in § 109-1 of this chapter, then the Borough Manager, at his discretion or at the direction of the Mayor, may have such snow or ice removed or ice covered, or both, at the then-current rates prevailing for labor and materials at the cost of such owner, occupant or tenant. The removal of snow or ice or the covering of ice by the Borough Manager as herein provided shall in no manner relieve said owner, occupant or tenant from the imposition of penalties as herein provided.

§ 109-3. Deposit of removed snow and ice; removal by borough upon noncompliance.

Any person, owner, occupant, tenant or contractor removing snow or ice from sidewalks, driveways, parking lots or private property shall not deposit same on any public street, road, right-of-way, parking space, sidewalk or other private property. All such snow or ice so deposited must be immediately removed. Should any person fail to maintain a free and clear public road or right-of-way, then the Borough Manager, at his discretion or at

the discretion of the Mayor, may have such snow or ice removed at the current rates prevailing for labor and equipment, and the cost of such removal shall be collected from the owner, occupant, tenant or contractor. The removal of said snow and ice shall in no manner relieve said owner, occupant, tenant or contractor from the imposition of penalties herein provided.

§ 109-4. Violations and penalties.

Any person violating the provisions of this chapter shall, upon conviction before any District Justice or court of competent jurisdiction, be sentenced to pay a fine not to exceed the sum of $300 for any one offense, recoverable with costs, or imprisonment not exceeding 30 days, or both.

Chapter 112

STREETS AND SIDEWALKS

[HISTORY: Adopted by the Council of the Borough of Narberth: Arts. I through IV, at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Amendments noted where applicable.]

GENERAL REFERENCES

Driveways and other access connections — See Ch. 61.
Snow and ice removal — See Ch. 109.

ARTICLE I
Street Openings and Obstructions
[Adopted at time of adoption of Code[1]]

§ 112-1. Definitions.

As used in this Article, the following terms shall have the meanings indicated:

HIGHWAY — Any public street, road or bridge, and includes the roadway, gutter, curb, sidewalk and the whole legal width of the street, road or bridge.

PERSON — Any individual, partnership, association or corporation.

§ 112-2. Permit required to open highway or occupy with material.

On and after the passage of this Article, it shall be unlawful for any person to open or break any highway or to occupy any such highway with material for any purpose whatsoever unless and until a permit to do so shall have first been obtained as herein provided.

§ 112-3. Issuance of permit; duration.

Permits shall be issued by the Borough Manager on forms prepared by the Borough Manager and approved by the Council. No permit shall be issued under the provisions of this Article for a period longer than 30 days.

§ 112-4. Finding of necessity for permit.

When found to be necessary, the Borough Manager may issue a permit for the opening or breaking of highways or the depositing of material thereon, but in no case shall be issue a permit for the depositing of material on a public highway unless it shall have been found impossible to store the same upon abutting property within the line of the sidewalk thereof.

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1. **Editor's Note: See Ch. 1, General Provisions, Art. I.**

§ 112-5. Permit fees.

A. At the time a permit is issued, the person receiving same shall pay to the Borough Secretary a fee as herein provided, which fee shall be remitted by the Borough Secretary in full to the Borough Treasurer for the use of the borough, such remittances to be made by the Borough Secretary weekly or as otherwise required by the Council.

B. The charge for each permit covering the depositing of material on the highway shall be $1 for each day of 24 hours or fraction thereof for the period applied for.

C. The charge for each permit covering the opening or breaking of the highway shall be the sum of $25 for each square yard or fractional part thereof to be open or broken, but under no condition is the charge to be less than $25.

§ 112-6. Granting of permit to constitute agreement.

The granting of a permit for any purpose whatsoever under the provisions of this Article shall constitute an agreement on the part of the person making the application to comply with all terms thereof and with all the regulations and requirements of the Highway Committee now in force or hereafter adopted and to indemnify and save harmless the borough from and against all claims, demands and actions for damages, either to person or property, that may be sustained by any person by reason of or arising out of any work done under the application and permit.

§ 112-7. Conditions of permit to deposit material.

A. No permit for depositing material on the highway shall be issued except upon such terms and conditions as may be required by the Highway Committee or the Borough Manager. No such permit shall authorize the occupying of more than 1/3 of the width of the roadway.

B. Provisions shall be made by the applicant for such a permit for maintaining, at all times, a clean and unobstructed passage along the sidewalk at least four feet in width and a free passage for water in the gutter.

§ 112-8. Protection of openings and obstructions.

It shall be the duty of the person to whom a permit has been issued to protect all openings, material and obstructions of any kind in a highway or highway right-of-way with suitable barricades, flashing lights and other warning devices erected around and through the work site as necessary to protect motorists, pedestrians and abutters from injury and undue inconvenience, and as required by law, or such other protection as may be required by the Borough Manager or the Council Highway Committee.

§ 112-9. Violations and penalties.

Any person who shall violate any of the provisions of this Article or who shall fail to comply with the conditions and requirements shall be liable to a fine of not more than $300 or imprisonment for a period not exceeding 30 days, or both, in the discretion of the

District Justice imposing the same, the funds to be sued for and recovered in the name of the borough and for the use thereof as such debts are collectible by law.

ARTICLE II
Sidewalk and Curb Construction
[Adopted at time of adoption of Code[2]]

§ 112-10. Width and material conformance.

From and after the passage of this Article, it shall be unlawful to construct any new sidewalk or curb in the borough except to the width and of the materials hereinafter provided.

§ 112-11. Sidewalk specifications.

Any new or reconstructed sidewalk shall be not less than four feet in width and shall be constructed of concrete, except that the Council may, by resolution, permit the use of other material in specific cases.

§ 112-12. Curb specifications.

All curbs shall be constructed of either concrete which is at least six inches thick at the top or granite which is at least four inches thick. Any dirt or grass plot between sidewalk and curb shall be made even with both sidewalk and curb and shall be so maintained. In any case, curbs shall not be made integral with the adjoining sidewalk.

§ 112-13. Construction to borough specifications.

All sidewalks and curbs shall be of approved material and laid in accordance with the borough specifications which are on file in the borough office and may be there consulted.

§ 112-14. Line and grade.

No sidewalk or curb shall be laid until the line and grade thereof are established by either the Borough Engineer or a competent authority designated by the Council.

§ 112-15. Repairs.

Whenever in the judgment of the Highway Committee the existing sidewalk or curb on any property requires repairs and the owner of the said property is notified thereof in accordance with Article III of this chapter, the repairs may be made in such a manner as to replace said sidewalk or curb in substantially its original condition, provided that said repairs do not include more than 50% of the total frontage of the property on any one street. If, however, more than 50% of replacement is required, the entire frontage of the sidewalk or curb may be required to be replaced in accordance with the provisions of this Article.

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2. **Editor's Note: See Ch. 1, General Provisions, Art. I.**

§ 112-16. Violations and penalties; enforcement.

A fine of $300 or a term of imprisonment not to exceed 30 days, or both, may be imposed for any violation of this Article, to be recovered with costs of suit in the name of and for the use of the borough as penalties are now recoverable, and the person so offending shall be required to replace the defective curb or sidewalk with a suitable curb or sidewalk within a period of 10 days after due notice, in default of which the borough authorities may lay a suitable curb or sidewalk, the cost of the same being assessed against the owner of the property, together with the addition of a penalty of 10% thereto.

ARTICLE III
Sidewalk, Curb and Gutter Repairs
[Adopted at time of adoption of Code[3]]

§ 112-17. Duty of owner to repair or reconstruct.

Whenever any sidewalk, curb or gutter upon land abutting the side of a street in the Borough of Narberth has not been constructed according to borough requirements or is out of repair, the owner of such land is hereby required to repair or reconstruct the same in accordance with the specifications of the Highway Department.

§ 112-18. Violations and penalties.

Upon the neglect of any such owner to comply with § 112-17 of this Article, the Borough Manager shall cause written notice to be served as provided by law, setting forth the repairing or reconditioning required. Upon neglect of any owner to comply with said notice within 30 days after service thereof, said owner shall be liable to a fine of not more than $300 or imprisonment for a term not to exceed 30 days, or both, the funds to be sued for and recovered in the name of the borough and for the use thereof as such debts are collected by law.

ARTICLE IV
Driveways and Storage Areas; Curbs
[Adopted at time of adoption of Code[4]]

§ 112-19. Use of sidewalk as means of access.

It is hereby declared unlawful for any person, partnership or corporation to use any sidewalk or portion of a sidewalk in the Borough of Narberth as a driveway or means of ingress to and egress from any property without first having obtained from the Borough Manager a permit for the breaking of the curb, which permit may only be issued where there is located on the property a storage building, garage or place of entrance to a building where goods and merchandise can be delivered. Exceptions shall be made to the requirement for a permit where deliveries are occasional, when the curbing and sidewalk must be adequately protected.

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3. **Editor's Note: See Ch. 1, General Provisions, Art. I.**

4. **Editor's Note: See Ch. 1, General Provisions, Art. I.**

§ 112-20. Proximity of areas to center of street.

It is hereby declared unlawful for any person, partnership or corporation to use any portion of any property in the Borough of Narberth for the storage of goods, merchandise, materials, vehicles or machinery nearer than 50 feet to the center of the street, except that in R-5 Residence Districts vehicles may be parked up to the area required as a setback for the front or side yards.

§ 112-21. Violations and penalties.

Any person, partnership or corporation violating any of the provisions of this Article shall be liable, upon conviction before a District Justice, to a fine of not more than $300 and costs of prosecution or to imprisonment in the county prison for not more than 30 days, or both such fine and imprisonment.

Chapter 113

SUBDIVISION OF LAND

[HISTORY: Adopted by the Council of the Borough of Narberth 4-14-1980 by Ord. No. 698, approved 4-14-1980. Amendments noted where applicable.]

GENERAL REFERENCES

Planning Commission — See Ch. 24.
Building construction — See Ch. 50.
Driveways and other access connections — See Ch. 61.
Plumbing — See Ch. 91.
Sewers — See Ch. 105.
Streets and sidewalks — See Ch. 112.
Zoning — See Ch. 124.

§ 113-1. Definitions.

For the purpose of this chapter, the following terms are to be defined as follows:

ALLEY — A common driveway having a minimum right-of-way width of 16 feet and maximum right-of-way width of 20 feet, serving the rear entrance of more than two properties and on which no dwellings or stores shall front. An "alley" shall have road paving constructed in accordance with current standard specifications.

HIGHWAY — The whole or part of any public street or avenue, public road, bridge or culvert, including the cartway, gutter, curb, sidewalk and the whole legal width of the right-of-way. A "highway" shall have a minimum right-of-way width of 50 feet and a minimum cartway width of 30 feet between curbs. A "highway" shall have concrete curbs, road paving and sidewalk paving provided, all to be constructed in accordance with current standard specifications.

OWNER — A person who is the registered owner of real estate to be subdivided and/or developed in accordance with the provisions of this chapter.

PERSON — An individual or individuals, partnership or corporation.

SUBDIVISION — The division of a single lot, tract or parcel of land into two or more lots, tracts or parcels of land, including changes in street lines or lot lines for the purpose, whether immediate or future, of transfer of ownership or of building development; provided, however, that divisions of land for agricultural purposes in parcels of more than 10 acres not involving any new streets or easements of access shall be exempted.

§ 113-2. Approval of plan required; fees.

It shall be unlawful for the owner of any land in the borough to subdivide the same into two or more lots or parcels or for any other person to knowingly take part in or assist in the subdividing of any land in the borough into two or more lots or parcels, unless and until a plan thereof shall have been prepared by a registered professional engineer or

surveyor, submitted to and approved in writing thereon by the Borough Council and, when so approved, duly recorded in the office of the Recorder of Deeds.

A. At the time of the filing of a subdivision plan and application for approval thereof, the owner shall pay to the Borough of Narberth an application fee, consisting of a base fee of $100, plus $50 per lot or building unit into which the land is to be subdivided. [Added 5-14-1984 by Ord. No. 740, approved 5-14-1984]

B. If the Borough Council shall hold a public hearing before acting upon said subdivision application, the owner shall pay an additional fee to the Borough of Narberth to defray the expense of advertising notice of such hearing and the services of a public stenographer, as estimated by the Borough Manager. Said additional fee shall be paid to the Borough of Narberth prior to the holding of such public hearing and the advertising thereof. Engineering fees incurred by the Borough of Narberth in the review of the subdivision shall be paid by the owner when presented by the borough. [Added 5-14-1984 by Ord. No. 740, approved 5-14-1984]

§ 113-3. Sale and building construction restrictions.

No lot in a subdivision may be sold and no permit to erect, alter or repair any building upon land in a subdivision may be issued and no building may be erected in a subdivision, unless and until a subdivision plan has been approved and recorded and until the improvements required by the Borough Council in connection therewith have been guaranteed as herein provided. No dwelling house shall be erected or constructed on any lot in any subdivision covered by this chapter within 20 feet of the front lot line, and no garage shall be erected on any lot in any subdivision covered by this chapter within five feet of the alley or street which affords ingress and egress to and from said garage; provided, however, that all buildings erected on any lot in any subdivision covered by this chapter shall comply with the terms of the Building Ordinance of the Borough of Narberth, adopted April 13, 1942, as amended.[1]

§ 113-4. Road construction permit required; preparation and review of plans.

It shall be unlawful for any person, firm or corporation to construct, open or dedicate any road, street, land or common driveway or any drainage facilities in connection therewith for public use or travel or to stop, fill up, confine, pave or otherwise interfere with or change the course of any drain, ditch, stream or watercourse in the Borough of Narberth, without first obtaining from the Borough Council of the Borough of Narberth a road construction permit authorizing such work to be performed; and no road, street, land or common driveway or drainage facilities in connection therewith shall be constructed, opened or dedicated and no drain, ditch, stream or watercourse shall be stopped, filled up, confined, paved or otherwise interfered with or the course thereof changed, except in strict accordance with the terms and conditions of such permit and with the plans, specifications and other documents submitted with the application for said permit.

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1. **Editor's Note: See Ch. 50, Building Construction.**

A. Detailed plans shall be prepared by a registered professional engineer in accordance with such rules and regulations as hereinafter prescribed. Preliminary plans may be presented to the Borough Manager for study and criticism.

B. Detailed plans shall show the profiles of the highways, the course, structure and capacity of any drainage facilities and the method of drainage of the adjacent or contiguous territory and also any other or further details that may be required under the rules and regulations adopted by the Borough Council of the Borough of Narberth or the Pennsylvania Department of Transportation or its successor.

C. Before acting upon any such permit, the Borough Council may, in its discretion, arrange for a public hearing with respect to the same after giving such notice as it may deem desirable under the circumstances. The Borough Council may alter such plans and specifications and specify any changes or modifications of any kind which it may deem necessary with respect thereto and may make the granting of any permit subject to any such alterations, changes or modifications.

§ 113-5. Contents of engineering plans for construction permit.

A. All detailed engineering plans submitted in connection with an application for a construction permit shall show:

(1) That the street layout is adjusted to the topography of the land to assure proper provisions for drainage and to provide highways of reasonable gradient.

(2) Complete block dimensions with bearings, including all curve data and stations corresponding with bearings, in lot subdivisions.

(3) The location of all street monuments at street intersections, angle points and beginning and ending of all curves.

(4) Curb or center-line grades and profiles showing grades, cuts and fills.

(5) The width of the rights-of-way, cartways and sidewalks and position of curblines where same prevail. All curbing at street intersections shall show circular curves with radii of not less than 30 feet and greater radii for sharp corners.

(6) Cross sections of proposed paving, indicating depth and type of each course, position and type of curbs and sidewalks and all other improvements.

(7) Names of all existing highways which shall be continued, and there shall be no duplication of names existing elsewhere in the borough.

(8) The location of all existing utility facilities, together with all service connections. A supplementary plan must be filed with the Borough Manager, showing the locations of the utility facilities and all service connections placed during the construction prior to the dedication of said highways, which locations shall be confirmed by the utilities involved.

(9) The course, structure and capacity of all drainage facilities.

(10) A proposed right-of-way not less than 50 feet wide along natural watercourses to provide for the construction and maintenance of future sewers.

B. Plans shall be drawn to a minimum scale of 50 feet to an inch. Profiles of proposed improvements, showing grades, cuts and fills, shall be drawn to a scale of 40 feet horizontal and four feet vertical to an inch.

C. Plans must bear the following acknowledgment:

STATE OF PENNSYLVANIA:
ss _____
COUNTY OF _____:
On the _____ day of _____ 19__, before me the subscribed, a Notary Public of the Commonwealth of Pennsylvania, personally appeared _____, who acknowledged the accompanying plan to be the official plan of highways and/or property situate in the Borough of Narberth, Montgomery County, Pennsylvania, and desired that said plans be recorded according to law.
Witness my hand and Notarial Seal the day and year aforesaid.
NOTARY PUBLIC _____
My Commission Expires _____

§ 113-6. Signing of approved plans; filing of copies.

A. The original plans of highways and/or property, when approved in accordance with this chapter, shall be signed on behalf of the Borough Council by the President or Vice President and attested by the Secretary in the following form:

Approved by the Borough Council of the Borough of Narberth this _____ day of _____ 19__
President _____
Attest: _____
Secretary _____

B. A duplicate copy of approved plans shall be duly recorded in the office of the Recorder of Deeds in Montgomery County by the party granted such approval before becoming operative.

C. Three copies on linen or Mylar shall be filed in the office of the Borough Manager, where the same shall be available for public inspection.

§ 113-7. Grading of highways.

All highways shall be graded to the full width of the right-of-way.

§ 113-8. Culverts, bridges and storm sewers.

All culverts, bridges and storm sewers shall be constructed for the full width of the highway. Where bridges, dams, etc., are placed on streams with a drainage area of 1/2 square mile or larger, application for a permit must be made to the Bureau of Soil and

Water Conservation, Harrisburg, Pennsylvania.

§ 113-9. Road construction permit applications; fees; expiration of permits; inspections.

A. Application for a road construction permit shall be filed with the Secretary of Borough Council on the form supplied by the borough and shall be accompanied by three sets of plans and specifications prepared by a registered professional engineer, as provided in § 113-4 hereof, setting forth the location and nature of the work, and shall be verified by affidavit made by or on behalf of the owner or owners. A fee of $50 shall accompany each application for a construction permit.

B. Upon the approval of the road construction application plans by the Borough Manager, the Borough Secretary shall issue a road construction permit. The applicant shall pay the actual costs of any material tests made and shall reimburse the borough for the cost of engineering inspection at the rate of $50 for each day or part thereof a borough inspector is on the work or at the rate provided for in any applicable escrow agreement, whichever is greater.

C. Any such permit shall become null and void if the work for which the same is granted shall not be commenced within six months from the date of such permit; provided, however, that such permit may be extended for a period of six months upon application in writing to the Borough Manager.

D. The Borough Manager shall be notified 72 hours in advance of the commencement of any road construction operation, such as grading, paving or sewer installation, in order that provision may be made for the proper inspection of such construction operation.

§ 113-10. Obligations and responsibilities of borough.

A. The granting of any permit hereunder shall not impose upon the borough any obligation whatsoever to take over any of the work covered thereby as a public improvement for any purpose whatsoever, unless accepted by ordinance.

B. The Borough Council of the Borough of Narberth shall have no responsibility of any kind with respect to any highway or any drainage facilities in connection therewith, notwithstanding any use of the same by the public, unless the highway or drainage facilities are accepted by ordinance.

§ 113-11. Bonds or deposits required; special conditions.

A. Before approving any subdivision plan for recording, the Borough Council shall require that the borough be assured, by means of a performance and two-year maintenance bond or bonds with sureties satisfactory to the borough or the deposit of funds or securities in escrow sufficient to cover the cost of the required improvements, inspections and two-year maintenance requirement as estimated by the Borough Manager, that the necessary grading, paving and other street improvements, including curbs, sidewalks, streetlights, fire hydrants, water mains, sanitary sewers and storm sewers, will subsequently be installed by the owner in

strict accordance with current standard specifications. The Borough Council may, in its discretion, require that the applicant supply a maintenance bond, with surety satisfactory to the borough, to assure that any necessary construction and installation shall be maintained in good condition and repair for a period not more than two years.

B. Where owing to special conditions a literal enforcement of this section would result in unnecessary hardship, the Borough Council may permit issuance of permits where a guaranty has been furnished, conditioned for the satisfactory completion of the improvements in accordance with the provisions of this chapter and other applicable borough regulations, in such portion or portions of the subdivision as the owner immediately intends to improve, or the Borough Council may grant other reasonable exceptions to the provisions of this section as will not be contrary to the public interest, subject to conditions necessary to assure adequate streets and other public improvements.

§ 113-12. Violations and penalties.

Any person, partnership or corporation who or which, being the owner or agent of the owner of any lot, tract or parcel of land, shall lay out, construct, open or dedicate any street, sanitary sewer, storm sewer, water main or other improvement for public use, travel or other purposes or for the common use of occupants of buildings abutting thereon or who sells, transfers or agrees or enters into an agreement to sell any land in a subdivision or land development, whether by reference to or by other use of a plat of such subdivision or land development, or who erects any building thereon, unless and until a final plat has been prepared in full compliance with the provisions of the Pennsylvania Municipalities Planning Code and of this chapter and has been recorded as provided herein, shall be guilty of a misdemeanor, and upon conviction thereof, such person or the members of such partnership or the officers of such corporation or the agent of any of them responsible for such violation shall pay a fine not exceeding $1,000 per lot or parcel or per dwelling within each lot or parcel. All fines collected for such violations shall be paid over to the Borough Treasurer. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.

Chapter 114

TAXATION

[HISTORY: Adopted by the Council of the Borough of Narberth: Art. I, 12-29-1966 by Ord. No. 563, approved 12-29-1966; Art. II, 11-13-1978 by Ord. No. 680, approved 11-13-1978. Amendments noted where applicable.]

ARTICLE I

Realty Transfer Tax [1]

[Adopted 12-29-1966 by Ord. No. 563, approved 12-29-1966]

§ 114-1. Title.

This Article shall be known and may be cited as the "Borough of Narberth Realty Transfer Tax Ordinance."

§ 114-2. Definitions.

As used in this Article, the following terms shall have the meanings indicated:

BOROUGH — The Borough of Narberth, Montgomery County, Pennsylvania.

BOROUGH SECRETARY — The Secretary of the Borough of Narberth.

DOCUMENT — Any deed, instrument or writing, whether or not executed, acknowledged or delivered within the borough, whereby any lands, tenements or hereditaments within the borough or any interest therein shall be quit-claimed, granted, bargained, sold or otherwise conveyed.

HEREDITAMENTS — Refers only to hereditaments in real property.

PERSON — Any individual, partnership, association or corporation. Whenever used in any clause prescribing or imposing a penalty, the term "person" as applied to partnerships or associations shall mean the partners or members thereof, and as applied to corporations, the officers thereof.

VALUE — The gross amount of the actual consideration for the lands, tenements or hereditaments or interests therein, and the amount of any liens or other encumbrances on the lands, tenements or hereditaments or interests therein, granted, bargained, sold or otherwise conveyed or of which possession is taken, or a commensurate part of the liens or other encumbrances thereon where such liens or other encumbrances also encumber other lands, tenements or hereditaments; provided that where any document evidencing the transfer of title shall set forth a small or nominal consideration, the "value" thereof

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1. **Editor's Note: Ord. No. 568, adopted 2-12-1968 and approved 2-12-1968, reenacted the provisions of this Article and provided that unless it was repealed or substantially modified, it would be continued in force and effect for the year 1968 and thereafter from year to year.**

shall be determined from the price set forth in or actual consideration for the contract of sale, or in the case of a gift, from the actual monetary worth of the property or interest therein granted, bargained, sold or otherwise conveyed or of which possession is taken.

§ 114-3. Imposition of tax.

A. Every person who makes, executes, issues or delivers any document, or in whose behalf any document is made, executed, issued or delivered, shall pay therefor and in respect thereof, or for or in respect of the vellum, parchment or paper upon which such document is written or printed, a tax at the rate of 1% of the value of the real property represented by such document, which tax shall be due and payable at the time of the making, execution, issuance or delivery of such document.

B. Every person who transfers title to any lands, tenements or hereditaments located within the borough, or any interest therein, shall pay for and in respect of the privilege of making such transfer a tax at the rate of 1% of the value of such property, unless the tax provided for or intended to be provided for in Subsection A hereof shall have been paid with respect to the document evidencing such transfer. The tax provided for by this subsection shall be due and payable at the time of such transfer.

C. Every person who lodges or files in the borough for registration, in accordance with Ordinance No. 273[2] of the borough requiring the registration of deeds, any document, shall pay for and in respect of such registration a tax at the rate of 1% of the value of the property described or conveyed by such document, unless the tax provided for or intended to be provided for in Subsection A hereof or the tax provided for or intended to be provided for in Subsection B hereof shall have been paid in respect of such document or in respect of the transfer effected thereby. The tax provided for by this subsection shall be due and payable at the time of such lodging or filing for registration of such document.

D. Every person who accepts possession of any lands, tenements or hereditaments situate within the borough, or any interest therein, pursuant to or in connection with a transfer of title thereof effected by means of a document, shall pay for and in respect of the privilege of such acceptance of possession a tax at the rate of 1% of the value of such property, unless the tax provided for or intended to be provided for in Subsection A hereof or the tax provided for or intended to be provided for in Subsection B hereof or the tax provided for or intended to be provided for in Subsection C hereof shall have been paid in respect of such document or in respect of the transfer effected thereby or in respect of the registration of such document as aforesaid. Such tax shall be due and payable at the time of such acceptance of possession.

E. Where any lands, tenements or hereditaments situated partly within and partly without the borough are conveyed by a document or are transferred, or where any document relating thereto is lodged or filed for registration as aforesaid, or

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2. **Editor's Note: Ord. No. 273, which establishes a registry of the ownership of all real estate in the Borough of Narberth, County of Montgomery and Commonwealth of Pennsylvania, is on file in the office of the Borough Secretary.**

possession thereof is accepted, the tax hereby imposed shall be calculated on the valuation of that portion of such lands, tenements or hereditaments lying within the borough.

§ 114-4. Certificate of payment.

The person liable for the tax imposed hereby, in the case of each document, transfer or transaction taxable hereunder, shall, prior to the delivery or acceptance of the document, place thereon a certificate signed by him or for him by a title insurance company, licensed real estate broker or attorney at law, which shall set forth the value of the real estate transferred, the amount of tax imposed hereby, that the same has been paid and the date of payment. No person shall offer for recording or record any document in the office of the Recorder of Deeds of Montgomery County, Pennsylvania, which document does not contain said certificate, nor unless the tax hereby imposed shall first have been paid.

§ 114-5. Payment of tax; filing of record of transfer.

The tax hereby imposed shall be paid to the Borough Secretary for transfers of lands, tenements or hereditaments located in the borough, and the person liable for the tax shall file with the Borough Secretary, upon payment of the tax, a record of the real estate transfer, setting forth the true, complete and actual value of the real estate involved, the names of the parties, the location of the real estate and such other information as may be required. The report shall be signed by the person liable for the tax or for him by a title insurance company, licensed real estate broker or attorney at law.

§ 114-6. Administrative and enforcement officer.

The Borough Secretary is hereby charged with the administration and enforcement of this Article, and he is hereby authorized and empowered to adopt, promulgate and enforce rules and regulations to this end.

§ 114-7. Document to evidence true and complete value.

Every document, when lodged with or presented to any Recorder of Deeds for recording, or to the Borough Secretary or his agent for registration in accordance with Ordinance No. 273 of the borough requiring the registration of deeds,[3] shall set forth therein and as part of such document the true, full, complete and actual value thereof or shall be accompanied by either a certificate from a title company or an affidavit executed by a responsible person connected with the transaction, showing such connection and setting forth the true, full, complete and actual value thereof.

§ 114-8. Requisites for registration of documents.

The Borough Secretary is authorized and requested to refuse to register any document unless the tax imposed under § 114-3A or B or C or D hereof has been paid and unless

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3. **Editor's Note: Ord. No. 273, which establishes a registry of the ownership of all real estate in the Borough of Narberth, County of Montgomery and Commonwealth of Pennsylvania, is on file in the office of the Borough Secretary.**

the payment of the tax is evidenced by the certificate upon the document as required hereby.

§ 114-9. Interest on unpaid taxes.

All taxes imposed by this Article not paid when due shall bear interest thereon at the rate of 1/2 of 1% per month until paid.

§ 114-10. Recovery of unpaid taxes.

All taxes imposed by this Article, together with interest from the due date, shall be recovered as other debts of like character are recovered.

§ 114-11. Exempt transfers, transactions and documents.

The following transfers, transactions and documents shall be exempt from the tax hereby imposed:

A. A transfer by will or mortgage or a transfer made pursuant to the intestate laws of the Commonwealth of Pennsylvania.

B. A transfer by the owner of previously occupied residential premises to a builder of new residential premises when such previously occupied residential premises is taken in trade by such builder as part of the consideration from the purchaser of a new, previously unoccupied single-family residential premises.

C. A transfer between a corporation operating housing projects pursuant to the Housing and Redevelopment Assistance Law and the shareholders thereof.

D. A transfer between a nonprofit industrial development agency and an industrial corporation purchasing therefrom, or a transfer to a nonprofit industrial development agency.

E. A transfer between husband and wife and a transfer between persons who were previously husband and wife but who have since been divorced, provided such transfer is made within three months of the date of the granting of the final decree in divorce and that the property or interest which is the subject of such transfer was acquired by the husband and wife, or husband or wife, prior to the granting of the final decree in divorce.

F. A transfer between parent and child or the spouse of such child, or between parent and trustee for the benefit of a child or the spouse of such child.

G. A transfer by and between a principal and straw party for the purpose of placing a mortgage or ground rent upon the premises, or as a correctional deed without consideration.

H. A transfer to the United States, the Commonwealth of Pennsylvania, or to any of their instrumentalities, agencies or political subdivisions, by gift, dedication or deed in lieu of condemnation, or deed of condemnation in connection with condemnation proceedings, or reconveyance by the condemning body of the property condemned

to the owner of record at the time of condemnation, which reconveyance may include property line adjustments, provided said reconveyance is made within one year from the date of condemnation.

I. A lease.

J. A conveyance to a trustee under a recorded trust agreement for the express purpose of holding title in trust as security for a debt contracted at the time of the conveyance, under which the trustee is not the lender, and requiring the trustee to make reconveyance to the grantor-borrower upon repayment of the debt.

K. Any privilege or transaction which is now or which hereafter becomes a subject to a state tax or license fee.

§ 114-12. Rules and regulations.

The following rules and regulations pertaining to the administration and enforcement of this Article are hereby prescribed and adopted:

A. Charitable and other organizations exempt from federal income tax. There is no exemption from this tax for transfers either to or from charitable, religious, educational, eleemosynary or other nonprofit organizations.

B. Basis of tax. The tax imposed by this Article is based on the value of the transfer as defined herein. Where the transfer is supported by a bona fide consideration stated in the document, it is the basis of the tax. No particular figure stated in a document should be regarded as an indication that the consideration stated therein is or is not nominal. When the transfer involves the element of gift, in whole or in part, or where the consideration for the transfer is to be fixed by future contingencies, or where the value of such consideration is speculative, the tax is based on the fair value of the real estate involved. In every case the amount of any lien or encumbrance is to be included in the value of the property.

C. Deeds of quitclaim or confirmation. A deed of quitclaim and a deed of confirmation are taxable to the same extent that any other document is taxable.

D. Deeds of partition. Deeds in partition are not subject to tax unless a consideration passes between the parties by reason of one or more of the parties receiving a share of the real estate of a greater value than the party's undivided interest, in which event the deed conveying such greater share is taxable in an amount based upon the additional consideration received by the grantor. Where partition is effected by sale under court decree and subsequent division of the proceeds, the transfer is fully taxable unless one of the persons entitled to share in the proceeds becomes the purchaser. In such event the tax is based upon the extent to which the purchase price exceeds the share of the purchaser.

E. Exchange of interests in real estate. In a case where the parties transfer and exchange between themselves two properties, the documents transferring title to each are subject to the tax, which shall be computed on the basis of the actual monetary value of the interest in property conveyed, including the amount of any

liens or encumbrances.

F. Security and lien transactions. Transfers subject to mortgage or ground rent or for purposes of securing the grantee in some transaction pertaining to the property transferred are taxable on the full value of the property transferred. "Value" shall include liens such as mortgages, ground rents, judgments or other forms of encumbrance.

G. Foreclosure sales and deeds in lieu of foreclosure.

(1) When real estate is sold on foreclosure of mortgage or on execution upon a judgment on the bond or note accompanying a mortgage on said real estate by a sheriff, United States marshal or corporate mortgage trustee, the transfer to the purchaser is taxable on the basis of the highest of the bid price or the amount of the judgment, not in excess, however, of the fair value of the real estate.

(2) When real estate is sold by a sheriff other than in the case of a mortgage foreclosure, or by a trustee in bankruptcy or receiver, the transfer to the purchaser is taxable on the basis of the bid price.

(3) In the case of a deed in lieu of foreclosure, the tax shall be based on the amount of the balance of principal and interest due on the mortgage, plus the total of all prior judgments, mortgages and other liens and any consideration paid by the mortgagee to the mortgagor, but in no event shall such amount be in excess of the fair value of the real estate.

H. Deeds to and from corporations. A conveyance of real estate to a corporation in consideration of the issuance to the grantor of capital stock and conveyances by a corporation to its stockholders in liquidation or dissolution are subject to tax upon the basis of the value of the property transferred.

I. Partnerships. Conveyances of real estate by a partner in his individual capacity to a partnership and conveyances of partnership real estate to one or more partners as individuals or as new partners in partial or complete liquidation of the partnership are subject to the tax.

J. Deeds to and from trustees. A conveyance to a grantee in trust to hold the property for the benefit of income beneficiaries and remaindermen is subject to tax to the extent of the value of the interest passing to persons other than the grantor, irrespective of whether the trust is revocable or irrevocable. If legal title to the property transferred will ultimately vest in a person who is not exempt from the tax imposed by this Article, the entire value of the property is subject to the tax. The transfer is also taxable where the trustee is in the exempt class and the ultimate remaindermen are not. Conveyances from a trustee to a beneficiary in distribution of the trust are not taxable, provided that any such conveyance which involves consideration passing either to the trustee or to other beneficiaries because the grantee is receiving a greater share in the real estate than that to which the trust agreement entitled him shall be taxable on the basis of the consideration so passing.

K. Deeds creating easements. Transfers creating easements or similar incorporeal rights in land are taxable on the basis of the actual consideration for the transfer. Cemetery deeds which create no estate in land but simply give the grantee the right of sepulcher are not taxable.

L. Deeds which change the tenure only. A transfer from grantors to themselves as grantees for the sole purpose of changing the form of their tenure is not subject to tax.

M. Conveyance in consideration of maintenance. A conveyance of real estate in consideration of life maintenance is taxable, the tax to be measured by the value of the property or interest conveyed.

N. Ground rents. The tax upon an instrument creating, extinguishing or assigning a ground rent is based upon the actual consideration paid for the creation, extinguishment or assignment of such ground rent. The tax is similarly payable upon the redemption of a ground rent, based upon the consideration paid therefor, where the tax was not paid in connection with the creation of the ground rent.

O. Documents in escrow. A document delivered in escrow shall not be deemed to be delivered nor the transfer effected thereby made until the document is released from escrow.

P. County Treasurer's deeds. The County Treasurer shall not be required to pay the tax on County Treasurer's deeds, but the grantee to whom such deeds are made, executed, issued or delivered is required to pay the tax, unless the transaction is otherwise exempt.

Q. Transfers between multiple parties. In a case of transfers between multiple parties, some of whom are of exempt identity and some of whom are not, the tax shall be based on the fractional interest passing between nonexempt parties.

R. Deeds by an executor to devisees. Deeds by an executor to devisees, conveying parcels of real estate willed to such devisees, are not subject to tax unless such devisees receive a greater share in the real estate than they are entitled to receive under the will, in which event the tax shall be computed upon the consideration paid for such excess, and where no consideration is paid, the tax shall be computed upon the actual market value of such excess.

S. Nominee and straw transfer. A straw transaction whereby title is conveyed to a straw party either by a third party or by the principal owner is subject to the tax, unless exempt under § 114-11G. A deed from a straw party to the principal owner is not subject to the tax if the tax has been paid on the transfer to the straw party. Deeds from straw parties to persons other than their principals are taxable in all cases.

T. Proof of pertinent facts. Wherever taxability or amount of tax turns upon the determination of any facts or circumstances pertaining to the transfer or to the status of or relationship between the parties thereto, such facts or circumstances may be established prima facie either by appropriate recitals or other provisions in the

document or an affidavit executed by a responsible person connected with the transaction, showing such connection and setting forth all of the pertinent facts and circumstances, the original of which shall be filed with the Recorder of Deeds and a copy with the Secretary of the borough.

§ 114-13. Unlawful acts.

It shall be unlawful for any person to:

A. Fail to pay the tax imposed by this Article.

B. Fail to place upon a document the certificate required by this Article, or make any false statement in such certificate.

C. Fail, neglect or refuse to comply with or violate the rules and regulations adopted and promulgated by the Secretary under the provisions of this Article.

§ 114-14. Unpaid taxes as lien upon property.

The tax imposed by this Article shall become a lien upon the lands, tenements and hereditaments and any interests therein, situate wholly or partly within the borough, which are described in or conveyed by the document which is the subject of the tax imposed under § 114-3A hereof, and as to which the transfer of title is subject to the tax imposed under § 114-3B hereof, and which are described in any document the registry of which is subject to the tax imposed under § 114-3C hereof, and as to which the acceptance of possession is subject to the tax imposed under § 114-3D hereof; and the said lien shall begin at the time when the tax is due and payable and shall continue until discharged by payment or in accordance with law; and the Solicitor of the borough is authorized to file a municipal or tax claim for said tax in the Court of Common Pleas of Montgomery County in accordance with the provisions of the Municipal Lien Act of 1923, its supplements and amendments.

§ 114-15. Violations and penalties.

Any person violating any of the provisions of this Article shall be liable to a penalty not exceeding $300 and, further, shall be required to pay the amount of the tax, together with interest as is otherwise provided for herein, which should have been paid on the document or documents, and upon default in the payment of the same for 10 days, shall be subject to 30 days' imprisonment.

ARTICLE II
Business Privilege Tax
[Adopted 11-13-1978 by Ord. No. 680, approved 11-13-1978]

§ 114-16. Title.

This Article shall be known as the "Business Privilege Tax Ordinance."

§ 114-17. Definitions.

The following words and phrases, when used in this Article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. The masculine includes the feminine, the singular includes the plural and vice versa.

BOROUGH — The Borough of Narberth.

BUSINESS — Any enterprise, activity, profession or any other undertaking conducted for profit or ordinarily conducted for profit, including but not limited to dealing in and vending, at wholesale and/or retail, goods, wares and merchandise and engaging in conducting restaurants or other places where food, drink or refreshments are sold, financial businesses, those enterprises engaged in by hotel operators, motel operators, office and/or residential apartment building operators, parking lot and garage operators, warehouse operators, lessors of tangible personal property, physicians and surgeons, osteopaths, podiatrists, chiropractors, veterinarians, optometrists, pharmacists, lawyers, dentists, engineers, architects, chemists, certified public accountants, public accountants, funeral directors, promoters, agents, brokers, manufacturer's representatives, advertising and public relations agencies, real estate brokers, insurance brokers and agents, operators of places of amusement providing either passive or active recreation, vending machine operators, barbershop operators and beauty shop operators, cleaning, pressing and dyeing establishment operators, laundry operators, shoe repair shop operators, tailors, upholsterers, electrical, plastering, bricklaying, carpentry, heat, ventilating, plumbing and painting contractors engaged in the class of heavy building or other construction of any kind or in the alteration, maintenance or repair thereof, repairers of electrical, electronic and automotive machinery and equipment or other machinery and equipment and other wares and merchandise.

FINANCIAL AND COMMODITIES BUSINESSES — Services and transactions of banks and bankers, trust, credit and investment companies, holding companies, dealers and brokers in money, credits, commercial papers, bonds, notes, securities, stocks, monetary metals and commodities, factors and commission merchants. [Amended 5-14-1979 by Ord. No. 684, approved 5-14-1979]

GROSS VOLUME OF BUSINESS — Gross value of revenue received in cash, credits or property of any kind or nature by any person engaging in business in Narberth. In the case of a sale of goods in which goods are delivered from a place of business regularly maintained outside the borough by the taxpayer to a place regularly maintained outside the borough by the purchaser and in the case of any service which was rendered outside the borough by individuals not regularly employed (or self-employed) in the borough, "gross volume of business" will only include that portion of the revenue therefrom which is received or earned from transactions made and/or services performed within the borough. In the case of a financial or commodities business, the cost of securities, commodities and other property sold, exchanged, paid at maturity or redeemed and moneys or credits received in repayment of advances, credits and loans (not to exceed the principal amount of such advances, credits and loans) and deposits shall not be included. [Amended 5-14-1979 by Ord. No. 684, approved 5-14-1979]

PERSON — Any individual, partnership, limited partnership, association, corporation, trust or other legally recognizable entity engaged in a business.

TAX ADMINISTRATOR — An individual or organization expressly appointed by the Council of the Borough of Narberth as such.

TAXPAYER — A person subject to the payment of the tax imposed by this Article.

TAX YEAR, REGISTRATION YEAR or CALENDAR YEAR — The period from January 1 to December 31.

TEMPORARY, SEASONAL OR ITINERANT BUSINESS — Any business that is conducted in one location for less than 60 consecutive days.

TREASURER AND SECRETARY — Officers of the Borough of Narberth elected or appointed as such.

§ 114-18. Registration required; fees.

For the tax year beginning January 1, 1979, and for each tax year thereafter, every person desiring to continue to engage in or hereafter to begin to engage in a business in Narberth shall, on or before the 31st day of January of the tax year or prior to commencing business in such tax year, make application for one registration for each actual place of business in the borough and, if such person has no actual place of business within the Borough, make application for one registration with the Secretary. Such registration shall be made by the completion of an application furnished by the Secretary and the payment of a fee of $10 for each registration. Each applicant shall receive a certificate of registration from the Secretary, which shall not be assignable. In the case of loss, defacement or destruction of any certificate, the person to whom the certificate was issued shall apply to the Secretary for a new certificate, for which a fee of $1 shall be charged. Such certificate shall be conspicuously posted at each place of business within the borough at all times.

§ 114-19. Levy of tax; recordkeeping.

A. There is levied for the tax year 1984 and annually thereafter a tax for general revenue purposes at the rate of 1 1/2 mills or $1.50 per $1,000 of gross volume of business, subject only to the exemptions provided in this Article. [Amended 12-29-1983 by Ord. No. 736, approved 12-29-1983]

B. The taxpayer shall keep books and records of the business so as to show clearly and accurately the basis of computing the gross volume of business and of exemptions, if any.

§ 114-20. Exempt persons.

Exempt persons shall be as follows:

A. Individuals employed for a wage or salary.

B. Nonprofit corporations or associations organized solely and exclusively for religious, educational or charitable purposes and not conducting any regular or established business competing commercially with any person subject to the tax imposed by this Article.

C. Agencies of the government of the United States or of the Commonwealth of Pennsylvania and the business of any political subdivision or of any authority created or organized under and pursuant to any Act of Assembly.

D. Any other person exempt by law from imposition of a business privilege tax by a municipality.

§ 114-21. Exempt receipts.

Exempt receipts shall be as follows:

A. Refunds, credits or allowances given by a taxpayer to a purchaser on account of defects in goods, wares or merchandise sold or on account of goods, wares or merchandise returned.

B. Taxes collected by the taxpayer as agent for the government of the United States of America, Commonwealth of Pennsylvania or any of its political subdivisions.

C. Any portion of the fees or commissions with respect to any transaction paid by a broker to another broker on account of a purchase or sale contract initiated by or exercised or cleared in conjunction with such other broker.

D. Receipts by a dealer from sales to other dealers in the same line where the dealer transfers title or possession at the same price for which he acquired the goods, wares and merchandise, provided that such other dealers are not the parent or subsidiary of the vendor/dealer or have no other affiliation or cooperative arrangement with the vendor/dealer.

E. The amount of any allowance made for goods, wares and merchandise taken by a dealer as a trade-in or as part payment for other goods, wares and merchandise in the usual and ordinary course of his business.

F. Receipts from utility service to any person or company whose rates of service are fixed and regulated by the Pennsylvania Public Utility Commission or on any privilege or transaction involving the rendering of any such public utility service.

G. Receipts from the sale of goods, articles and products or byproducts manufactured or grown in the borough or from their preparation or processing for use or market or from their transportation, dumping or storage.

H. Any other portion of the gross volume of business which is prohibited from taxing by reason of the Constitution of the United States and of the Commonwealth of Pennsylvania and the laws of the commonwealth.

§ 114-22. Tax returns.

A. Every return shall be made upon a form furnished by the borough or the Tax Administrator. This form will require that the taxpayer furnish the following information:

(1) Taxpayer's name.

(2) Nature of taxpayer's business.

(3) Business address and telephone number.

(4) Information necessary to arrive at the estimated gross volume of business and tax payable for the current year.

(5) Information necessary to compute the amount of tax underpaid or overpaid for the previous year, which shall be the difference between the tax payable on the actual gross volume of business and the tax paid on the estimated gross volume of business.

(6) The total amount of tax due.

B. Every person making such return shall certify under authorized signatures the correctness thereof under the penalties of perjury.

C. Every taxpayer who commences business on or before March 1 of any tax year shall file a return on or before the 30th day of June of the tax year.

D. Every taxpayer who commences business on March 1 or later of the tax year shall file a return within four months of such commencement of business.

E. Any person going out of or ceasing to do business shall, within seven days from the date of ceasing to do business, file a return showing the actual gross volume of business conducted and done by such person during that tax year in which said person ceased doing business and pay the tax due as computed thereon at the rate herein provided for at the time of filing said return. If such tax has been previously paid based upon estimated gross volume, the taxpayer shall be entitled to a refund, without interest, of any excess tax paid for the tax year in which business was terminated.

§ 114-23. Computation of estimated gross volume of business.

A. Every person subject to the payment of the tax hereby imposed who has conducted business for the full calendar year immediately preceding the tax year shall use as the estimated gross volume of business for the tax year the actual gross amount of business transacted during said preceding calendar year.

B. Every person subject to the payment of the tax hereby imposed who has commenced or who commences business before the beginning of the tax year but after the beginning of the calendar year preceding the next year shall compute the estimated annual gross volume of business for the tax year based upon the gross volume of business transacted during the preceding calendar year, taking the monthly average during said period and multiplying same by 12. In the event that such person shall be in business fewer than three months in the preceding calendar year, he shall be permitted to use sufficient days in the calendar year in which the tax year begins to equal three months after commencement of business, to take a monthly average thereon and to multiply the average by 12.

C. Every person subject to the payment of the tax hereby imposed who has

commenced or commences business subsequent to the beginning of the tax year, if there shall be less than three months from the commencement of business to the end of the tax year, shall use as the gross volume of business for the tax year actual gross volume of business transacted by him during the tax year. If there shall be more than three months from the commencement of business to the end of the tax year, he shall compute the estimated gross volume of business for such tax year by taking the monthly average during the first three months of business and multiplying the same by the number of months from the commencement of business to the end of the year.

D. Every person subject to the payment of the tax hereby imposed who engages in a business temporary, seasonal or itinerant by nature shall compute his estimated gross amount of business to be transacted by him during the current tax year using the same bases as described in Subsection A, B or C of this section, taking into account any conditions especially applicable to the nature of his business.

§ 114-24. Payment of tax; late penalty and interest.

The business privilege tax levied pursuant to this Article shall be due and payable on the date on which the taxpayer is required to file a return as set forth above, and if the same is not paid on said date, an additional penalty of 1/2% per month or fractional part of a month and an interest charge at the rate of 6% per year will be added thereto.

§ 114-25. Appointment and powers and duties of Tax Administrator.

A Tax Administrator shall be appointed by the Borough Council and shall have the following duties and powers:

A. To collect and receive the taxes, penalties and interest charges provided in § 114-24 of this Article.

B. To keep a record showing the amount received from each taxpayer and the date of such receipt.

C. To prescribe, adopt, promulgate and enforce rules and regulations relating to the administration and enforcement of this Article, including the reexamination and correction of returns and of payments alleged or found to be incorrect or as to which an overpayment is claimed or found to have occurred, and to make refunds in cases of overpayment for any period of time not to exceed six years from the date of payment of the sum involved. No rule or regulation of any kind shall be enforceable unless it has been approved by resolution by the Borough Council.

D. To examine the books, papers and records of any taxpayer or of whom the Tax Administrator believes to be a taxpayer, in order to verify the accuracy of this return, or, if no return was filed, to ascertain the tax due.

E. To remit taxes and provide necessary information to the Treasurer as agreed upon.

§ 114-26. Duties of Treasurer.

A. The Treasurer shall receive from the Tax Administrator the proceeds of taxes, fines, penalties and interest charges and the net of authorized costs and shall report monthly to the Borough Council the amount received in the aggregate for all taxpayers.

B. At the end of each year, as well as upon special request by the Borough Council, the Treasurer shall make a report to the Borough Council on:

(1) The gross amounts received.

(2) The cost to the borough for the administration of this tax.

(3) Taxpayers who are paid in full.

(4) Taxpayers who are delinquent.

§ 114-27. Method of recovery.

All fees, taxes, fines, penalties and interest charges due and unpaid shall be recoverable by the borough as other debts due the borough are now or may hereafter be by law recoverable.

§ 114-28. Confidentiality.

Any information gained by the Tax Administrator or any other official, agent or employee of the borough as a result of any returns, investigations, hearings or verifications required or authorized by this Article shall be confidential, except as authorized under this Article, in accordance with proper judicial order or as otherwise provided by law.

§ 114-29. Violations and penalties.

A. Any person who shall conduct, transact or engage in any of the businesses subject to the tax imposed by this Article without having first registered for the year or any person who shall fail to file a tax return as required by the provisions of this Article or any person who shall willfully file a false return or any person who shall violate any other provision of this Article shall, upon summary conviction before any District Justice or court of competent jurisdiction, be sentenced to pay a fine not to exceed the sum of $300 for any one offense, recoverable with costs, or imprisonment not exceeding 30 days.

B. Each day on which such person continues to violate this Article may be considered as a separate offense and punishable as such as provided in Subsection A of this section of this Article.

§ 114-30. Construal of provisions; severability.

A. Nothing contained in this Article shall be construed to empower the borough to levy and collect the taxes hereby imposed on any business or any portion of any business not within the taxing power of the borough under the Constitution of the United

States, the Constitution of the Commonwealth of Pennsylvania and the laws of the commonwealth.

B. If the tax or any portion thereof imposed upon any person under the provisions of this Article shall be held by any court of competent power or jurisdiction to be in violation of the Constitution of the United States or of the Commonwealth of Pennsylvania or the laws of the commonwealth, such event shall not affect or impair the right to impose the taxes or the validity of the taxes so imposed upon other persons as herein provided.

C. The provisions of this Article are severable. Therefore, if any of the provisions shall be held to be unconstitutional, illegal or invalid by any court of competent jurisdiction, the decision of said court shall only affect that provision held to be unconstitutional, invalid or illegal and shall not affect or impair any of the remaining provisions of this Article. It is hereby declared to be the intention of the Council of the Borough of Narberth that this Article would have been adopted even if such unconstitutional, illegal or invalid provision had not been included herein.

§ 114-31. Effective date; statutory authority; repealer.

A. The effective date of this Article shall be the first day of January 1979.

B. This Article has been adopted under the authority of the Local Tax Enabling Act of December 31, 1965, P.L. 1257, as amended.[4]

C. All ordinances or parts of ordinances inconsistent herewith be and the same are hereby repealed.

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4. **Editor's Note: See 53 P.S. § 6901 et seq.**

Chapter 117

VEHICLES, ABANDONED

[HISTORY: Adopted by the Council of the Borough of Narberth 5-10-1965 by Ord. No. 551, approved 5-10-1965. Section 117-8 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

GENERAL REFERENCES

Police Department — See Ch. 27.
Vehicles and traffic — See Ch. 118.

§ 117-1. Unlawful acts.

A. No person shall leave parked upon any public street or on public property any wrecked vehicle, or vehicle not capable of being moved under its own power, or vehicle with a deflated tire or tires or without a tire or tires, without a current license tag or without a current inspection sticker.

B. No person shall leave parked upon any public street or on public property any vehicle which constitutes a safety hazard or which obstructs or interferes with the orderly, effective and adequate cleaning of streets or removal or plowing of snow by the borough.

§ 117-2. Approval of storage garages as pounds.

The Council shall from time to time, by resolution duly adopted, designate approved storage garages as pounds for the storage of impounded vehicles. No garage will be approved by the Council unless the owner, lessee or operator thereof shall furnish the borough with a bond in the sum of $5,000, in form and with corporate surety to be approved by the Borough Solicitor, conditioned upon the faithful performance and discharge by the poundkeeper of his duties as bailee of impounded vehicles and to indemnify the owners of vehicles against loss, injury or damage while in his custody.

§ 117-3. Removal and impoundment of vehicles.

A. Whenever a vehicle is found to be in violation of the provisions of any Act of Assembly or the provisions of this chapter or any other borough ordinance, the Police Department[1] may remove such vehicle or cause it to be removed to an approved storage garage. No vehicle shall be removed, however, if at the time of such intended removal the owner or person for the time being in charge of such vehicle is present and expresses a willingness and intention to immediately remove it.

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1. **Editor's Note: See Ch. 27, Police Department.**

B. Within 12 hours from the time of removal of such vehicle, notice of the fact that such vehicle has been impounded shall be sent by the Police Department to the owner of record of such vehicle, designating the place from which the vehicle was removed, the reason for its removal and impounding and the pound in which it has been impounded.

§ 117-4. Recovery of vehicles.

A. No person shall be permitted to remove from any approved storage garage any vehicle impounded under the provisions of this chapter unless such person:

(1) Furnishes satisfactory evidence of his identity and ownership of the vehicle, or agency on behalf of the owner.

(2) Pays the following costs of towing or removing the vehicle:

Passenger Cars

Crane Tow		**Crane and Dolly Tow**		**Trucks**	
Day	**Night**	**Day**	**Night**	**Day**	**Night**
$10	$15	$22.50	$27.50	$18	$23

(3) Pays for the storage of the vehicle at the rate of $1 per day.

B. Unless the towing and storage charges are paid under protest, the payment of such charges shall be final and conclusive and shall constitute a waiver of any right to recover the money so paid. If payment is made under protest, the offender shall be entitled to a hearing before a District Justice or court of record having jurisdiction, in which case the defendant shall be proceeded against and receive such notice as is provided by the Vehicle Code in other cases of summary offenses and shall have the same rights as to appeal and waiver of hearing.[2]

C. When any impounded vehicle is returned to its owner or to any person on behalf of the owner, such person shall sign a receipt for the vehicle.

§ 117-5. Report of abandoned vehicles.

The person in charge of any approved storage garage in which has been left a vehicle impounded under the provisions of this chapter for a period of 15 consecutive days without being removed by its owner or any other person duly authorized to remove it shall report to the Department of Revenue of the commonwealth within 24 hours of the elapse of such fifteen-day period, giving the name, engine number, manufacturer's serial number, registration plate number and the name and address of the person abandoning the vehicle, if known.

§ 117-6. Records.

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2. **Editor's Note: As to vehicles and traffic generally, see Ch. 118.**

The Police Department shall keep a record of the following:

A. The names and addresses of all owners of vehicles impounded.

B. The names and addresses of all persons claiming such vehicles.

C. The license numbers and such information as may identify the vehicle.

D. The nature and circumstances of the impounding of the vehicle.

E. The violation of the law or ordinance on account of which the vehicle was impounded.

F. The final disposition of the case.

§ 117-7. Other enforcement proceedings.

Nothing in this chapter is intended to prohibit the Police Department from instituting legal proceedings charging the owner or driver of any vehicle with the violation of any other law or ordinance.

§ 117-8. Violations and penalties. [3]

Any person violating any of the provisions of this chapter shall be liable to a penalty of not more than $300 or imprisonment for a term of not more than 30 days, or both, to be collectible before any District Justice of the borough as like penalties are now by law collectible.

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3. **Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.**

Chapter 118

VEHICLES AND TRAFFIC

[HISTORY: Adopted by the Council of the Board of Narberth: Art. I, 1-13-1969 by Ord. No. 584, approved 1-13-1969; Art. II, 5-9-1977 by Ord. No. 674, approved 5-9-1977; Art. III, 4-11-1977 by Ord. No. 673, approved 4-11-1977. Amendments noted where applicable.]

ARTICLE I
Traffic and Parking
[Adopted 1-13-1969 by Ord. No. 584, approved 1-13-1969]

§ 118-1. Authority to regulate.

The Public Safety Committee of Council, with the approval of the Council and the Mayor, shall have the power and authority to regulate the direction and speed of vehicle traffic on any or all of the streets and highways of the borough and to fix the time and manner in which vehicles may be parked thereon, subject to the applicable provisions of the Motor Vehicle Code of the Commonwealth of Pennsylvania, said regulations to have the same force and effect when promulgated in writing and after publication in a newspaper of general circulation in the borough as if specifically adopted by the Council.

§ 118-2. Parking for certain purposes prohibited.

No person shall stand or park a vehicle on a street or highway of the borough for the purpose of:

A. Displaying such vehicle for sale.

B. Repairing such vehicle, except repairs necessitated by an emergency.

§ 118-3. Abandonment of vehicles. [1]

It shall be unlawful for any person to abandon a vehicle on or along any street or highway or on property other than that of the owner. A vehicle which has remained on or along any street or highway or on such property for a period exceeding 30 days shall be prima facie evidence of such abandonment; provided that vehicles or equipment used or to be used in the construction, operation or maintenance of public utility facilities and which are left in a manner which does not interfere with the normal movement of traffic shall not be considered abandoned vehicles for the purposes of this section.

§ 118-4. Traffic Court.

The Mayor or a District Justice of the Borough of Narberth may establish a special

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1. **Editor's Note: See also Ch. 117, Vehicles, Abandoned.**

Traffic Court for the hearing of cases of violations of the regulations provided in § 118-2 or the violation of any ordinance of Council or Act of Assembly pertaining to the use of streets and highways and the abandonment of vehicles.

§ 118-5. Violations and penalties.

Any person violating any of the provisions of this Article shall, upon summary conviction before the District Justice, be sentenced to pay a fine of not more than $25 and, in default of payment thereof, shall undergo imprisonment for not more than 10 days.

ARTICLE II
Parking Meters and Parking Meter Zones
[Adopted 5-9-1977 by Ord. No. 674, approved 5-9-1977]

§ 118-6. One-hour parking. [Amended 2-9-1981 by Ord. No. 706, approved 2-9-1981]

A. It shall be unlawful for the owner or operator of any motor or other vehicle to park such vehicle between the hours of 8:00 a.m. and 6:00 p.m. on any day except Sundays, New Year's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day and Christmas Day for more than one hour at a time upon the following-described parts of streets or other areas in the Borough of Narberth, Pennsylvania, which are hereby established as parking meter zones, except such spaces as are or shall be designated as taxicab stands, bus stops, foot crossings, theaters, churches, schools, fireplugs and other places where no parking is allowed:

Name of Street	Side	Location
Essex Avenue [Repealed 7-8-1985 by Ord. No. 750]		
Forrest Avenue	East/west	From the north side of Haverford Avenue to the south side of Windsor Avenue
Haverford Avenue	North	From the east side of Essex Avenue to the west side of North Narberth Avenue
Haverford Avenue	South	From the east side of the driveway of No. 1 Station Circle to the west side of North Narberth Avenue
North Narberth Avenue	East	From the north end of the Penn Central (Conrail) Railroad bridge to the south side of Windsor Avenue
North Narberth Avenue	West	From the north side of Commerce Lane to the posted "Ten Minute Parking" area at the United States Post Office

B. On the portions of streets and the area as set forth in Subsection A, parking spaces

shall be designated adjacent to the curbline by lines marked on the curb or pavement or other appropriate markings; said spaces shall be approximately 22 feet in length where vehicles are to be parked parallel to the curbline and approximately eight feet in width in places where vehicles are to be parked headed towards the curbline; and, on the adjacent sidewalk to such parking spaces and as close to the curbline as practical, a parking meter shall be erected and shall be maintained in good and workable condition, which shall be so set as to display a signal showing legal parking upon the deposit of one ten-cent coin of the United States therein for a period of 15 minutes or one twenty-five-cent coin of the United States therein for a period of one hour; and each meter shall, by its device, clearly set out and continue in operation from the time of depositing such one ten-cent or one twenty-five-cent coin of the United States until the expiration of 10 or 60 minutes and, at the expiration of such times, shall indicate by a proper signal that the lawful parking period has expired. [Amended 4-8-1985 by Ord. No. 748, approved 4-8-1985; 7-8-1985 by Ord. No. 750, approved 7-8-1985]

§ 118-6.1. Ten-hour parking. [Added 7-8-1985 by Ord. No. 750, approved 7-8-1985]

The area of Essex Avenue, east and west sides, from a point approximately plus or minus 150 feet from the north side of Haverford Avenue to the south side of Windsor Avenue shall be established as a ten-hour parking zone. The parking meters in this zone shall be so set as to display a signal showing legal parking upon the deposit of four twenty-five-cent coins of the United States therein for a period of 10 hours and, at the expiration of this time, shall indicate by proper signal that the lawful parking period has expired.

§ 118-7. Two-hour parking. [2] [Amended 2-9-1981 by Ord. No. 706, approved 2-9-1981]

A. It shall be unlawful for the owner or operator of any motor or other vehicle to park such vehicle between the hours of 8:00 a.m. and 6:00 p.m. on any day, except Sundays, New Year's Day, Memorial Day, the Fourth of July, Labor Day, Thanksgiving Day and Christmas Day, for more than two hours at a time within the following described areas in the Borough of Narberth, Pennsylvania, which are hereby established as parking meter zones:

   (1) The area at the rear of and adjacent to properties abutting on the south side of Haverford Avenue, between the west side of North Narberth Avenue and Station Circle, as designated by the Public Safety Committee of the Council and known as "Municipal Parking Lot No. 1."

B. In the areas set forth in Subsection A hereof, parking spaces shall be designed adjacent to the car curb erected there by lines marked on the paving or other appropriate markings. Such spaces shall be approximately 22 feet in length where vehicles are to be parked parallel to the car curb and approximately eight feet in width in places where vehicles are to be parked headed toward the car curb; and on the paving adjacent to such parking spaces and as close to the car curb as practical,

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2. **Editor's Note: Original Sections 3 and 4 of Ord. No. 674, which had appeared herein as former § 118-7, Two-hour parking, were repealed 9-10-1979 by Ord. No. 687, approved 9-10-1979.**

parking meters shall be erected and shall be maintained in good and workable condition, which shall be so set as to display a signal showing legal parking upon the deposit of a twenty-five-cent coin of the United States therein for a period of 120 minutes, and each meter shall, by its device, clearly set out and continue in operation from the time of depositing the said twenty-five-cent coin until the expiration of 120 minutes and, at the expiration of such time, shall indicate by proper signal that the lawful parking period has expired.

§ 118-8. Five-hour parking.

A. It shall be unlawful for the owner or operator of any motor or other vehicle to park such vehicle between the hours of 8:00 a.m. and 6:00 p.m. on any day except Sundays, New Year's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day and Christmas Day for more than five hours at a time upon the following-described parts of streets in the Borough of Narberth, Pennsylvania, which are hereby established as parking meter zones, except such spaces as are or shall be designated as taxicab stands, bus stops, foot crossings, theaters, churches, schools, fireplugs and other places where no parking is allowed:

Name of Street	Side	Location
Windsor Avenue [Amended 9-10-1979 by Ord. No. 687, approved 9-10-1979]		
	South	From the east side of Essex Avenue to the west side of Grayling Avenue

B. On the portions of the streets set forth in Subsection A hereof, parking spaces shall be designated adjacent to the curbline by lines marked on the curb or pavement or by other appropriate markers; such spaces shall be approximately 22 feet in length where vehicles are to be parked parallel to the curbline and approximately eight feet in width in places where vehicles are to be parked headed toward the curbline, and on the sidewalk adjacent to such parking spaces and as close to the curbline as practical, parking meters shall be erected and shall be maintained in good and workable condition, which shall be so set as to display the signal showing legal parking upon the deposit of a twenty-five-cent coin of the United States therein for a period of 300 minutes, and each meter shall be its device clearly set out and continue in operation from the time of depositing the said twenty-five-cent coin until the expiration of the 300 minutes, and at the expiration of said time, shall indicate by proper signal that the lawful parking period has expired.

§ 118-9. Station Circle.

A. It shall be unlawful for the owner or operator of any motor or other vehicle to park such vehicle between the hours of 8:00 a.m. and 6:00 p.m. on any day except Sundays, New Year's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day and Christmas Day for more than 30 minutes at a time on Station Circle in the Borough of Narberth, Pennsylvania, parts of which area are hereby established as parking meter zones, except such spaces as shall be designated as taxicab stands, bus stops, foot crossings, fireplugs and other places where no parking is allowed.

B. On Station Circle, vehicles are to be parked headed towards the curbline in spaces approximately eight feet in width, and on the adjacent sidewalk to said parking spaces and as close to the curbline as practical, parking meters shall be erected and shall be maintained in good and workable condition, which shall be so set as to display a signal showing legal parking upon the deposit of one twenty-five-cent coin of the United States therein until the expiration of 30 minutes and, at the expiration of such time, shall indicate, by a proper signal, that the lawful parking period has expired, and such vehicle shall be considered as parked overtime, and the parking of a vehicle overtime in the space where such meter is located shall be a violation of this chapter. [Amended 4-8-1985 by Ord. No. 748, approved 4-8-1985]

§ 118-10. Regulations and restrictions.

A. It shall be unlawful to park motor vehicles outside of or beyond the limits of the designated spaces described in §§ 118-6B, 118-7B, 118-8B and 118-9B. [Amended 9-10-1979 by Ord. No. 687, approved 9-10-1979; 2-9-1981 by Ord. No. 706, approved 2-9-1981]

B. In order that the time during which a vehicle is parked on the portions of the streets described in § 118-6A hereof may be properly and conveniently computed, the owner or operator of a vehicle entering a parking space during the time of limited parking shall immediately deposit one ten-cent coin or one twenty-five-cent coin of the United States in the parking meter adjacent to such parking space, and failure to do so shall constitute a violation of this chapter. Upon the deposit of such ten-cent coin in such meter, the parking space may be lawfully occupied by such vehicle during a period of 15 minutes, and upon the deposit of one twenty-five-cent coin, the parking space may be lawfully occupied by such vehicle during a period of one hour. Upon the deposit of one twenty-five-cent coin in the parking meter adjacent to the parking spaces described in § 118-9A hereof, the parking space may be lawfully occupied by such vehicle during a period of 30 minutes. Upon the deposit of one twenty-five-cent coin in the parking meter adjacent to the parking space described in § 118-8A hereof, the parking space may be lawfully occupied by such vehicle during a period of 300 minutes. [Amended 9-10-1979 by Ord. No. 687, approved 9-10-1979; 2-9-1981 by Ord. No. 706, approved 2-9-1981; 4-8-1985 by Ord. No. 748, approved 4-8-1985]

C. If such vehicle shall remain parked in any such parking space beyond the limit fixed for the insertion and deposit of one ten-cent or one twenty-five-cent coin, which is 15 minutes for each ten-cent coin and 30 minutes for each twenty-five-cent coin in the meter described in § 118-6A hereof, 30 minutes for each twenty-five-cent coin in the meter zone described in § 118-9A hereof and 300 minutes for each twenty-five-cent coin in the meter zone described in § 118-8A hereof, such vehicle shall be considered as parked overtime, and the parking of a vehicle overtime in the space where any such meter is located shall be violation of this chapter. [Amended 9-10-1979 by Ord. No. 687, approved 9-10-1979; 2-9-1981 by Ord. No. 706, approved 2-9-1981; 4-8-1985 by Ord. No. 748, approved 4-8-1985]

D. It shall be unlawful and a violation of this chapter for any person to deposit or cause to be deposited in a parking meter a ten-cent coin for the purpose of increasing or

extending the parking time of any vehicle beyond 15 minutes or a twenty-five-cent coin for the purpose of increasing or extending the parking time of any vehicle beyond one hour in the parking zone described in § 118-6A hereof or to deposit in the parking meter a twenty-five-cent coin for the purpose of increasing or extending the parking time of any vehicle beyond 30 minutes in the parking zone described in § 118-9A hereof. [Amended 9-10-1979 by Ord. No. 687, approved 9-10-1979; 2-9-1981 by Ord. No. 706, approved 2-9-1981; 4-8-1985 by Ord. No. 748, approved 4-8-1985]

E. It shall be unlawful for any person to cause, allow, permit or suffer any vehicle registered in his name to be parked in the parking meter zones herein designated or hereinafter designated in violation of the provisions of this Article.

F. It shall be unlawful to park any vehicle across any line or marking designating a parking space or to park said vehicle in any way that the same shall not be wholly within a parking space as designated by said lines or markings, and in such manner that the hood of such vehicle shall not be alongside of or next to such parking meter adjacent to such parking space in parallel parking spaces, or the radiator shall not be directed at the said meter in rightangle or diagonal parking spaces.

G. It shall be unlawful to deposit or cause to be deposited in any parking meter a slug, device or other substitute for a ten-cent coin of the United States or for a twenty-five-cent coin of the United States.

H. It shall be unlawful to deface, tamper with, damage, open or willfully break, destroy or impair the usefulness of any parking meter installed under the terms of this Article.

§ 118-11. Purpose of meter fees.

The ten-cent coin or the twenty-five-cent coin required to be deposited in parking meters as provided in this Article is hereby levied and assessed as a fee to cover the costs of installation, supervision, operation, maintenance, inspection, control and use of the parking meters and the regulation of the parking of vehicles in the parking meter zones created hereby, and to provide revenue for general borough purposes.

§ 118-12. Enforcement. [Amended 12-27-1979 by Ord. No. 692, approved 12-27-1979]

A. It shall be the duty of police officers of the borough, acting in accordance with instructions issued by the Mayor, and the parking controller, acting in accordance with instructions issued by the Borough Council, to report:

(1) The number of each parking meter which indicates that the vehicle occupying the parking space adjacent to such parking meter is or has been parked in violation of any of the provisions of this Article.

(2) The state license number of such vehicle.

(3) Such length of time during which such vehicle is parked in violation of any of the provisions of this Article at the time of his/her inspection, provided that he/she has knowledge of such length of time.

(4) Any other facts, a knowledge of which is necessary for a thorough understanding of the circumstances attending such violation.

B. Each police officer or the parking controller shall also place on such vehicle a notice to the owner thereof that such vehicle has been parked in violation of the provisions of this Article and instructing such owner as to provisions for payment of such violation or penalties for failure to pay such violation. Each such owner may, within 48 hours of the time when such notice was attached to such vehicle, pay at the borough office or in the box as provided on the parking ticket, as a penalty for and in full satisfaction of such violation, the sum of $5. The failure of such owner to make such payment at the borough office or in the box as provided on the parking ticket within said period of 48 hours shall render such owner subject to the penalties hereinafter provided for the violation or the provisions of this Article.

§ 118-13. Violations and penalties. [Amended 12-27-1979 by Ord. No. 692, approved 12-27-1979]

Any person, firm or corporation violating the provisions of this Article or aiding, abetting or assisting in the violation of said provisions shall, upon conviction before any District Justice of the Borough of Narberth, be sentenced to pay a fine of $10 for each offense, to be collected as fines and penalties are now by law collectible.

§ 118-14. Implementation.

The proper officers of the borough are hereby authorized and directed to enter into a contract for the purchase and installation of parking meters, the payment of such meters and installation thereof to be provided for solely from the receipts, funds and revenues obtained by the borough from the operation of said parking meters without in any manner obligating the borough to pay for same from other sources, and to enter into a contract or contracts for such parts and maintenance of said parking meters as may be necessary to maintain same in good operating condition, and to pay for such parts and maintenance exclusively from the receipts, funds and revenues received from the operation of said parking meters.

ARTICLE III
Privileged Parking
[Adopted 4-11-1977 by Ord. No. 673, approved 4-11-1977]

§ 118-15. Definitions.

As used in this Article, the following terms shall have the meanings indicated:

AUTOMOBILE — A motor vehicle used primarily for the transportation of passengers and which is owned or leased by and actually used by the owner or lessee of a single-family detached, semidetached or multiple dwelling or commercial building for his own transportation or use. [Amended 8-14-1978 by Ord. No. 678, approved 8-14-1978]

COMMERCIAL BUILDING — A building designed for or used exclusively or in part for commercial purposes. [Added 8-14-1978 by Ord. No. 678, approved 8-14-1978]

MULTIPLE OR CONVERTED DWELLING — A building designed for or occupied exclusively or in part as a residence for two or more families living independently of one another.

OWNER OR LESSEE — The principal occupant of a single-family detached, semidetached or multiple dwelling or commercial building. [Amended 8-14-1978 by Ord. No. 678, approved 8-14-1978]

SINGLE-FAMILY DETACHED DWELLING — A building designed for and occupied exclusively as a residence for only one family and having no party wall in common with an adjacent building.

SINGLE-FAMILY SEMIDETACHED DWELLING — A building designed for and occupied exclusively as a residence for only one family and having a party wall in common with an adjacent building.

§ 118-16. Administration.

This Article shall be administered by the Secretary of the Borough of Narberth, who shall prepare and issue such application forms, permits and resident parking stickers as may be necessary and who shall keep suitable records of permits issued and outstanding and of fees paid.

§ 118-17. Application for and issuance of permits. [Amended 8-14-1978 by Ord. No. 678, approved 8-14-1978]

Upon application to the Secretary, payment of a permit fee and presentation to the Secretary of a current operator's license and motor vehicle registration card, an owner or lessee of a single-family detached, semidetached or multiple dwelling or commercial building located within areas hereinafter specifically designated or which may be hereafter added to this Article by resolution shall be entitled to one or more permits and parking stickers entitling him to park his automobile or automobiles, during the calendar year for which such permits and stickers are issued, in the hereinafter-mentioned unmetered street which abuts or may be in the immediate vicinity of his single-family detached, semidetached or multiple dwelling or commercial building without regard to parking time limits which are imposed by other borough ordinances or regulations affecting such unmetered streets; provided, however, that owners or lessees of commercial buildings shall be restricted to a total of two parking stickers or permits for each full 22 linear feet of street frontage of the lot on which such commercial building is situated.

§ 118-18. Use of permits and parking stickers.

The permits and resident parking stickers issued by the Borough Secretary shall be limited in use for extended parking to an owner's or lessee's residence area, shall be destroyed when the owner or lessee moves from the residence area and shall be nontransferable either from person to person or from automobile to automobile. If an owner or lessee replaces his automobile, he must apply for and obtain a new permit and resident parking sticker. The sticker must be prominently displayed on the automobile for

which it was issued (in a manner consistent with the Pennsylvania Motor Vehicle Code) and the corresponding permit must be produced upon demand made by any Borough of Narberth police officer.

§ 118-19. Application fee.

The application fee for a permit and resident parking sticker, which shall be payable to the Borough Secretary, shall be $1 for each calendar year.

§ 118-20. Areas affected.

The following are the areas affected by this Article:

Name of Street	Side	Location
Chestnut Avenue [Added 6-9-1980 by Res. No. 699]	North	From South Essex Avenue to South Narberth Avenue
Dudley Avenue	West	From Haverford Avenue to Windsor Avenue
Elmwood Avenue	South	From South Narberth Avenue to Maple Avenue
Essex Avenue	East	From Chestnut Avenue to Elmwood Avenue
Grayling Avenue [Added 6-9-1980 by Ord. No. 699]	Both	From Woodbine Avenue to Price Street
Hampden Avenue [Added 6-9-1980 by Ord. No. 699]	East	From Woodbine Avenue to the dead end
Iona Avenue [Added 6-9-1980 by Ord. No. 699]	Both	From Woodbine Avenue to Montgomery Avenue
North Narberth Avenue [Added 6-9-1980 by Ord. No. 699]	West	From Wayne Avenue to Price Avenue
Price Avenue [Added 6-9-1980 by Ord. No. 699]	South	From North Narberth Avenue to Montgomery Avenue
Wayne Avenue [Added 6-9-1980 by Ord. No. 699]	South	From Essex Avenue to North Narberth Avenue
Williams Avenue [Added 6-9-1980 by Ord. No. 699; amended 9-9-1985 by Res. No. 751]	Both	Entire length
Windsor Avenue [Added 6-9-1980 by Ord. No. 699]	North	From Essex Avenue to Forrest Avenue
Windsor Avenue [Added 6-9-1980 by Ord. No. 699]	North	From Forrest Avenue to the garages opposite the post office loading lot
Woodbine Avenue [Added 6-9-1980 by Ord. No. 699; amended 9-9-1985 by Res. No. 751]	Both	From Iona Avenue to Montgomery Avenue
Woodside Avenue	Both	From South Narberth Avenue to Maple Avenue

§ 118-21. Modification of affected areas.

The areas affected or to be affected by this Article, including those hereinabove mentioned, can be added to, extended, removed or decreased by resolution of the Borough Council.

§ 118-22. Notice of modification of affected areas.

Copies of any resolutions modifying this Article will be available during regular working hours in the office of the Borough of Narberth. There will be no charge for copies.

§ 118-23. Violations and penalties.

Any person who shall violate any of the provisions of this Article shall be liable, on conviction thereof, to a fine or penalty not exceeding $300 for each and every offense, to be collected in summary proceedings as like fines or penalties are now by law collectible, and to revocation of his permit by the Borough Secretary.

Chapter 124

ZONING

[HISTORY: Adopted by the Council of the Borough of Narberth 1-4-1940 by Ord. No. 343, approved 1-4-1940. Amendments noted where applicable.]

GENERAL REFERENCES

Planning Commission — See Ch. 24.
Building construction — See Ch. 50.
Junk and junk dealers — See Ch. 80.

ARTICLE I
Definitions

§ 124-1. Definitions.

Unless otherwise expressly stated, the following words shall, for the purpose of this chapter, have the meanings herein indicated. Specific terms in this ordinance control over general terms.

A. Word usage. Words used in the singular number include the plural, and words in the plural number include the singular; the word "building" includes the word "structure."

B. Words defined.

ACCESSORY BUILDING — A building subordinate to the main building on a lot and used for purposes customarily incidental to those of the main building.

ADULT USE — Any establishment which includes the sale of materials, or specializes in entertainment, which is characterized by the emphasis on matter which depicts, describes or otherwise relates to specified sexual activities or specified anatomical areas and/or to which access is restricted to persons 18 years old or older. [Added 3-9-1998 by Ord. No. 850, approved 3-9-1998]

APARTMENT — A room or group of rooms in an apartment house, designed for and occupied exclusively as a residence for only one family. [Added 4-13-1987 by Ord. No. 769, approved 4-13-1987]

APARTMENT HOUSE/MULTIPLE DWELLING — A building designed for and occupied exclusively as a residence for three of more families living independently of one another. [Added 4-13-1987 by Ord. No. 769, approved 4-13-1987]

BUFFER AREA — A strip of required yard space adjacent to the boundary of a property or district, not less in width than is designated in this chapter, which is landscaped for the full width on which is placed a screen of sufficient height to constitute an effective screen and give maximum protection and immediate visual screening to an abutting property, district or street. The required screen shall be permanently maintained and shall constitute

a planting of dense trees or shrubbery or a compact hedge, or, where otherwise specifically designated in this chapter, an appropriate wall, fence, suitable planting or combination thereof. [Added 11-11-1996 by Ord. No. 834, approved 11-11-1996]

BUILDING AREA — The aggregate of the maximum horizontal cross-sectional areas of the buildings on a lot, excluding cornices, eaves, gutters or chimneys projecting not more than 18 inches, bay windows not extending through more than one story and not projecting more than five feet, one-story open porches projecting not more than 10 feet, steps and balconies.

BUILDING LINE — The linear extension of connecting or adjacent facades along a sidewalk or street. The building line is typically at the edge of the paved sidewalk. Where a gap exists between structures, the building line shall be considered the linear extension of the adjoining facade that is closest to the street. The building line will be shown on a map accompanying this chapter.[1] [Added 9-11-2006 by Ord. No. 920, approved 9-19-2006]

BUILDING SETBACK LINE — The rear line of the minimum front yard as herein designated for each district. [Added 12-8-1986 by Ord. No. 763, approved 12-8-1986]

CARPORT — A building open on one or more sides, accessory to a dwelling for the storage of not more than two automobiles. Space may be rented for the storage of not more than one automobile. No space shall be rented for trucks. [Added 7-11-1960 by Ord. No. 504, approved 7-11-1960; amended 9-8-1986 by Ord. No. 761, approved 9-8-1986]

CLEAR GLASS — The transparent glass surface of a window or door. Dark, tinted, reflective, opaque, glass block, frosted glass or areas of glass appliques may not be counted toward the clear glass requirements of § 124-57.1. Plexiglass, Lexan or other synthetic glass products are prohibited along the street frontages as defined in § 124-57.1. [Added 9-11-2006 by Ord. No. 920, approved 9-19-2006]

CONDOMINIUM — A room or group of rooms in a multiunit building or buildings designed for and occupied exclusively as a residence for only one family, under a system of separate ownership of individual units. [Added 4-13-1987 by Ord. No. 769, approved 4-13-1987]

CONVERSION — A change from one permitted use or occupancy to another permitted use or occupancy, whether or not structural changes are involved. [Added 4-13-1987 by Ord. No. 769, approved 4-13-1987]

DECK — A flat, floored, and roofless elevated area adjoining a dwelling. [Added 10-9-2000 by Ord. No. 873, approved 10-9-2000]

FACADE — The area of a structure for its full width facing any street or sidewalk. [Added 9-11-2006 by Ord. No. 920, approved 9-19-2006]

FAMILY — Any number of individuals living and cooking together as a single housekeeping unit, provided that not more than two of such number are unrelated to all of the others by blood, marriage or legal adoption. As a special exception, the Zoning Hearing Board may interpret the term "family" to apply to a group of individuals, not

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1. **Editor's Note: Said map is on file in the Borough offices.**

exceeding four, not related to each other by blood, marriage or legal adoption, living and cooking together as a single housekeeping unit. [Amended 12-11-1972 by Ord. No. 625, approved 12-11-1972]

FIRST-FLOOR FACADE — The facade of a structure for its full width from the sidewalk to the distinction between the first floor to upper floors via a cornice, canopy or other visual device. Where no clear distinction exists between the first floor and upper floors, the first-floor facade shall extend to 10 feet above the sidewalk elevation. [Added 9-11-2006 by Ord. No. 920, approved 9-19-2006]

FRONT YARD — The required open space extending along the street line of any street on which the lot abuts.

GROSS FLOOR AREA — The sum of the gross horizontal areas of all floors in a building, measured from the exterior face of exterior walls, or from the center line of a wall separating two buildings. The gross floor area shall include, but not be limited to, atriums, balconies, and other similar interior horizontal areas. The gross floor area shall not include basement areas used exclusively for storage, nor shall it include permitted outdoor storage or display areas. [Added 3-9-1998 by Ord. No. 850, approved 3-9-1998]

HEIGHT — The height of a building shall be measured from the mean level of the ground surrounding the building to a point midway between the highest and the lowest points of the roof, provided that chimneys, spires, towers, elevator penthouses, tanks and similar projections shall not be included in calculating the "height."

IMPERVIOUS SURFACE — Any material placed on or above the earth which prevents the natural percolation of water. Examples include but are not limited to structures (including eaves, roofs and roof overhangs, curbs); paved parking areas, driveways and roads; buildings; sidewalks; patios and decks; sport courts; and pools but not including gravel, mulched, or similar surfaces. [Added 3-9-1998 by Ord. No. 850, approved 3-9-1998]

LOT — The parcel of land on which a main building and any accessory buildings are placed, together with the required open spaces. The area of a "lot" shall be measured to the street line only.

MINOR GARAGE — A building, not a private garage, used solely for the storage of motor vehicles.

MULTIPLE DWELLING — A building designed for and occupied exclusively as a residence for more than three families living independently of one another.

PATIO — A flat, floored and roofless impervious at-grade area adjoining a dwelling. [Added 10-9-2000 by Ord. No. 873, approved 10-9-2000]

PORCH — A roofed, open area, which may be screened, and which is attached to, part of, and with direct access to or from the dwelling. [Added 10-9-2000 by Ord. No. 873, approved 10-9-2000]

PRIVATE GARAGE — A building accessory to a dwelling for the storage of not more than three motor vehicles. Space in a "private garage" may be rented for the storage of not more than two motor vehicles (not trucks).

REAR YARD — The required open space extending along the rear lot line (not a street line) throughout the whole width of the lot.

RESTAURANT — Four types of restaurants are classified for this chapter: [Added 11-11-1996 by Ord. No. 834, approved 11-11-1996]

(1) STANDARD RESTAURANT — An establishment used for the purpose of furnishing meals to the public which are to be consumed within the building or the place of business.

(2) FAST-FOOD RESTAURANT — A restaurant providing for an inside window or service area or cafeteria line where customers place their orders and food is served for consumption either at seating areas within the building or for take-out consumption off the premises.

(3) FAST-FOOD RESTAURANT WITH DRIVE-IN SERVICE — A fast-food restaurant providing service to customers remaining seated in automobiles, either through an exterior window or service area, or through service to parked automobiles.

(4) FOOD STAND — A place such as a snack bar, dairy bar or hamburger or hotdog stand where customers are served at an exterior window or within a service area and where no inside seating facilities are provided.

RETAIL BANKING — A bank whose transactions are directly and primarily with consumers, rather than corporations or other banks. Services offered include, but are not limited to: savings and checking accounts, mortgages, personal loans, debit cards, and credit cards. [Added 1-19-2011 by Ord. No. 935, approved 1-19-2011]

RETAIL STORE — A business engaged in selling goods or merchandise to the general public for personal or household consumption, where such goods and merchandise are available for immediate purchase and are removed from the premises by the customer. Such sales shall constitute the primary function of the business. Any other use shall be incidental to the retail use. A business selling food and/or drink is a separate defined use: "retail store with food sales." [Added 9-11-2006 by Ord. No. 919, approved 9-17-2006; amended 1-19-2011 by Ord. No. 935, approved 1-19-2011]

RETAIL STORE WITH FOOD SALES — A retail store selling food and/or drink, including, but not limited to, candy, fruits, vegetables and prepared foods such as sandwiches, salads, sushi and cheese, which food is sold for off-premises consumption limited to 5% of linear feet of product display or display shelving for the incidental sales. [Added 9-11-2006 by Ord. No. 919, approved 9-17-2006]

RIGHT-OF-WAY — The full width of the public street accessway, which may include the adjoining sidewalk and buffer area. [Added 9-11-2006 by Ord. No. 920, approved 9-19-2006]

SIDEWALK — The paved public right-of-way for pedestrians adjoining the street within or adjoining the dedicated public street right-of-way, as defined by the Borough of Narberth. The reference to the "edge of the sidewalk" refers to the paved edge farthest from the street. [Added 9-11-2006 by Ord. No. 920, approved 9-19-2006]

SIDE YARD — The required open space extending along the side lot line throughout the whole depth of the lot. [Amended 6-11-1962 by Ord. No. 526, approved 6-11-1962; 12-10-1979 by Ord. No. 689, approved 12-10-1979]

SINGLE AND SEPARATE OWNERSHIP — The ownership of a lot by one or more persons, partnerships or corporations, which ownership is separate and distinct from that of any abutting or adjoining lot.

SINGLE-FAMILY DETACHED DWELLING — A building designed for and occupied exclusively as a residence for only one family and having no party wall in common with an adjacent building.

SINGLE-FAMILY SEMIDETACHED DWELLING — A building designed for and occupied exclusively as a residence for only one family, having a continuous vertical party wall in common with an adjacent building, and subject to the standards set forth in Article XII, § 124-94. [Amended 10-9-2000 by Ord. No. 873, approved 10-9-2000]

SPECIAL EXCEPTION — A use permitted in a particular zoning district in accordance with § 124-91 hereof in situations where provision therefor is made by the terms of this chapter. [Amended 11-11-1996 by Ord. No. 834, approved 11-11-1996]

STREET LINE — The line of dedication in the case of a dedicated street and a line 25 feet each side of the center line in the case of a private road.

STRUCTURAL ALTERATION — Any change in or addition to the supporting or structural members of a building, such as the bearing walls, partitions, columns, beams or girders, or any change which would convert an existing building into a different structure or adapt it to a different use, or which, in the case of a nonconforming use, would prolong the life of such use. [Added 11-11-1996 by Ord. No. 834, approved 11-11-1996]

STRUCTURE — The Code adopts and incorporates by reference the definition contained in the Pennsylvania Municipal Planning Code, Act of 1968, P.L. 805, No. 247, as re-enacted and amended.[2] [Added 11-11-1996 by Ord. No. 834, approved 11-11-1996]

TELEPHONE CENTRAL OFFICE — A building and its equipment erected and used for the purpose of facilitating transmission and exchange of telephone messages between subscribers and for other business of the telephone company; provided that in a residential district, a "telephone central office" shall not include public business facilities, storage of materials, trucks or repair facilities nor housing of repair crews.

THREE-FAMILY DETACHED DWELLING — A building designed for and occupied exclusively as a residence for three families and having no party wall in common with an adjacent building.

TWO-FAMILY DETACHED DWELLING — A building designed for and occupied exclusively as a residence for two families, with one family living wholly or partly over the other, and having no party wall in common with an adjacent building.

TWO-FAMILY SEMIDETACHED DWELLING — A building designed for and

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2. **Editor's Note: See 53 P.S. § 10101 et seq.**

occupied exclusively as a residence for two families, with one family living wholly or partly over the other, and having a party wall in common with an adjacent dwelling.

VARIANCE — Relief granted in accordance with § 124-91 hereof, pursuant to the provisions of this chapter. [Added 11-11-1996 by Ord. No. 834, approved 11-11-1996]

ARTICLE II
Districts

§ 124-2. Districts established. [Amended 9-13-1954 by Ord. No. 444, approved 9-13-1954]

For the purpose of this chapter, the Borough is hereby divided into six districts which shall be designated as follows:

R-1	Residence Districts
R-2	Residence Districts
R-3	Residence Districts
R-4	Residence Districts
R-5	Residence Districts
C	Commercial Districts

§ 124-3. Zoning Map. [Amended 9-13-1954 by Ord. No. 444, approved 9-13-1954]

The boundaries of said districts shall be as shown upon the map attached to and made a part of this chapter, which shall be designated "Zoning Map, Ordinance No. 343 Approved January 4, 1940."[3] The said map and all the changes, notations, references and other data shown thereon are hereby incorporated by reference into this chapter and its amendments and shall be as much a part of this chapter and its amendments as if all were fully described herein.

§ 124-4. District boundary lines. [Amended 9-13-1954 by Ord. No. 444, approved 9-13-1954]

The boundaries between districts are, unless otherwise indicated, either the center lines of streets or railroad rights-of-way or such lines extended or lines parallel thereto. Where figures are shown on the Zoning Map between a street and a district boundary line, they indicate that the district boundary line runs parallel to the street line at a distance therefrom equivalent to the number of feet so indicated.

§ 124-5. District boundaries dividing lots held in single and separate ownership. [Amended 9-13-1954 by Ord. No. 444, approved 9-13-1954; 10-14-1963 by Ord. No. 535, approved 10-14-1963; 3-9-1998 by Ord. No. 850, approved 3-9-1998]

When a district boundary line divides a lot held in single and separate ownership on or after the 18th day of October 1963, the provisions of this chapter and the regulations as to the use in the less restricted district shall extend over the portion of the lot in the more restricted district a distance of not more than 50 feet beyond the district boundary line. The line which defines the limits of said extension shall be known as the "tolerance line."

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3. **Editor's Note: The Zoning Map, as amended, is on file in the office of the Borough Secretary.**

ARTICLE III
R-1 Residence Districts

§ 124-6. Applicability of regulations.

In R-1 Residence Districts, the regulations contained in this article shall apply.

§ 124-7. Permitted uses. [Amended 1-14-1946 by Ord. No. 375, approved 1-14-1946; 6-10-1968 by Ord. No. 573, approved 6-10-1968; 4-12-1971 by Ord. No. 607, approved 4-12-1971; 4-8-1974 by Ord. No. 644, approved 4-8-1974]

A building may be erected, altered or used, and a lot or premises may be used, for any of the following purposes and for no other:

A. Single-family detached dwelling.

B. Accessory use on the same lot with and customarily incidental to the above permitted use. The term "accessory use" shall not include a business, but shall include a professional office or studio and rooms for home occupations if located in a dwelling in which the practitioner resides or in a building accessory thereto and if no goods are publicly displayed on the premises and no sign or advertisement is shown other than a sign not larger than eight inches by 18 inches bearing only the name and occupation (words only) of the practitioner; provided that an office for the practice of medicine or dentistry may be located in a dwelling other than that in which the practitioner resides when authorized as a special exception.

C. Swimming pools when authorized as a special exception if the location of the swimming pool does not comply with this chapter.[4]

§ 124-8. Lot area. [Amended 12-8-1986 by Ord. No. 763, approved 12-8-1986]

A lot area of not less than 10,500 square feet per family, with a minimum lot width of 50 feet at the building setback line, shall be provided for every building hereafter erected, altered or used in whole or in part as a dwelling, provided that, in the case of a lot held in single and separate ownership as of December 8, 1986, having an area of at least 7,500 square feet with a minimum lot width at the building setback line of 50 feet, a dwelling may be built therein when authorized as a special exception.

§ 124-9. Building area.

The building area shall not exceed 30% of the lot area.

§ 124-10. Front yard.

There shall be a front yard, the depth of which shall be at least 30 feet.

§ 124-11. Side yards for single-family dwellings.

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4. **Editor's Note: As to swimming pools generally, see Ch. 50, Art. XIX.**

In the case of a single-family dwelling, there shall be two side yards, one on each side of the main building, neither of which shall be less than 10 feet wide.

§ 124-12. Side yards for other buildings.

In the case of any building other than a single-family dwelling or a building accessory thereto, there shall be two side yards, one on each side of the main building, neither of which shall be less than 20 feet wide.

§ 124-13. Rear yard.

There shall be a rear yard, the depth of which shall be at least 25 feet, provided that, in the case of a lot held in single and separate ownership at the effective date of this chapter of a depth of less than 100 feet, the depth of the rear yard may be decreased to not less than 15 feet.

ARTICLE IV
R-2 Residence Districts

§ 124-14. Applicability of regulations.

In R-2 Residence Districts, the regulations contained in this article shall apply.

§ 124-15. Permitted uses. [Amended 5-11-1953 by Ord. No. 428, approved 5-11-1953; 7-11-1955 by Ord. No. 453, approved 7-11-1955]

A building may be erected, altered or used, and a lot or premises may be used, for any of the following purposes and for no other:

A. A use permitted in R-1 Residence Districts.

B. Single-family semidetached dwelling.

C. Single and semidetached dwellings may be converted for the use of two families under the following conditions:

(1) No permit for the conversion of a dwelling shall be granted unless 10 or more years shall have elapsed since the issuance of the permit for the original construction thereof.

(2) The lot shall have a width of not less than 40 feet at the building setback line. [Amended 12-8-1986 by Ord. No. 763, approved 12-8-1986]

(3) A lot area of not less than 3,000 square feet per family shall be provided. [Amended 12-8-1986 by Ord. No. 763, approved 12-8-1986]

(4) Only existing entrances shall be used on front and sides, so that the outside appearance thereof shall remain substantially unchanged.[5]

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5. **Editor's Note: Former Subsection C(5), dealing with off-street parking, which originally followed this subsection, was deleted 12-10-1979 by Ord. No. 689, approved 12-10-1979. See Art. VIIA, Off-Street Parking Facilities, of this chapter.**

§ 124-16. Lot area. [Amended 5-11-1953 by Ord. No. 428, approved 5-11-1953; 12-8-1986 by Ord. No. 763, approved 12-8-1986]

A lot area of not less than 6,000 square feet per family, except as specially provided in § 124-15C(3), with a minimum lot width at the building seback line of 40 feet, shall be provided for every building hereafter erected, altered or used in whole or in part as a dwelling, provided that, in the case of a lot held in single and separate ownership as of December 8, 1986, having an area of at least 4,500 square feet per family and a minimum lot width at the building setback line of 40 feet, a dwelling may be built thereon when authorized as a special exception.

§ 124-17. Building area.

The building area shall not exceed 35% of the lot area.

§ 124-18. Front yards.

There shall be a front yard, the depth of which shall be at least 25 feet.

§ 124-19. Side yards for single-family detached dwellings.

In the case of a single-family detached dwelling, there shall be two side yards, one on each side of the main building, neither of which shall be less than eight feet wide.

§ 124-20. Side yards for single-family semidetached dwellings.

In the case of a single-family semidetached dwelling, there shall be one side yard, which shall be at least 14 feet wide.

§ 124-21. Side yards for other buildings.

In the case of any building other than a single-family dwelling or a building accessory thereto, there shall be two side yards, one on each side of the main building, neither of which shall be less than 14 feet wide.

§ 124-22. Rear yard.

There shall be a rear yard, the depth of which shall be at least 20 feet, provided that, in the case of a lot held in single and separate ownership at the effective date of this chapter of a depth of less than 100 feet, the depth of the rear yard may be decreased to not less than 15 feet.

ARTICLE V
R-3 Residence Districts

§ 124-23. Applicability of regulations.

In R-3 Residence Districts, the regulations contained in this article shall apply.

§ 124-24. Permitted uses.

A building may be erected, altered or used, and a lot or premises may be used, for any of the following purposes and for no other:

A. A use permitted in R-2 Residence Districts.

B. Two-family or three-family detached dwelling.

C. Two-family semidetached dwelling.

D. Minor garage when authorized as a special exception.

§ 124-25. Lot area. [Amended 12-8-1986 by Ord. No. 763, approved 12-8-1986]

A lot area of not less than 3,500 square feet per family, with a minimum lot width at the building setback line of 40 feet, shall be provided for every building hereafter erected, altered or used in whole or in part as a dwelling, provided that, in the case of a lot held in single and separate ownership as of December 8, 1986, having an area of at least 4,500 square feet per family and a minimum lot width at the building setback line of 40 feet, a dwelling may be built thereon when authorized as a special exception.

§ 124-26. Building area.

The building area shall not exceed 35% of the lot area.

§ 124-27. Front yard.

There shall be a front yard, the depth of which shall be at least 25 feet.

§ 124-28. Side yards for single-family detached dwellings.

In the case of a single-family detached dwelling, there shall be two side yards, one on each side of the main building, neither of which shall be less than seven feet wide.

§ 124-29. Side yards for two- or three-family detached dwellings.

In the case of a two-family or a three-family detached dwelling, there shall be two side yards, one on each side of the main building, together having an aggregate width of not less than 19 feet, but neither having a width of less than seven feet.

§ 124-30. Side yards for single-family semidetached dwellings.

In the case of a single-family semidetached dwelling, there shall be one side yard, which shall be at least 10 feet wide.

§ 124-31. Side yards for two-family semidetached dwellings.

In the case of a two-family semidetached dwelling, there shall be one side yard, which shall be at least 12 feet wide.

§ 124-32. Side yards for other buildings.

In the case of any building other than a dwelling or a building accessory thereto, there shall be at least two side yards, one on each side of the main building, neither of which shall be less than 12 feet wide.

§ 124-33. Rear yard.

There shall be a rear yard, the depth of which shall be at least 15 feet.

ARTICLE VI
R-4 Residence Districts

§ 124-34. Applicability of regulations.

In R-4 Residence Districts, the regulations contained in this article shall apply.

§ 124-35. Permitted uses. [Amended 1-14-1946 by Ord. No. 375, approved 1-14-1966; 4-8-1974 by Ord. No. 644, approved 4-8-1974]

A building may be erected, altered or used, and a lot or premises may be used, for any of the following purposes and for no other:

A. A use permitted in R-3 Residence Districts.

B. Multiple dwelling.

C. Club or lodge, except where one of the principal activities is an activity which is customarily carried on as a business, when authorized as a special exception. [Amended 11-11-1996 by Ord. No. 834, approved 11-11-1996]

D. Educational, religious use (excluding correctional institution) when authorized as a special exception. [Amended 11-11-1996 by Ord. No. 834, approved 11-11-1996]

E. Hospital or sanatorium when authorized as a special exception.

F. Tilling of the soil, telephone central office, railway passenger station; Borough, county, state or federal use.

§ 124-36. Lot area. [Amended 12-8-1986 by Ord. No. 763, approved 12-8-1986]

A lot area of not less than 1,500 square feet per family, with a minimum lot width at the building setback line of 40 feet, shall be provided for every building hereafter erected, altered or used in whole or in part as a dwelling, provided that, in the case of a lot held in single and separate ownership as of December 8, 1986, having an area of at least 1,250 square feet per family and a minimum lot width at the building setback line of 40 feet, a dwelling may be built thereon when authorized as a special exception.

§ 124-37. Building area.

The building area shall not exceed 35% of the lot area.

§ 124-38. Front yard.

There shall be a front yard, the depth of which shall be at least 25 feet.

§ 124-39. Side yards for single-family detached dwellings.

In the case of a single-family detached dwelling, there shall be two side yards, one on each side of the main building, neither of which shall be less than six feet wide.

§ 124-40. Side yards for two- or three-family detached dwellings.

In the case of a two-family or three-family detached dwelling, there shall be two side yards, one on each side of the main building, together having an aggregate width of not less than 16 feet, but neither having a width of less than six feet.

§ 124-41. Side yards for single-family semidetached dwellings.

In the case of a single-family semidetached dwelling, there shall be one side yard, which shall be at least nine feet wide.

§ 124-42. Side yards for two-family semidetached dwellings.

In the case of a two-family semidetached dwelling, there shall be one side yard, which shall be at least 12 feet wide.

§ 124-43. Side yards for multiple dwellings or other buildings.

In the case of a multiple dwelling or of any building other than a dwelling or a building accessory thereto, there shall be at least two side yards, one on each side of the main building, neither of which shall be less than 12 feet wide.

§ 124-44. Rear yard.

There shall be a rear yard, the depth of which shall be at least 15 feet.

ARTICLE VII
R-5 Residence Districts
[Added 9-13-1954 by Ord. No. 444, approved 9-13-1954]

§ 124-45. Applicability of regulations.

In R-5 Residence Districts, the regulations contained in this article shall apply.

§ 124-46. Permitted uses.

A building may be erected, altered or used, and a lot or premises may be used, for any of the following purposes and no other:

A. A use permitted in R-4 Residence Districts.

B. Medical or dental offices, with laboratories and/or clinics, business offices, professional offices, architectural and/or engineering offices and studios for artists and sculptors. There shall be no signs of advertisement other than a sign not more

than two feet by five feet, bearing only the name and occupation (words only) of the occupant of the building. [Amended 9-8-1986 by Ord. No. 761, approved 9-8-1986]

C. Any use of the same general character as any of the uses hereinbefore specifically permitted when authorized as a special exception.

§ 124-47. Lot area. [Amended 12-8-1986 by Ord. No. 763, approved 12-8-1986]

A lot area of not less than 1,500 square feet per family, with a minimum width at the building setback line of 40 feet, shall be provided for every building hereafter erected, altered or used in whole or in part as a dwelling, provided that, in the case of a lot held in single and separate ownership as of December 8, 1986, having an area of at least 1,250 square feet per family and a minimum lot width at the building setback line of 40 feet, a dwelling may be built thereon when authorized as a special exception.

§ 124-48. Building area.

The building area shall not exceed 35% of the lot area.

§ 124-49. Front yard.

There shall be a front yard and, in the case of a corner property, a side yard on the street side, the depth of each of which shall be at least 15 feet.

§ 124-50. Side yards for single-family detached dwellings or business buildings.

In the case of a single-family detached dwelling or a building used for business purposes, there shall be two side yards, one on each side of the main building, neither of which shall be less than six feet wide.

§ 124-51. Side yards for two- or three-family detached dwellings.

In the case of a two-family or three-family detached dwelling, there shall be two side yards, one on each side of the main building, together having an aggregate width of not less than 16 feet, but neither having a width of less than six feet.

§ 124-52. Side yards for single-family semidetached dwellings.

In the case of a single-family semidetached dwelling, there shall be one side yard, which shall be at least 12 feet wide.

§ 124-53. Side yards for two-family semidetached dwellings.

In the case of a two-family semidetached dwelling, there shall be one side yard, which shall be at least 12 feet wide.

§ 124-54. Side yards for multiple dwellings.

In the case of a multiple dwelling or of any building accessory thereto, there shall be at least two side yards, one on each side of the main building, neither of which shall be less

than 12 feet wide.

§ 124-55. Rear yard.

There shall be a rear yard, the depth of which shall be at least 15 feet.

ARTICLE VIIA
Off-Street Parking Facilities
[Added 12-10-1979 by Ord. No. 689, approved 12-10-1979]

§ 124-55.1. General regulations. [Amended 5-11-1987 by Ord. No. 774, approved 5-11-1987]

General regulations for off-street parking facilities in the Borough of Narberth shall be as follows:

A. A motor vehicle garage space or an outdoor parking space shall consist of not less than 200 square feet of usable area for each motor vehicle, exclusive of adequate driveways and exclusive of driveways connecting the garage or parking space with a street or alley. All portions of required parking facilities, including driveways, shall be graded, surfaced with bituminous concrete or other equivalent material, and drained to the satisfaction of the Borough Engineer to the extent necessary to prevent dust, erosion, or excessive water flow across streets or adjoining properties. Such outdoor parking spaces shall be deemed to be part of the open space on the lot on which they are located. [Amended 8-11-1997 by Ord. No. 841, approved 8-11-1997]

B. The parking spaces required for any zoning district or building classification shall not be located in front yard, side yard or rear yard areas but must be located in other areas of the lot not occupied by buildings. No more than 50% of any lot, exclusive of areas occupied by buildings and front, side and rear yard areas, shall be paved or used for parking spaces and driveways; provided, however, that in C Commercial Districts the required parking spaces may occupy the rear yard areas.

C. A garage may be located wholly or partly inside the walls of the principal building or attached to the outer walls. With respect to dwellings which were in existence prior to December 8, 1986, a garage may be built within one of the side yards or the rear yard if entirely separated from the main building and located at least 10 feet farther back from the front street line than the rearmost portion of the main building. A garage may be constructed under a yard or court when authorized as a special exception, but shall not extend within 10 feet of any lot line. The space above an underground garage shall be deemed to be part of the open space of the lot on which it is located to the extent determined by the Zoning Hearing Board, when authorized by a special exception.

D. With respect to dwellings which were in existence prior to December 8, 1986, a carport may be built within one of the side yards or the rear yard if entirely separated from the main building and located at least 10 feet farther back from the front street line than the rearmost portion of the main building, and provided that, when authorized as a special exception, a carport may also be attached to the main building if open on the other three sides. No carport may be erected on a property

having an existing garage unless authorized by a special exception.

§ 124-55.2. Minimum number of spaces. [Amended 4-13-1987 by Ord. No. 769, approved 4-13-1987; 5-11-1987 by Ord. No. 773, approved 5-11-1987; 11-11-1996 by Ord. No. 834, approved 11-11-1996; 8-11-1997 by Ord. No. 841, approved 8-11-1997]

A. The regulations with respect to parking facilities required in connection with the erection, structural alteration, conversion of lots, buildings or structures, or any extension or expansion in any use of an existing lot, building or structure in the Borough of Narberth shall be as follows.

B. Any of the following lots, buildings or structures hereafter erected or structurally altered, any lot, building or structure hereafter converted into one of the following uses, any lot, building or structure hereinafter extended or expanded from its current use into any one of the following uses, and any open space areas hereafter used for commercial purposes shall be provided with minimum parking spaces as set forth below, which spaces shall be readily accessible to and within a reasonable distance from the lot, building or structure served thereby. Such spaces shall be on the same lot as the principal building, structure or open area. In the case of an extension or expansion of or addition to an existing lot, building or structure, or the extension or expansion of a use within an existing lot, building or structure, such requirements of parking spaces shall apply only with respect to such extension, expansion or addition.

(1) Apartment houses/multiple dwellings, apartment hotels and condominiums: at least two parking spaces for each apartment or condominium unit. At least 25% of all parking under this subsection will be a nonmacadamized surface. A garage accessory to an apartment house/multiple dwelling, apartment hotel or condominium shall provide only for the storage of vehicles of the owner, tenants and employees. No parking space or driveways shall be permitted closer than 20 feet to the side or rear property lines of apartment houses/multiple dwellings, apartment hotels or condominiums. Conversion of apartments, apartment houses/multiple dwellings or apartment hotels to condominium use shall conform to the foregoing minimum parking space requirements.

(2) Boarding- or rooming houses: at least one parking space for each room for rent.

(3) Hotels and motels: at least one parking space for each guest room. If a restaurant or place of public assembly in connection with a hotel or motel is open to the public, additional off-street parking facilities shall be provided as follows: 1/2 of the off-street parking facilities required for a restaurant or other place of public assembly.

(4) Theaters: at least one parking space for each five seats.

(5) Church or school auditoriums or any other place of public or private assembly: at least one parking space for each 10 seats or for each 100 square

feet of floor area where fixed seating is not installed.

(6) Standard restaurant, fast-food restaurant, fast-food with drive-in service and taprooms: at least one parking space for each 100 square feet of gross floor area, exclusive of basements if not devoted to the use of patrons.

(7) Food stand: at least one parking space for each 50 square feet of gross floor area, exclusive of basements if not devoted to the use of patrons.

(8) Retail stores: at least 5 1/2 parking spaces for each 1,000 square feet or fraction thereof of gross sales, storage and office floor area, exclusive of basements if not used for sales, storage or office area.

(9) Single-family dwellings, two-family dwellings and three-family dwellings: at least two parking spaces for each family in such dwellings erected, altered or converted after the effective date of this article. All dwellings where the garage on the lot is converted into a recreation or other habitable room or rooms shall provide two parking spaces for each family. All dwellings erected or altered after the effective date of this article containing professional offices, including professional use of residential dwellings, shall provide off-street parking as specified in Subsection B(10) of this section.

(10) Office buildings: at least one parking space for each 200 square feet of gross office and storage floor area or fraction thereof, exclusive of basements if not used for office or storage purposes.

(11) Wholesale establishments and manufacturing buildings: at least three parking spaces for each 1,000 square feet of gross floor area or fraction thereof, exclusive of basements not used for the sale or display of merchandise or manufacturing.

(12) Public garages, automobile and gasoline service stations: at least one parking space, either within or without the structure, for each 300 square feet of gross floor or ground area or fraction thereof devoted to repair or service facilities, which shall be in addition to the space allocated for the normal storage of motor vehicles.

(13) Hospitals and sanatoriums: at least one parking space for each 750 square feet of gross floor area or fraction thereof, exclusive of basements and living quarters of student nurses.

(14) Other commercial buildings: at least one parking space for each 200 square feet of gross floor area or fraction thereof.

(15) Recreation and entertainment facilities: at least six parking spaces for any and each court, and 5 1/2 parking spaces for each 1,000 square feet of gross floor area, exclusive of courts and of basements not used for recreation or storage purposes.

(16) Retail store with food sales: at least one parking space for each 50 square feet or fraction thereof of gross sales, storage and office floor area, exclusive of

basements if not used for sales, storage, or office area. [Added 9-11-2006 by Ord. No. 919, approved 9-17-2006]

§ 124-55.3. Reduction of facilities.

The regulations governing reduction of off-street parking facilities existing at the effective date of this article shall be as follows:

A. Off-street parking facilities existing at the effective date of this article shall not be subsequently reduced to an amount less than required hereunder for a similar new building or new use.

B. Off-street parking facilities provided to comply with the provisions of this article shall not subsequently be reduced below the requirements of this article.

§ 124-55.4. Loading and unloading spaces.

The regulations with respect to loading and unloading spaces shall be as follows: In addition to the parking space required in § 124-55.2, sufficient area shall be provided inside or outside the principal building for the loading and unloading of vehicles.

§ 124-55.5. Storage area for drive-in facilities.

The regulations with respect to storage area for drive-in facilities shall be as follows:

A. At least 200 lineal feet of storage area for vehicles awaiting service shall be provided for drive-in facilities and uses. Said 200 lineal feet of driveway, in one or more usable lanes, shall be measured from the right-of-way line of the street to the window or other place in the building where the vehicle must enter or pass for service.

B. The storage areas shall be so designed that vehicles awaiting service will not back out into the street.

ARTICLE VIII
C Commercial Districts

§ 124-56. Applicability of regulations.

In C Commercial Districts the regulations contained in this article shall apply.

§ 124-57. Permitted uses.

A building may be erected, altered or used, and a lot or premises may be used, for any of the following purposes and for no other:

A. A use permitted in R-4 Residence Districts.

B. Retail store, retail store with food sales, office, personal service shop, bank and financial institution. [Amended 9-11-2006 by Ord. No. 919, approved 9-17-2006; 1-19-2011 by Ord. No. 935, approved 1-19-2011]

C. Hotel, rooming house, boardinghouse.

D. Restaurant, tearoom, theater, greenhouse, mortuary. [Amended 5-9-1949 by Ord. No. 391, approved 5-9-1949]

E. Public garage, motor vehicle sales and service or repair shop, gasoline service station and motor vehicle parking lot when authorized as a special exception. The Board of Adjustment, in its consideration of any application for a special exception in this category, shall ascertain and require: [Amended 10-14-1946 by Ord. No. 379, approved 10-14-1946; 1-10-1972 by Ord. No. 618, approved 1-10-1972]

(1) A lot area of not less than 15,000 square feet and a minimum width of 120 feet at the building line along each street on which the lot abuts.

(2) All activities other than those to be performed at fuel pumps are to be performed within a completely enclosed building.

(3) All automobile parts, dismantled vehicles and similar articles are to be stored within a building.

(4) Full automobile body paint spraying or body or fender work shall not be permitted.

(5) Detailed plans shall be submitted to the Board of Adjustment, showing the location and dimensions of the site, together with all buildings and facilities on the site, including pump islands, display racks, signs and accessways. The Zoning Hearing Board is authorized to require the installation of fences, shrubbery and other suitable barriers to protect adjacent uses and the shielding of lighting equipment to reflect light away from adjacent residential areas.

(6) The effect of the proposed exception upon the existing traffic conditions and patterns and upon the health, safety, morals and general welfare of the people and residents in the surrounding area.

F. Bakery, confectionery or custom shop for the production of articles to be sold at retail on the premises. [Amended 1-19-2011 by Ord. No. 935, approved 1-19-2011]

G. Hand laundry or job printing shop. [Amended 1-19-2011 by Ord. No. 935, approved 1-19-2011]

H. Accessory use on the same lot with and customarily incidental to any of the above permitted uses.

I. Any use of the same general character as any of the uses hereinbefore specifically permitted when authorized as a special exception.

J. A parking space for the parking of noncommercial vehicles, at other than gasoline service stations, which is surrounded on all or part of two or more sides by a residence district or districts, when the use is accessory to a permitted use, may be permitted; provided, however, that such parking space shall be subject to the following requirements: [Added 2-10-1969 by Ord. No. 585]

(1) No repairs or service to vehicles and no display of vehicles for purposes of

sale shall be carried on or permitted upon such premises.

(2) No advertising signs shall be erected on the premises other than those permitted by the Narberth Building Code approved April 13, 1942, as amended.[6]

(3) All land between the boundaries of the parking lot and the barriers hereinafter referred to, as well as the surface of the parking lot, shall be kept free from tall grass, weeds, rubbish, refuse and debris and shall be landscaped to conform to the neighborhood.

(4) The parking surface shall be covered with a pavement.

(5) When lighting facilities are used, reflectors shall be installed to reflect the light away from adjacent areas.

(6) Side yards shall be maintained for a space of six feet between the side lot property lines of adjoining lots and the parking area.

(7) A continuous barrier consisting of a solid masonry wall or curbing or a steel guardrail not less than 12 inches and not more than 18 inches high shall be maintained on all sides of the parking area. [Amended 9-8-1986 by Ord. No. 761, approved 9-8-1986]

(8) Entrance to or exit from such parking area shall only be to or from that part of a street which is in a C Commercial District.

(9) It shall be unlawful for any person to leave, park or store any motor vehicle or permit any motor vehicle to be left, parked or stored on any open land set aside for vehicle parking space as herein provided or on any driveway leading thereto for a period longer than 18 hours, and it shall be unlawful to permit the storage or parking on such open land of wrecked or junked motor vehicles or to permit the creating of a junkyard or nuisance upon such area.

(10) During the time said lot is closed and not available for parking thereon of motor vehicles, a suitable chain or gate shall be placed across every exit.

(11) If the proposed parking space is less than 35 feet in width after allowing for the necessary side yards, no parking of motor vehicles on more than one side shall be permitted.

K. In the case of a lot held in single and separate ownership on or after March 9, 1998, which is divided by a zoning district boundary line and a portion of which is located in the C Commercial District, a planned shopping center option may be permitted as a conditional use by Borough Council on the entire lot, provided all of the following standards and procedures are met: [Added 3-9-1998 by Ord. No. 850, approved 3-9-1998]

(1) The subject lot contains a minimum area of 1 1/4 acres in the C Commercial

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6. **Editor's Note: See Ch. 50, Building Construction.**

District calculated inclusive of the area up to the tolerance line, as determined by property survey.

(2) The subject lot contains a minimum of 300 feet of frontage along the right-of-way line of Montgomery Avenue.

(3) No commercial buildings and/or structures or any portions thereof shall extend over the tolerance line into an abutting noncommercial district. This provision pertains to permanent and temporary buildings and/or structures, except as this may be modified for temporary buildings and/or structures by Subsection K(16)(u) of this section.

(4) Uses permitted on the portion of the lot on the commercial side of the tolerance line shall include any permitted use allowed in the C Commercial District; provided, however, that the following uses shall not be permitted:

(a) Restaurant (including all types defined in § 124-1 of this chapter), taproom, tavern or bar.

(b) Retail or wholesale sales of alcoholic beverages.

(c) Public garage, motor vehicle sales and service or repair shop, gasoline service station and motor vehicle parking lot.

(d) Hotel, rooming house, boardinghouse.

(e) Theater.

(f) Adult use including, but not limited to, adult bookstore, adult entertainment cabaret, or adult motion-picture theater.

(g) Hospital or sanitarium.

(h) Any permitted use which includes a drive-up or drive-through facility.

(i) Accessory structures with the exception of permitted fences and walls and unenclosed, covered areas for outdoor display (those which contain no walls other than incorporating the wall(s) of a permitted building).

(5) Uses permitted on the portion of the lot on the noncommercial side of the tolerance line shall include the following uses and no other:

(a) On-grade parking and normal appurtenances thereto including curbs or wheel stops and lighting.

(b) On-grade loading and/or customer pickup zones.

(c) Landscaping and buffering.

(d) Uncovered outdoor display of plants, trees, and shrubs associated with a nursery use located on the commercial portion of the lot, provided that the area of outdoor display does not exceed 8,500 square feet. Other landscape materials may also be allowed in this area. Any outdoor display area shall be fenced in accordance with the provisions of

Subsection K(5)(e) below; provided, however, the minimum required opaque area of said fence may be reduced by Borough Council as part of any conditional use approval granted for a planned shopping center.

(e) Fences and/or walls with heights in accordance with the regulations of § 124-87 of this chapter, and as may be modified by this section. All fences and walls shall be constructed of materials similar to or complementary with the building materials as herein described in Subsection K(9) of this section; in no case shall chain link or barbed-wire fences be permitted. All fences and/or walls on this portion of the lot shall be opaque for a minimum height of 2 1/2 feet above grade.

(f) Trash receptacles, provided that they are fully enclosed by either an opaque fence or wall, with gates provided for truck access. All fences, gates and walls enclosing trash receptacles shall be constructed of materials similar to or complementary with the building materials as herein described in Subsection K(9) of this section; in no case shall fences or gates be permitted to be constructed of chain link or barbed wire. No portion of the trash receptacle or its enclosure shall extend more than 40 feet into the residential district, as measured from the tolerance line, nor shall any portion of the trash receptacle or its enclosure be any closer than 50 feet to a residential property line.

(g) Accessory structures shall be prohibited with the exception of fences herein permitted.

(6) The number of required parking spaces shall be calculated based upon the aggregate gross floor area of all of the buildings proposed in the shopping center, utilizing the pertinent standard(s) contained in § 124-55.2B of this chapter. Parking spaces may be constructed using dimensions of nine feet of width, and 18 feet of length.

(7) Up to 25% of the required parking may be held in reserve, and not installed at the time of initial development. It must, however, be planned as part of the overall parking layout and its area calculated and included for purposes of required stormwater management facilities. Permission to utilize reserve parking must be included as part of a conditional use application. All or a portion of the parking held in reserve, if permitted, shall be installed at any time at which the Borough determines it is required to alleviate a parking shortage or an undue burden on nearby on-street parking.

(8) Any portion of a parking lot (except for required driveways) which abuts Montgomery Avenue (where there is no building proposed between the parking lot and the street), shall be surrounded by a decorative wall designed to be of a complementary style, and shall incorporate the dominant building material of the adjacent building(s), as herein described in Subsection K(9) of this section. A fence may be substituted for the wall, as long as it incorporates posts which are finished in the same or complementary materials as the adjacent building(s). If a fence is utilized, the fence sections shall be of an

ornamental metal or of a material complementary to the posts; if materials other than ornamental metal are used, the fence sections shall be at least 25% opaque. In no case shall chain link or barbed-wire fences be incorporated into the wall or fence installed pursuant to this subsection. Said wall or fence shall not be lower than 30 inches or taller than 42 inches, and shall be designed and/or placed in such a way that it would not obstruct any required sight lines for required driveways. Some of the landscaping required by Subsection K(11) of this section may be used to soften the appearance of the wall required herein. Interruptions in the wall or fence may be permitted to accommodate pedestrian movement or drainage, provided that no interruption shall be wider than four feet.

(9) The entire shopping center shall be designed as a unified development with compatible architectural design and building materials for all components, including buildings, walkways, plazas and other open spaces. All buildings included in the shopping center shall be of the same architectural style and be faced with similar materials. The exterior building walls shall be composed of one dominant material and no more than two additional materials. The dominant material shall comprise at least 60% of building walls, exclusive of permitted glass. Dominant materials may not include aluminum siding, vinyl siding, smooth-faced concrete masonry units, tilt-up concrete panels, or highly reflective or mirrored glass.

(10) Building facades facing streets, on-site parking, or outside display areas, which are greater than 100 feet in length, shall have recesses or projections of at least two feet extending over at least 20% of the length of the facade; provided, however, if there are windows or doors, or any combination of these along such facade, these may be substituted for the recesses or projections, as long as these features collectively equate to a minimum of 40% of said facade.

(11) Appropriate buffers and parking lot landscaping shall be provided in accordance with the following standards:

(a) The following are the base landscape requirements which shall be met for any planned shopping center, except as may be modified by Subsections K(11)(b) through (f) below.

		Deciduous		**Evergreen**	
Item	**Improvement/ Conditions**	**Trees**	**Shrubs**	**Trees**	**Shrubs**
1	Per 1,000 square feet gross building footprint	2	4	1	4
2	Per 2,000 square feet parking/ loading area	1	2	1	2
3	Per 100 linear feet of property boundary along adjoining residential or institutional properties	*	*	2	5

(b) A continuous buffer area, a minimum width of 40 feet, shall be provided along adjoining residential or institutional properties. When an opaque fence is provided along adjoining residential or institutional properties, the landscape requirements in Item 3 in Subsection K(11)(a) above shall not be required; Provided, however, some of the trees and shrubs required in Items 1 and 2 above shall be planted in the buffer area to soften the appearance of the fence, and shall be shown on the landscape and buffer plan required herein as part of the documentation for the conditional use application. The only uses which shall be permitted in the buffer shall be the opaque fence permitted herein and the required landscaping; no other materials or structures shall be placed in the buffer.

(c) A minimum of 1/2 of the deciduous trees required by Subsection K(11)(a) above must be provided as deciduous trees, without substitution. The balance may be substituted with evergreen trees on a 1:1 basis and/or with shrubs on a five-shrubs-to-one-tree basis; provided, however, that no more than 1/2 of the substituted deciduous trees may be converted to shrubs at the aforestated ratio.

(d) In allocating the required deciduous trees, at least one deciduous tree must be provided in or adjacent to the parking area for each five parking spaces. Deciduous trees may also be used for required street trees, where these are required.

(e) Ground cover shrubs (such as creeping juniper or cotoneaster) may be substituted for up to 25% of the total number of evergreen and deciduous shrubs required by Subsection K(11)(a) above; these substitutions may be permitted on a 1:1 basis. However, vining ground covers (such as periwinkle, pachysandra and similar species) shall not be accepted as substitutes.

(f) Tree credits.

[1] Credits toward required tree planting shall be given for significant individual trees which will be preserved on a development tract based upon the following ratio of size of existing tree preserved to number of trees credited:

Diameter (inches)	**Number of Tree Credits**
6 to 11	2
12 to 29	4
30 or greater	6

[2] Every effort shall be made to preserve viable trees on a development site. A tree shall be considered preserved if the disturbance under the tree's canopy (dripline) is less than 25%. Disturbance includes all proposed improvements, utilities and

grading activities. Whenever possible, the actual canopy shall be shown. If it must be estimated, the canopy shall equal 1.5 feet of diameter per one inch of trunk diameter, measured at 4.5 feet above grade.

[3] Preserved deciduous trees shall be credited toward deciduous tree requirements; evergreen trees shall be credited toward evergreen requirements. No credit shall be given for weedy, brittle or invasive tree species. Trees which may not be considered for credit are those which are freely seeding or suckering, weak wooded, those which bear unusually messy fruits or have prolific thorns, or those which are known to outcompete native species. Since some individual specimens of a normally undesirable species may be considered desirable because of size of individual habit, trees considered undesirable should be inspected by a qualified professional for the Borough and a determination made on a case-by-case basis.

(g) For all required trees and shrubs, the following minimum plant sizes shall be installed:

[1] Deciduous trees: two inches in caliper to 2 1/2 inches in caliper, measured at 4.5 feet above grade; minimum tree height of 12 feet to 14 feet.

[2] Evergreen trees: minimum of eight feet in height.

[3] Evergreen or deciduous shrubs: minimum of 24 inches in height.

[4] All trees and shrubs shall conform to the standards of the American Association of Nurserymen, shall be nursery grown, and shall have been grown within the same or lower USDA hardiness zone as the development site.

[5] All trees and shrubs shall be guaranteed for a period of 18 months after installation.

(h) Provisions shall be made, to the satisfaction of the Borough, for perpetual maintenance of all opaque fencing which the applicant may elect to provide along adjoining residential or institutional properties and of all landscape materials required to be installed in accordance with this section. This requirement includes existing trees which are preserved; should any of these die, they shall be replaced with the appropriate number of trees, based upon the formulae in Subsection K(11)(f) of this section, subject to modification in accordance with sound horticultural practice.

(12) Site lighting for a shopping center development shall comply with the following provisions:

(a) All lighting fixtures shall be architecturally complementary with the

overall design of the shopping center. For freestanding fixtures, uniform fixture style shall be used throughout the development, regardless of location with respect to the tolerance line. Compatible fixture styles shall be used for wall-mounted and freestanding fixtures, if both types are employed.

(b) The mounting height for any fixtures in the required buffer area along residential or institutional properties shall not exceed 18 feet. The mounting height for any other fixture in a planned shopping center development shall not exceed 25 feet.

(c) All fixtures shall contain appropriate shields or reflectors to avoid light shining onto adjacent residential properties. This requirement shall be met for freestanding fixtures, wall-mounted fixtures, and security lighting.

(d) No fixture shall be illuminated between the hours of 10:00 p.m. and 7:00 a.m., unless the Borough Council permits a modification to this requirement as part of the approval of a conditional use for a planned shopping center, based upon testimony concerning hours of operation which would necessitate illumination during any portion of this prohibited period; provided, however, reasonable security lighting may be permitted during the prohibited period, as mutually agreed upon between the owners or tenants of the buildings and the Borough of Narberth Police Department.

(13) The following regulations shall apply to signage in a planned shopping center development and shall take precedence over any contradictory regulations elsewhere in the Narberth Code:

(a) The sum of the area of all pole, ground, wall, awning and window signs in a planned shopping center development, except noncommercial informational signs secondary to the use (such as address signs not in excess of two square feet; and "no parking," "loading only," "telephone," and other similar directives), shall not exceed the lesser of the following:

[1] Three hundred square feet.

[2] Two percent of the ground floor area of the principal buildings.

[3] One square foot per linear foot of street frontage.

(b) Individual signs in the planned shopping center development shall be limited to those types listed below, which shall conform with the following requirements:

[1] Pole sign: a freestanding sign that is supported by one or more poles or posts and otherwise separated from the ground by air.

[a] Maximum area of 64 square feet per side. Pole signs may be two sided but there shall be no angle between the two sides.

[b] Maximum of 25% of sign area may be a changeable copy sign. The entire sign, including fixed and changeable copy, shall be of a homogenous design; any changeable copy portion shall be integral to the remaining portion of the sign. An existing pole sign may be used if it meets these criteria or is altered to meet them.

[c] There shall be a maximum of one pole sign per property developed as a planned shopping center.

[2] Ground sign: a freestanding sign, the entire bottom of which is in contact with or in close proximity to the ground.

[a] Maximum area of 15 square feet per side. The size of only one face shall be considered for size computation purposes, as long as the angle between the two sides does not exceed 45°.

[b] Maximum height of 42 inches, but in no case shall it interfere with clear-sight triangles.

[c] Maximum of one sign per driveway, located adjacent to said driveway.

[3] Wall sign, or groupings of individual letters in one or more lines of copy on a building wall facing a street or on-site parking lot.

[a] Maximum area of 40 square feet.

[b] Maximum height of 36 inches for individual letters or numbers.

[c] Maximum projection of 10 inches from the wall of a building.

[d] In addition to the provisions for walls signs in this section, wall signs shall comply with § 50-264 of the Narberth Code.

[4] Awning sign, limited to the business name, address and name of the proprietor or property owner on the vertical face.

[a] Maximum height of 12 inches for individual letters or numbers.

[5] Window signs.

[a] Maximum coverage of 10% of the window area on each wall of the building.

(c) The size of any sign shall be computed by multiplying its greatest horizontal dimension by its greatest vertical dimension, exclusive of supporting structures, unless such supporting structure is illuminated or is in the form of a symbol or contains identification copy. Regardless of

its location, a logo, insignia or emblem shall be deemed to be part of the sign for size computation purposes. Wall signs shall only be permitted on building walls facing a street or on-site parking lot.

(d) No sign shall be placed on a building in such a way as to obscure or mar any architectural feature deemed to be important to the architectural integrity of such building.

(e) Signs may be internally illuminated or back-lit. Illuminated signs shall be arranged to reflect the light and glare away from adjoining lots, streets, sidewalks, and parking lot access driveways. All lights shall either be shielded or have a translucent fixture to eliminate off-site effects. No sign shall be permitted with a beam, beacon or flashing illumination. No sign shall be illuminated between the hours of 10:00 p.m. and 7:00 a.m., unless the Borough Council permits a modification to this requirement as part of the approval of a conditional use for a planned shopping center, based upon testimony concerning hours of operation which would necessitate illumination during any portion of this prohibited period.

(f) Pennants, banners, streamers and all other fluttering, spinning, or similar signs and devices are prohibited except for national flags or flags of political subdivisions of the United States, flags of bona fide civic, charitable, fraternal and welfare organizations during nationally recognized holiday periods or during a special civic event. Any flags flown for such event shall be taken down within 24 hours of the end of the event.

(g) In addition to the other signs permitted herein, address signs shall be permitted either on a building wall or freestanding. In either case, the size of any address sign shall not exceed two square feet. If said sign is freestanding, its height shall not exceed three feet.

(h) No sign shall be mounted on a fence or wall unless on a building wall, and such signs shall meet all requirements for wall signs included herein.

(14) No more than 70% of any lot, computed exclusive of areas occupied by buildings and front, side, and rear yard areas, shall be covered by impervious surfaces; provided, however, that Borough Council shall have the ability to increase this amount to a maximum of 75% as part of the conditional use approval for a planned shopping center development.

(15) No sound from any outdoor speakers located on a planned shopping center development site shall be audible beyond the property line.

(16) Applications for a conditional use under this Subsection shall be submitted on forms provided by the Borough. Said applications shall be accompanied by a plan or plans which include the following information:

(a) The name of the legal owner, equitable owner, and intended developer.

(b) The number of lots in the proposed development.

(c) The zoning district(s) and requirements.

(d) Existing structures in the portion to be developed.

(e) Existing structures along the entire periphery of the development site.

(f) Existing wooded areas.

(g) The name and address of all adjoining owners.

(h) The portion of the tract being developed.

(i) Stream (and direction of flow) through the tract and within 200 feet of the tract.

(j) Existing utility easements, floodplain easements, conservation easements and rights-of-way.

(k) A key map at a scale of one inch equals 2,000 feet, clearly showing the location of the proposed development within the Borough and in relation to major streets and political boundaries.

(l) Existing and proposed improvements.

(m) Soil information derived from the "Soil Survey Montgomery County, Pennsylvania" dated April 1967, published by the United States Department of Agriculture Soil Conservation Service, including the soil names; limitation of soil type, including load-bearing capacity, drainage and plant growth; and hydrological classification as set forth in the Soil Conservation Service Engineering Field Manual.

(n) Topography and existing and proposed drainage patterns.

(o) Area(s) to be set aside for stormwater management.

(p) The location of wetlands on the tract.

(q) Individual freestanding trees over six inches' caliper diameter, specimen trees over 20 inches' diameter, measured at 4.5 feet above grade, etc. Driplines for trees shall be shown on the plan.

(r) Perspective drawings and elevations showing the proposed design and materials of all walls on all proposed buildings. All proposed signs, along with their proposed sizes, shall be shown on these drawings.

(s) A landscape and buffer plan showing the location of proposed trees and shrubs and species.

(t) Any other information necessary to demonstrate compliance with the various conditional use criteria listed herein.

(u) If an applicant will require temporary permission to construct buildings and/or structures on the residential side of the tolerance line during the time that the shopping center is being constructed, a temporary construction plan must be submitted showing the location and use of all such buildings and/or structures. Any provisions for parking associated with the temporary buildings and/or structures shall also be shown on this plan. Unless otherwise modified by Borough Council as part of any conditional use approval, temporary buildings and/or structures shall be permitted to remain for a maximum time period of one year.

(17) Fees to cover the application for a conditional use shall be paid by the applicant. The fees listed in § 124-75 of this chapter for applications to the Zoning Hearing Board shall be applicable.

(18) All procedures and time limitations imposed by the Pennsylvania Municipalities Planning Code[7] for conditional use applications shall be adhered to in the processing of a conditional use application under this subsection.

(19) Upon approval of a conditional use pursuant to this subsection, a set of detailed engineering drawings shall be submitted for review and approval by the Borough. Said drawings shall comply with applicable requirements of Chapter 113 of the Code of the Borough of Narberth, entitled "Subdivision of Land." Additional engineering documentation may be required such that the adequacy of the proposed construction for stormwater management facilities, parking lots, and driveways may be evaluated. Any plans required for highway access permits from Lower Merion Township shall be submitted for review and approval by that municipality. In addition, a detailed landscape plan shall be submitted to the Borough, documenting compliance with all of the requirements of Subsection K(11) of this section; said plan shall be prepared by a registered landscape architect or other qualified professional recognized by the Commonwealth of Pennsylvania. Should the landscape plan involve any proposed plant installation or modifications to existing plantings within the right-of-way of Montgomery Avenue, the landscape plan shall also be submitted to Lower Merion Township Shade Tree Commission for review.

(20) If there is a proposed change of use or tenancy in any building or portion thereof in a planned shopping center development subsequent to initial approval and development, information concerning that new use or tenant must be supplied to the Borough Zoning Officer, as provided for in this subsection. The Borough Zoning Officer shall determine if the new use or tenant is essentially the same as the one(s) being replaced and one of the criteria shall be the traffic characteristics of the new use or tenant. If the Zoning Officer determines that the new use or tenant is essentially the same as the one(s) being replaced, a new use and occupancy permit shall be issued. If the Zoning Officer determines that the new use or tenant is not essentially the

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7. **Editor's Note: See 53 P.S. § 10101 et seq.**

same, a new conditional use application shall be filed and no change in use and/or tenancy may take place unless and until approval is granted for same by Borough Council. Required documentation for the Borough Zoning Officer to make this determination shall be the following:

(a) A full written description of the activity which will take place under the new use or tenancy, including proposed hours of operation.

(b) A floor plan of the proposed operation, to ensure that access and egress remain in conformance with state Department of Labor and Industry fire and panic regulations, subsequent to any alterations which may be proposed to the building.

(c) The letter of intent, lease or agreement of sale for the new use, activity, tenant or prospective owner.

(d) A traffic impact analysis comparing the difference in the number of vehicle trips between the existing and proposed use(s) based upon the latest edition of the Trip Generation Manual published by the Institute of Transportation Engineers. The analysis shall include traffic comparisons for daily, morning and evening peak hours, with existing and proposed peak hours defined.

(e) Any other information which the Borough Zoning Officer determines to be necessary in order to determine if the proposed use or tenant is essentially the same as the one(s) being replaced.

§ 124-57.1. Station Area Overlay. [Added 9-11-2006 by Ord. No. 920, approved 9-19-2006; amended 1-19-2011 by Ord. No. 935, approved 1-19-2011]

A. Purpose and objectives. This section is established in accordance with Article VII-A of the Pennsylvania Municipalities Planning Code (MPC)[8] for the following purposes:

(1) To preserve and enhance the character and usage of Narberth's Central Business District;

(2) To establish and maintain a continuous retail and pedestrian-oriented corridor within the Central Business District;

(3) To establish and maintain a street frontage that encourages pedestrian circulation and orientation, and serves to minimize traffic congestion, infrastructure costs and environmental degradation;

(4) To increase opportunities for community interaction and to foster a sense of place and community identity;

(5) To support the Narberth business community, enhance the Borough's tax base and property values, and continue the community's experience and use of the

8. **Editor's Note: See 53 P.S. § 10701-A et seq.**

Central Business District;

(6) To preserve and enhance Narberth as a unique and historic community offering amenities, transportation options, and a unique lifestyle;

(7) To recognize that the commercial center of Narberth radiates outward from the regional commuter train station to encompass the SAO; and that this area predominantly comprises small, locally owned retail establishments;

(8) To recognize that no retail business stands alone, but rather depends for success on a vibrant and varied interactive retail environment within the SAO that serves the needs of residents;

(9) To preserve and restrict the use of first-floor commercial space within the SAO for certain retail uses to encourage and support a vibrant and sustainable retail environment;

(10) To create designated retail opportunities within the SAO, to encourage and support locally owned businesses, and to provide variety and attractiveness of the commercial offerings within the SAO.

B. Grant of power and applicability to community development objectives.

(1) Section 702-A of the MPC[9] grants the governing body of each municipality the power to enact, amend and repeal provisions of a zoning ordinance in order to fix standards and conditions for traditional neighborhood development.

(2) Section 704-A of the MPC[10] requires that all provisions and amendments to the provisions adopted pursuant to Article VII-A shall be based on and interpreted in relation to the statement of community development objectives or the comprehensive plan of the municipality. The Narberth Community Development Objectives, adopted by Borough Council on October 8, 2001 (Ordinance No. 880), state:

(a) The Borough is seen as a unique and attractive community, offering a higher density, mixed-use and walkable alternative to surrounding suburban areas.

(b) The Borough wishes to preserve, protect and enhance the existing character of the Borough and to avoid, by policy or action, the deterioration of any neighborhood.

(c) The Borough wishes to manage any new development or redevelopment to protect the health, safety and welfare of its residents and promote compatibility with the surrounding land uses, design and neighborhood character.

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9. **Editor's Note: See 53 P.S. § 10702-A.**

10. **Editor's Note: See 53 P.S. § 10704-A.**

(d) The Borough wishes to seek an appropriate tax base in the Borough to support a reasonably high level of public services and facilities.

(e) The Borough wishes to encourage retail, office and light commercial uses in appropriately zoned districts and to avoid heavy commercial or industrial uses that could negatively impact on adjoining areas.

(f) The Borough wishes to encourage vital commercial districts that satisfy community needs and provide employment opportunities, with proper access and adequate parking facilities.

C. Application of Station Area Overlay.

(1) Section 705-A of the MPC[11] states that a traditional neighborhood development ordinance may be applied in the following forms:

(a) As a new development.

(b) As an outgrowth or extension of existing development.

(c) As a form of urban infill where existing uses and structures may be incorporated into the development.

(d) In any combination or variation of the above.

(2) Section 706-A(d) of the MPC[12] states that a traditional neighborhood development ordinance shall establish standards governing the density or intensity of land use in a traditional neighborhood development. Provisions may include standards for the location, design, type and use of structures.

(3) The Narberth Station Area Overlay Ordinance will apply to all structures in the Narberth Central Business District, here defined as extending 100 feet inward from the edge of the street right-of-way of the following streets:

(a) Windsor Avenue (south side only) from Essex Avenue to Grayling Avenue.

(b) North Narberth Avenue from Windsor Avenue to Haverford Avenue.

(c) South Narberth Avenue to Elmwood Avenue.

(d) Haverford Avenue from Grayling Avenue to Conway Avenue.

(e) Forrest Avenue from Haverford Avenue to Windsor Avenue.

(f) Essex Avenue from Haverford Avenue to Windsor Avenue.

(g) Station Circle.

(4) Structures or lots that are exclusively residential in use shall not be subject to this section.

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11. **Editor's Note: See 53 P.S. § 10705-A.**

12. **Editor's Note: See 53 P.S. § 10706-A.**

C.1. Use regulations.

(1) The following permitted uses are the only uses permitted in the SAO within the first floor of a building that faces and/or has an entrance on a public or private street:

(a) Retail store, retail store with food sales, personal service shop and retail bank.

(b) Restaurant, tearoom, theater.

(c) Bakery, confectionary, or custom shop for the production of articles to be sold at retail on the premises.

(d) Office use when authorized as a conditional use by the Borough Council, subject to the express standards set forth in § 124-57K(16). Subsections K(16)(a), (d), (g), (k), (l), and (t), and the specific standards in § 124-57K(17) and (18).

(2) Extent of first-floor limitations. The use restrictions of § 124-57.1C.1(a) above shall apply to a minimum depth of 40 feet off of the face of any building. Nothing herein shall be construed to prohibit corridors or passageways providing access to uses in the rear of the first floor that may include any of the uses in § 124-57.

C.2. New businesses, new buildings, redevelopment of existing buildings, additions or alterations to existing buildings or uses shall not result in any single business use exceeding 10,000 square feet of building area, as defined in § 124-1B.

D. Clear glass standards.

(1) For structures built to the building line or within five feet of that line, a minimum of 75% of the first-floor facade area between two feet and eight feet above the sidewalk shall be clear glass.

(2) For structures where the first-floor facade is set back more than five feet and up to 15 feet from the building line, a minimum of 50% of the first-floor facade area between two feet and eight feet elevation shall be clear glass.

(3) For each story above the first floor, a minimum of 25% of the facade must be clear glass.

E. Display standards. For structures built to the building line or within five feet of that line, all nonresidential uses shall maintain an area of window display from the front facade to the depth of the entry door, or a minimum of two feet, whichever is greater, with views provided through the display into the business to a depth of at least 10 feet during operating hours.

F. Administration. This section is an overlay to the underlying zoning ordinance and regulations for the affected area. All other requirements of that underlying zoning ordinance will apply. Where there is a question of interpretation of the application of this section, interpretation will be through the Narberth Signage and Facade

Committee. Appeals of interpretation from the Signage and Facade Committee may be brought to the Building and Zoning Committee of Narberth Borough Council. Variances to the conditions of this section will be through the Narberth Zoning Hearing Board.

G. New businesses, new buildings, redevelopment of existing buildings, additions or alterations to existing buildings, and all new or rehabilitated signs in the SAO shall comply with the signage and facade regulations of the Borough Code, Chapter 124, Zoning.

§ 124-58. Prohibited uses.

No building may be erected, altered or used, and no lot or premises may be used, for any trade, industry or business that is noxious or offensive by reason of odor, dust, smoke, gas, vibration or noise.

§ 124-59. Lot area. [Amended 12-8-1986 by Ord. No. 763, approved 12-8-1986]

A lot area of not less than 1,500 square feet, with a minimum lot width at the building setback line of 40 feet, shall be provided for every building hereafter erected, altered or used in whole or in part as a dwelling, provided that, in the case of a lot held in single and separate ownership as of December 8, 1986, having an area of at least 1,250 square feet per family and a minimum lot width at the building setback line of 40 feet, a dwelling may be built thereon when authorized as a special exception.

§ 124-60. Building area. [Amended 5-11-1987 by Ord. No. 774, approved 5-11-1987]

The building area for buildings used entirely for commercial purposes or wholly or partly for dwelling purposes shall not exceed 40% of the lot area.

§ 124-61. Front yard. [Amended 9-8-1947 by Ord. No. 383, approved 9-8-1947]

There shall be a front yard, the depth of which shall be at least 10 feet. No bay windows or open porches shall be projected into the front yard.

§ 124-62. Side yards for dwellings.

Every building hereafter erected, altered or used wholly as a dwelling shall have at least one side yard, which shall be at least six feet wide.

§ 124-63. Side yards for single-, two- or three-family detached dwellings.

In the case of a single-family, two-family or three-family detached dwelling, there shall be two side yards, one on each side of the main building, neither of which shall be less than six feet wide.

§ 124-64. Side yards for multiple dwellings.

In the case of a multiple dwelling, there shall be two side yards, one on each side of the

main building, neither of which shall be less than 12 feet wide.

§ 124-64.1. Side yards for commercial buildings. [Added 5-11-1987 by Ord. No. 774, approved 5-11-1987; amended 5-11-1987 by Ord. No. 775, approved 5-11-1987]

In the case of buildings used entirely for commercial purposes, there shall be two side yards, one on each side of the main building, neither of which shall be less than 10 feet wide, and together having a total width of not less than 25 feet.

§ 124-65. Rear yard.

There shall be a rear yard, the depth of which shall be at least 15 feet, provided that in the case of a building no part of which is used as a dwelling, the depth of the rear yard may be decreased or a rear yard dispensed with when authorized as a special exception.

ARTICLE IX
Applications, Permits and Enforcement Notice
[Amended 9-8-1986 by Ord. No. 761, approved 9-8-1986; 11-11-1996 by Ord. No. 834, approved 11-11-1996]

§ 124-66. Enforcement officer.

It shall be the duty of the Building Inspector, and he is hereby given the power and authority, to enforce the provisions of this chapter.

§ 124-66.1. Enforcement notice.

A. If it appears to the Zoning officer that a violation of any zoning ordinance enacted under this act or prior enabling laws has occurred, the municipality shall initiate enforcement proceedings by sending an enforcement notice as provided in this section.

B. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record.

C. An enforcement notice shall state at least the following:

(1) The name of the owner of record and any other person against whom the municipality intends to take action.

(2) The location of the property in violation.

(3) The specific violation with the description of the requirements which have not been met, citing in each instance the applicable provisions of the chapter.

(4) The data before which the steps of compliance must be commenced and the date before which the steps must be completed.

(5) That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set

forth in the chapter.

(6) That failure to comply with the notice within the times specified for compliance unless stayed or extended by the Zoning Hearing Board after timely appeal and request for stay or extension constitutes a violation, with possible sanctions clearly described.

§ 124-67. Application for building permit; plot plan; appeals; limitations.

The application for a building permit and the accompanying plot plan shall contain all the information necessary to determine whether the proposed building complies with the provisions of this chapter. In addition to other necessary data, the plot plan shall show the location of all existing buildings on abutting land within 50 feet of the side and rear lot lines of the premises of the applicant. Any person aggrieved by any action of the Building Inspector regarding zoning matters may appeal to the Zoning Hearing Board. Any such appeal shall be in writing and shall be filed with the Building Inspector within 30 days from the date of the ruling complained of.

§ 124-68. Certificate of compliance.

No building permit shall be issued until the Building Inspector has certified that the proposed building, alteration or use complies with all the provisions of this chapter.

§ 124-69. Permit required.

It shall be unlawful for any person to commence work for the erection or alteration of any building until a building permit has been duly issued therefor.

ARTICLE X
Zoning Hearing Board

§ 124-70. Membership.

The Zoning Hearing Board shall consist of three members appointed by the Borough Council as provided by law.

§ 124-71. Powers.

The Zoning Hearing Board shall have the following powers:

A. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of this chapter.

B. To hear and decide special exceptions to the terms of this chapter in such cases as are herein expressly provided for, in harmony with the general purpose and intent of this chapter, with power to impose appropriate conditions and safeguards.

C. To authorize upon appeal, in specific cases, such variance from the terms of this chapter as will not be contrary to the public interest, where, owing to special

conditions, a literal enforcement of the provisions of this chapter will result in unnecessary hardship, and so that the spirit of this chapter shall be observed and substantial justice done.

§ 124-72. Promulgation of rules.

The Zoning Hearing Board shall make rules as to the manner of filing appeals and filing applications for special exception or for a variance from the terms of this chapter.

§ 124-73. Notice of public hearings. [Amended 11-11-1996 by Ord. No. 834, approved 11-11-1996]

Upon the filing with the Zoning Hearing Board of an appeal or of an application for a special exception or for a variance from the terms of this chapter, the Zoning Hearing Board shall fix a time and place for a public hearing thereon and shall give public and written notice thereof as follows:

A. By publishing a public notice thereof, at least 10 days in advance of such hearing, in a paper of general circulation in the Borough.

B. By mailing written notice thereof to the applicant, the Zoning Officer, each member of the Borough Council, to the Mayor and to the Secretary of the Borough.

   (1) In addition to the written notice provided herein, written notice of the said hearing shall be conspicuously posted on the affected tract of land for a continuous period of at least seven days prior to the hearing.

   (2) Written notice shall also be provided to any person who has made a timely request for same, by registering with the Borough office in advance.

C. By mailing a notice thereof to the owner of every lot on the same street within 300 feet of the lot or building in question, and of every lot not on the same street within 100 feet of said lot or building, provided that failure to give notice required by this subsection shall not invalidate any action taken by the Zoning Hearing Board.

§ 124-74. Expiration of special exceptions and variances.

Unless otherwise specified by the Zoning Hearing Board, a special exception or variance shall expire if the applicant fails to obtain a building permit within six months from the date of authorization thereof.

§ 124-75. Fees to accompany applications. [Amended 12-14-1970 by Ord. No. 596, approved 12-14-1970; 12-11-1972 by Ord. No. 625, approved 12-11-1972; 9-8-1986 by Ord. No. 761, approved 9-8-1986; 4-13-1987 by Ord. No. 771; approved 4-13-1987]

A. Each application for an appeal, exception or variance as provided in this chapter shall be accompanied by a fee payable to the Borough Treasurer to cover the costs of advertising, mailing notices, stenographic charges for taking notes of testimony, services of the Zoning Hearing Board Solicitor, and the fees of any professional consultants or witnesses required by the Borough or the Zoning Hearing Board to

review the application as follows:

(1) For each appeal or application involving a dwelling: $400.

(2) For each appeal or application involving an apartment, condominium, commercial or industrial building: $560.

(3) For each appeal or application involving a private educational institution, hospital, religious or philanthropic use, sanitarium, nursing home, convalescant home for the aged, or other building or use not enumerated: $300.

(4) For each appeal or application involving a challenge to the validity of the Zoning Ordinance or Zoning Map: $750.

B. In addition to the above filing fees, each request by an applicant for a postponement of a hearing or for a continued hearing shall be accompanied by an additional fee payable to the Borough Treasurer, as follows:

(1) In a case involving a dwelling: $75.

(2) In a case involving an apartment, condominium, commercial or industrial building: $300.

(3) In a case involving a private educational institution, hospital, religious or philanthropic use, sanitarium, nursing home, convalescent home for the aged, or other building or use not enumerated: $225.

(4) In a case involving a challenge to the validity of the Zoning Ordinance or Zoning Map: $150.

ARTICLE XI
Amendments

§ 124-76. Authority of Council to amend.

The Borough Council may from time to time amend, supplement or change this chapter, including the Zoning Map. No such amendment, supplement or change shall become effective until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. At least 15 days' notice of the time and place of such hearing shall be published in a paper of general circulation in the Borough.

§ 124-77. Petition requesting amendment.

A. Whenever the owners of 50% or more of the frontage in any area wherein a change of zoning regulation is sought shall present to the Borough Council a petition duly signed and acknowledged requesting an amendment, supplement or change of the zoning regulations or of the Zoning Map, it shall be the duty of the Borough Council to hold a public hearing thereon and to give notice thereof as prescribed in § 124-76.

B. Petitioners requesting amendments or changes of this chapter shall accompany their

petition with a fee, payable to the Borough Treasurer, in accordance with the schedule of fees established in § 124-75 for public hearings conducted by the Zoning Hearing Board. [Added 12-11-1972 by Ord. No. 625, approved 12-11-1972]

§ 124-78. Protests against change.

In case of a protest against such change, signed by the owners of 20% or more either of the area of the lots included in such proposed change or of those immediately adjacent in the rear thereof extending 100 feet therefrom, or of those directly opposite thereto extending 100 feet from the street frontage of such opposite lots, such amendment shall not become effective except by the favorable vote of 3/4 of all the members of the Borough Council.

ARTICLE XII
General Provisions

§ 124-79. Nonapplicability. [Amended 8-10-1959 by Ord. No. 495, approved 8-10-1959]

This chapter shall not apply:

A. To any building of the Borough of Narberth or extension thereof, or to the use of any premises by said Borough, if at any time hereafter the Council of the Borough shall, after a public hearing, 10 days' notice of the time and place of which shall be published in a paper of general circulation in the Borough, decide that such building or extension thereof or that such use of premises is reasonably necessary for the convenience or welfare of the public.

B. To any existing or proposed building or extension thereof used or to be used by a public utility corporation, if upon petition of such corporation the Pennsylvania Public Utility Commission shall, after a public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public.

§ 124-80. Height restrictions.

No building shall exceed 35 feet in height.

§ 124-81. Front yards for corner lots.

In the case of a corner lot, a front yard as provided for in each district shall be required on each street on which the lot abuts, provided that the front yard on the long side of the lot may be decreased when authorized as a special exception.

§ 124-82. Projections into front yards. [Amended 9-8-1947 by Ord. No. 383, approved 9-8-1947]

No building and no part of a building shall be erected within or shall project into the front yard except cornices, eaves, gutters or chimneys projecting not more than 18 inches, bay windows not extending through more than one story and not projecting more than five feet, one-story open porches projecting not more than 10 feet, steps and balconies. No

bay windows or open porch shall be projected into a front yard in C Commercial District.

§ 124-83. Projections into side yards. [Amended 10-8-1945 by Ord. No. 372, approved 10-8-1945; 7-11-1960 by Ord. No. 504, approved 7-11-1960; 12-10-1979 by Ord. No. 689, approved 12-10-1979]

No building and no part of a building shall be erected within or shall project into the side yard except cornices, eaves, gutters or chimneys projecting not more than 18 inches, and steps.

§ 124-84. Projections into rear yards. [Amended 7-11-1960 by Ord. No. 504, approved 7-11-1960; 12-10-1979 by Ord. No. 689, approved 12-10-1979]

No building and no part of a building shall be erected within or shall project into the rear yard except cornices, eaves, gutters or chimneys projecting not more than 18 inches, bay windows not extending through more than one story and not projecting more than five feet, one-story open porches projecting not more than 10 feet, steps and balconies.

§ 124-85. Reduction in lot area.

No lot area shall be so reduced that the area of the lot or the dimensions of the open spaces shall be smaller than herein prescribed.

§ 124-86. Obstructions to vision on corner lots.

On any corner lot, no wall, fence or other structure shall be erected or altered, and no hedge, tree, shrub or other growth shall be maintained, which may cause danger to traffic on a street by obscuring the view.

§ 124-87. Fences, walls and hedges. [Amended 6-12-2006 by Ord. No. 918, approved 6-12-2006]

A. Permits.

(1) A permit must be obtained to install a fence, wall or boundary hedge. A permit application must include a plan showing the specific location, material, type and height of the proposed fence, wall or boundary hedge.

(2) Fences, walls, or hedges existing prior to the date of adoption of this section which do not conform to the provisions of this section shall be considered legal nonconforming structures. Such an existing fence, wall or hedge may be maintained, repaired or structurally altered. However, no such repair or structural alternation shall create an additional nonconformity or increase the degree of nonconformity, and where that is the case, a permit must be sought through a permit application.

B. Definitions. As used in this section, the following terms shall have the meanings indicated:

FENCE — A structure made of posts, rails, or the like which is a visible barrier that

serves as a boundary marker or means of protection, confinement or separation.

FENCE, OPEN — A fence, including entrance and exit gates, where each one-foot-wide segment for the full length and height of the fence contains at least 50% open space which affords a direct view through the fence.

FRONT YARD SETBACK — The required open space extending along the street line of any street on which the line abuts.

HEDGE — Any continuous line of vegetation which serves as a boundary marker or means of protection or confinement. Hedges shall be measured from their center line where they meet the ground.

MAJOR ARTERIAL — Montgomery Avenue and East Wynnewood Road.

SIDEWALK — The paved public pathway adjoining the street within or adjoining the dedicated public street right-of-way, as defined by the Borough of Narberth. References to the "edge of the sidewalk" in this section refer to the paved edge farthest from the street.

STREET LINE — The line of dedication in the case of a dedicated street and a line 25 feet each side of the center line in the case of a private road. [Drafter's Note: This "line" usually is not at the edge of an existing sidewalk, but rather is farther from the center line of the street or road. Specifications of each street line for each street in the Borough are available at the Borough office.]

WALL — A solid structure used to enclose an area or to retain an adjoining slope.

C. General regulations.

(1) No fence, wall, hedge or other visual obstruction shall be constructed or maintained where traffic visibility or pedestrian circulation will be impeded.

(2) Hedges or other vegetation must be trimmed so as not to extend into the vertical plane of the edge of the sidewalk.

(3) Fences must be designed and constructed to resist a horizontal wind pressure of at least 15 pounds per square foot.

(4) Every fence or wall which creates a wholly enclosed area and adjoins a sidewalk or street shall include a gate or other opening to provide access to the street. Gates may not open into the right-of-way.

(5) All fences and walls shall be constructed with a finished side facing outward from the property. The posts and support beams shall be on the inside or shall be designed as an integral part of the finished surface. No barbed wire, razor wire, electrified, concertina or similar fences are permitted.

(6) Fence or wall height shall be measured as being the height above the elevation of the surface of the ground immediately beneath the fence. Where there is a difference in the ground level between two sides of a fence or wall, the height shall be determined by using the finished grade of the lower level. The height

of decorative posts is not counted toward fence height, provided that such posts do not exceed one foot (12 inches) above the fence height.

D. Height regulations.

(1) Front yards.

(a) No fences or walls may be placed within the street line, except that walls 24 inches or lower may be placed within the street line area up to the edge of the sidewalk if used to retain a slope or a change in elevation.

(b) No fence, wall, or hedge higher than four feet may be placed in the front yard setback area, except as noted below.

(c) All fences within the front yard setback area must be the open type.

(d) Front yard hedges are not permitted within the street line. Front yard hedges must be at least three feet from the edge of the sidewalk, as measured from the center line where they meet the ground, and may be no higher than four feet, except as noted below.

(2) Side and rear yards.

(a) Side or rear yard fences, walls or hedges may be up to six feet in height, except within the front yard setback area as noted above, or where they adjoin a public street, or in other conditions as noted below.

(b) Where a side or rear yard adjoins the front yard setback area of any property, the fence may be no higher than four feet and must be the open type.

(c) Where a side or rear yard adjoins a public street, a fence may be constructed to a height of four feet but is not permitted within the street line.

(d) All side or rear yard hedges must be set back to the limit of the street line or at least three feet from the edge of the sidewalk, as measured from the center line where they meet the ground, and may be no higher than six feet.

E. Other conditions.

(1) For parcels along major arterials, a fence, wall or hedge up to six feet is permitted, provided it is outside of the street line and no closer than three feet to the edge of the public sidewalk.

(2) For those portions of a parcel that abut a public park, a railroad, a major arterial or a commercial or institutional use, a fence, wall or hedge that exceeds these standards may only be approved by special exception.

(3) Any other proposals for fences, walls or hedges that do not meet the standards of this section may only be approved by special exception, which may involve consideration of (and not limited to) cost, unusual conditions of topography,

noise, light, building placement, or special needs of the occupants.

§ 124-88. Minimum lot width. [13] [Added 12-10-1984 by Ord. No. 744, approved 12-10-1984]

No building shall be hereafter erected, altered, converted or used for any purpose on any lot having a mean width of less than 40 feet, unless authorized as a special exception.

§ 124-89. Nonconforming uses.

A. The lawful use of a building existing at the effective date of this chapter or authorized by a building permit issued prior thereto may be continued although such use does not conform to the provisions of this chapter, but if such nonconforming use is abandoned, any subsequent use shall be in conformity with the provisions of this chapter.

B. A nonconforming use of a building may be changed to another nonconforming use of the same or a more restricted classification if no structural alterations are made therein, provided that such change may include structural alterations when authorized as a special exception. Whenever a nonconforming use of a building has been changed to a more restricted classification or to a conforming use, such use shall not thereafter be changed to a use of a less restricted classification.

C. Extension or expansion. A nonconforming use may be expanded or extended when authorized as a special exception, subject to the following limitations: [Amended 11-11-1996 by Ord. No. 834, approved 11-11-1996]

   (1) Any such expansion or extension shall be limited to the lot on which the use is located, as that lot was defined when the use became nonconforming.

   (2) The total of all increases in the area devoted to the use shall not exceed 25% of the area devoted to the use on the date of this amendment,[14] or on the date the use became nonconforming, whichever is later. The term "area devoted to use" means the total of the floor area and, for any portions of the use not conducted in a building, the lot area actually utilized in connection with the nonconforming use.

   (3) Any such extension or expansion shall conform with the requirements of Articles VIIA, IX, XII and with the height, yard, setback, buffer and floor and building area requirements of the district in which it will be located.

D. A nonconforming building which is destroyed by fire, explosion or act of God may be rebuilt and used for the same nonconforming use, provided that the reconstruction of the building is commenced within one year from the date the building was destroyed, unless the Zoning Hearing Board shall authorize as a special exception an extension of this time limit, and shall be carried through to completion without undue delay, and that the reconstructed building does not

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13. **Editor's Note: Former § 124-88, Parking and garage space for multiple dwellings, was deleted 12-10-1979 by Ord. No. 689, approved 12-10-1979.**

14. **Editor's Note: "This amendment" refers to Ord. No. 834, adopted 11-11-1996.**

exceed in height and area the building destroyed. [Amended 11-11-1996 by Ord. No. 834, approved 11-11-1996]

E. A nonconforming building which is destroyed by fire, explosion or act of God may be rebuilt and used for the same purpose, provided that the reconstruction of the building is commenced within one year from the date the building was destroyed and is carried through to completion without undue delay, and that the reconstructed building does not exceed in height and area the building destroyed.

F. Abandonment. If the lawful nonconforming use of a lot, building or other structure is abandoned or discontinued for a continuous period of six months or more, subsequent use of the lot, building or structure and land shall and must be in conformity with the provisions of this chapter. [Added 8-11-1997 by Ord. No. 841, approved 8-11-1997]

§ 124-90. Interpretation, purpose and conflict.

In interpreting and applying the provisions of this chapter, they shall be held to be the minimum requirements for the promotion of the health, safety, morals and general welfare of the Borough. It is not intended by this chapter to interfere with or abrogate or annul the Borough Building Code of the Borough of Narberth[15] or any rules, regulations or permits previously adopted or issued thereunder, or the rules and regulations of the Board of Health of the Borough of Narberth or any rules, regulations or permits previously adopted or issued thereunder, and not in conflict with any of the provisions of this chapter, provided that where this chapter imposes a greater restriction upon the use of buildings or premises or upon the height of a building, or requires larger open spaces than are imposed or required by such code, rules, regulations or permits, the provisions of this chapter shall control.

§ 124-91. Standards of proof.[16] [Added 11-11-1996 by Ord. No. 834, approved 11-11-1996]

A. An applicant for a special exception shall have the burden of establishing both:

(1) That the application falls within the provisions of this chapter which accords to the applicant the right to seek a special exception; and

(2) That allowance of the special exception will not be contrary to the public interest.

B. An applicant for a variance shall have the burden of establishing both:

(1) That a literal enforcement of the provisions of this chapter will result in unnecessary hardship, as that term is defined by law, including court decisions; and

(2) That allowance of the variance will not be contrary to the public interest.

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15. **Editor's Note: See Ch. 50, Building Construction.**

16. **Editor's Note: Former § 124-91, Off-street parking for living quarters, added 12-12-1960 by Ord. No. 508, approved 12-12-1960, was deleted 12-10-1979 by Ord. No. 689, approved 12-10-1979.**

C. In determining whether the allowance of a special exception or a variance is contrary to the public interest, the Zoning Hearing Board shall consider whether the application, if granted, will:

(1) Adversely affect the public health, safety and welfare due to changes in traffic conditions, drainage, air quality, noise levels, natural features of the land, neighborhood property values and neighborhood aesthetic characteristics.

(2) Be in accordance with Narberth's Plan.

(3) Provide the parking required under Article VIIA of this chapter.

(4) Adversely affect the logical, efficient and economical extension or provision of public services and facilities such as public water, sewers, refuse collection, police and fire protection and public schools.

(5) Otherwise adversely affect the public health, safety, morals or welfare.

D. In addition to any applicable requirements contained in Articles III through VIII of this chapter and the standards of Subsection C of this section, the following additional standards shall be met by any applicant for a special exception in any residence district:

(1) The applicant shall demonstrate that all of the required parking shall be installed outside the front yard. In no case shall the front yard be paved for parking or circulation purposes with the exception of one driveway penetrating it to reach a required parking area. Any additional driveway(s) shall be permitted only if authorized by the Zoning Hearing Board as a part of the order granting the special exception.

(2) A buffer area of not less than 20 feet in width along the full length of each side and rear lot line shall be provided. No driveway or parking area shall be permitted within this required buffer area.

E. In all cases, the applicant's burden of proof shall include the duty of presenting credible evidence sufficient to persuade the Board that the applicant has satisfied the criteria set forth in Subsections A(1) and B(1) of this section. In any case where the Zoning Hearing Board requests that the applicant produce evidence relating to the criteria set forth in Subsections C and D of this section or where any other party opposing the application shall claim that an allowance of the application will have any of the effects listed in Subsection C or D of this section, the applicant's burden of proof shall include the burden of presenting credible evidence sufficient to persuade the Zoning Hearing Board that allowance of a special exception or variance will not be contrary to the public interest with respect to the criteria so placed in issue.

§ 124-91.1. Conversion of dwellings. [Added 11-11-1996 by Ord. No. 834, approved 11-11-1996]

A. The Zoning Hearing Board may authorize as a special exception the conversion of a single-family dwelling into a dwelling for a greater number of families in R-2, R-3,

R-4 and R-5 Residence Districts, subject to the following requirements:

(1) The minimum lot area requirement for the district in which the designated lot is located shall be provided for each family unit in the proposed converted dwelling.

(2) The yard and building area requirements for the district in which the building is located shall not be reduced.

(3) There shall be no external alteration of the building except as may be necessary for reasons of safety. Fire escapes and outside stairways shall, where practicable, be located to the rear of the building.

(4) The Zoning Hearing Board shall specify the maximum number of families permitted to occupy such building and may prescribe such further conditions and restrictions with respect to the conversion and use of such building and to the use of the lot as the Zoning Hearing Board may consider appropriate.

B. The Zoning Hearing Board may authorize as a special exception the conversion of a dwelling into a use described in § 124-35C, D, or E of this chapter, but only when the proposed use complies with the applicable requirements of this chapter and with the following requirements, which are in addition to the criteria and requirements set forth in § 124-91 of this chapter:

(1) A buffer area as defined in § 124-1 of this chapter shall be provided along the full length of all side and rear lot lines. The buffer area shall be not less than 20 feet in width in R-4 and R-5 Residence Districts and shall not be less than 10 feet in width in all other districts.

(2) The lot must meet the existing lot area, width and yard requirements for the zoning district in which the lot is located.

§ 124-92. Statement of community development objectives. [Added 1-10-1972 by Ord. No. 618, approved 1-10-1972; amended 10-8-2001 by Ord. No. 880, approved 10-8-2001]

The Borough intends this Zoning Code to implement the following community development objectives:

A. The Borough is seen as a unique and attractive community, offering a higher density, mixed-use and walkable alternative to surrounding suburban areas.

B. The Borough wishes to preserve, protect and enhance the existing character of the Borough and to avoid, by policy or action, the deterioration of any neighborhood.

C. The Borough wishes to manage any new development or redevelopment to protect the health, safety, welfare of its residents and promote compatibility with the surrounding land uses, design and neighborhood character.

D. The Borough wishes to seek an appropriate tax base in the Borough to support a reasonably high level of public services and facilities.

E. The Borough wishes to encourage retail, office and light commercial uses in

appropriately zoned districts and to avoid heavy commercial or industrial uses that could negatively impact on adjoining areas.

F. The Borough wishes to encourage vital commercial districts that satisfy community needs and provide employment opportunities, with proper access and adequate parking facilities.

G. The Borough will not permit conversions to business uses or multiple residential uses without adequate off-street parking facilities.

H. The Borough wishes to allow most types of residential dwellings within appropriate zones in order to provide a range of housing types.

I. The Borough will provides safe and convenient circulation for pedestrians, bicyclists and vehicles; vehicular speeds will be regulated through the use of traffic control measures.

J. The Borough wishes to maintain its natural amenities, its trees, park facilities, and streams, and to encourage change or development which least disrupts their continuance.

K. The Borough believes that cooperation with neighboring municipalities on land use issues, economic development, water and sewer facilities and highway location and use is necessary and desirable.

L. The Borough will consider suggested zoning policy formulated by the county where major land use changes are contemplated.

§ 124-93. Remedies; violations and penalties. [Amended 9-8-1986 by Ord. No. 761, approved 9-8-1986]

Any building or portion thereof or party or foundation wall hereafter erected or placed upon any lot or premises within said Borough of Narberth in violation of the provisions of this chapter is hereby declared a common nuisance, and the owner or owners of the ground or the buildings, upon 24 hours' notice personally served upon him or them, or a like notice being posted upon said building in case personal service cannot be made within said Borough, shall proceed to remove the said building within the next 48 hours beyond the Borough limits or proceed to take down the same within that time, and in the event of his or their refusal or neglect so to do, the Mayor, or in case of his absence or failure to act, the Borough Council, shall forthwith proceed to have the said building removed as a common nuisance, the necessary expense of which shall be collected from the owner or owners of said building or lot, as other debts are by law collected; provided that if the owner or owners of such building shall refuse or neglect to remove the materials of which the buildings may be composed after the same have been deposited in some convenient place for the space of 24 hours after notice so to do, the said materials shall be sold at public sale after six days' notice by not less than 10 printed bills posted in the vicinity, and the proceeds thereof shall be paid into the Borough treasury for the use of the owner or owners of such building or lot after deducting all costs and expenses for tearing down, removing and disposing of same; any person violating the provisions of this chapter or any of them, or failing to comply with them in any respect, shall be liable

to a fine of not more than $300 or to imprisonment for a term not exceeding 30 days, or both, in the discretion of the District Justice imposing the same, the funds to be sued for and recovered in the name of the Borough and for the use thereof, as such debts are collected by law. And each and every day such violation shall continue after notice has been given as aforesaid, during which the party so notified has neglected or refused to comply with the provisions of this chapter, shall constitute a separate offense, punishable by a like fine or penalty.

§ 124-94. Standards and criteria for single-family semidetached dwellings. [Added 10-9-2000 by Ord. No. 873, approved 10-9-2000]

As defined, a single-family semidetached dwelling is a building designed for and occupied exclusively as a residence for only one family and having a continuous vertical party wall (to be referred to as "party wall") in common with an adjacent building. The following standards shall pertain to this type of dwelling:

A. The party wall is characterized by the presence of a building on either side of the party wall whose height and length (as measured along the party wall) are equivalent, excluding the design and slope of the roof.

B. No building or portion of a building on one side of the party wall shall extend beyond the building on the other side of the party wall, excluding the design and slope of the roof.

C. No lawfully existing porch, deck, patio or other roofed area along the party wall shall be enclosed in any way that extends the existing party wall.

D. A patio or deck may be covered with a roof or awning, provided that such does not affect or extend the existing party wall.

E. Single-family semidetached dwellings shall be maintained in such a way as to preserve open space and yards.

F. A single-family semidetached dwelling may be expanded without having a wall in common when the proposed dimensions of the expansion would be identical to the footprint of the dwelling abutting the party wall, provided that the existing expansion was not permitted by zoning action and does not violate any other sections of the Zoning Code.

Chapter DL

DISPOSITION LIST

The following is a chronological listing of legislation of the Borough of Narberth adopted since 12-8-1986, indicating its inclusion in the Code or the reason for its exclusion. [Enabling legislation which is not general and permanent in nature is considered to be non-Code material (NCM).] Consult municipal records for the disposition of prior legislation or any legislation not listed below.

§ DL-1. Disposition of legislation.

Ord. No.	Adoption Date	Subject	Disposition
769	4-13-1987	Zoning amendment	Ch. 124
771	4-13-1987	Zoning amendment	Ch. 124
773	5-11-1987	Zoning amendment	Ch. 124
774	5-11-1987	Zoning amendment	Ch. 124
775	5-11-1987	Zoning amendment	Ch. 124
834	11-11-1996	Zoning amendment	Ch. 124
841	8-11-1997	Zoning amendment	Ch. 124
850	3-9-1998	Zoning amendment	Ch. 124
873	10-9-2000	Zoning amendment	Ch. 124
880	10-8-2001	Zoning amendment	Ch. 124
918	6-12-2006	Zoning amendment	Ch. 124
919	9-11-2006	Zoning amendment	Ch. 124
920	9-11-2006	Zoning amendment	Ch. 124
935	1-19-2011	Zoning amendment	Ch. 124

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DEFINITIONS NOTE: For the convenience of the Code user, all terms defined in this Code are included in the Index under the heading "Definitions and Abbreviations."

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