

PUBLIC NOTICE

Notice is hereby given that the Penn Lake Park Borough Council shall consider three ordinances, two which contain amendments to Borough's Zoning Ordinance and the remaining ordinance regulating burning in the Borough, at public hearing scheduled 7:00 p.m. local time on Tuesday, October 12, 2010 at the Penn Lake Park Borough Community Building, 1744 Lakeview Drive, Penn Lake Park Borough, Luzerne County, PA. The following is a summary of the subject provisions for each ordinance:

ORDINANCE 1 - ZONING AMENDMENT: Provides restrictions on the placement of recreational vehicles on vacant lots and prohibits the use of vacant lots for the storage of commercial material, equipment, construction debris and/or the storage or parking of commercial vehicles.

ORDINANCE 2- ZONING AMENDMENT: Provides a limited exemption for required setback distances for the replacement of deteriorated exterior features.

ORDINANCE 3 – BURNING ORDINANCE: Provides restrictions on open burning throughout the Borough with the provision of fines and penalties for violations thereunder.

Notice is further given that Penn Lake Park Borough Council shall consider the adoption and enactment of the above summarized ordinances at a regularly scheduled Council meeting that will convene at 7:30 p.m. local time on Tuesday, October 12, 2010 at the Penn Lake Park Borough Community Building, 1744 Lakeview Drive, Penn Lake Park Borough, Luzerne County, PA. Copies of the full text of the proposed Ordinances are on file and available for public inspection at the Luzerne County Law Library, Luzerne County Courthouse, 200 North River Street, Wilkes-Barre, PA 18702, at the Journal-Herald Newspaper, 212 Main Street, White Haven PA 18661 and posted upon the bulletin board at the Penn Lake Park Borough Community Building. A copy of the full text of each ordinance may be secured for the cost of reproduction by contacting Ms. Margo Beckerman, Borough Secretary at 570 443-8017 Extension 4.

**PLEASE PUBLISH THE ABOVE LEGAL AD FOR THE PENN LAKE
PARK BOROUGH COUNCIL IN THE SEPTEMBER 23, 2010 AND THE
SEPTEMBER 30, 2010, EDITIONS OF THE JOURNAL - HERALD
NEWSPAPER. PLEASE FORWARD THE INVOICE AND PROOF OF
PUBLICATION TO:**

**MS. MARGO BECKERMAN, BOROUGH SECRETARY
P.O. 14
WHITE HAVEN, PA 18661**

ORDINANCE 1

ZONING AMENDMENT

**PENN LAKE PARK BOROUGH
ORDINANCE NUMBER OF 2010**

AN ORDINANCE AMENDING THE PENN LAKE PARK BOROUGH ZONING ORDINANCE OF 1996, AS AMENDED.

IT IS HEREBY ORDAINED AND ENACTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF PENN LAKE PARK THAT THE FOLLOWING AMENDMENTS TO THE PENN LAKE PARK ZONING ORDINANCE ARE HEREBY ADOPTED.

SECTION 1.

ARTICLE 2, DEFINITIONS, IS HEREBY AMENDED TO INCLUDE THE FOLLOWING TERM:

RECREATIONAL VEHICLE:

A vehicular type portable structure without permanent foundation that can be towed, hauled, or driven and is primarily designed as a temporary living accommodation for recreational and camping purposes. Recreational vehicles include, but are not limited to, travel trailers, truck campers, camping trailers, and self-propelled motor homes.

VACANT LOT:

A lot which has no buildings, structures and/or approved active use.

SECTION 2.

ARTICLE 3, GENERAL REGULATIONS IS HEREBY AMENDED TO INCLUDE SECTION 322 WHICH SHALL READ AS FOLLOWS:

SECTION 322 RECREATIONAL VEHICLES

- A. In all Zoning Districts, it shall be prohibited for any person or persons to allow, or to permit the placement of a Recreational Vehicle on Borough property which includes but is no limited to the Community House, Beaches, Recreational fields, Playground, Roadways.

- B. In all Zoning Districts, it shall be prohibited for any person or persons to allow or to permit the placement of a Recreational Vehicle on a vacant lot. If a developed lot, under the same ownership, is contiguous to the vacant lot, it shall not restrict the placement of a recreational vehicle upon the vacant lot when said vehicles are owned and registered to the property owner of the developed lot. The placement of any recreational vehicle shall meet the applicable setback distance to any property line.

SECTION 3.

ARTICLE 3, GENERAL REGULATIONS IS HEREBY AMENDED TO INCLUDE SECTION 323 WHICH SHALL READ AS FOLLOWS:

SECTION 323

STORAGE ON VACANT LOTS

In any Residential District, it shall be prohibited for any person or persons to allow and/or use a vacant lot for the storage of commercial material, equipment, construction debris and/or the storage or parking of commercial vehicles.

SECTION 4.

SEVERABILITY: If any article, section, subsection, paragraph, sentence or phrase of this Ordinance is for any reason declared to be invalid, illegal or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any other part thereof.

SECTION 5.

REPEALING PROVISION: All other ordinances, or parts thereof, which are in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 6. **EFFECTIVE DATE**

THIS ORDINANCE SHALL TAKE EFFECT FIVE (5) FOLLOWING ITS DATE OF ENACTMENT:

ENACTED AND ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF PENN LAKE PARK, LUZERNE COUNTY, PENNSYLVANIA, THIS _____ DAY OF _____, 2010.

COUNCIL PRESIDENT

ATTEST:

BOROUGH SECRETARY

APPROVED: _____

MAYOR

ORDINANCE 2

ZONING AMENDMENT

PENN LAKE PARK BOROUGH
ORDINANCE NUMBER _____ OF 2010

AN ORDINANCE AMENDING THE PENN LAKE PARK BOROUGH ZONING ORDINANCE OF 1996, AS AMENDED.

IT IS HEREBY ORDAINED AND ENACTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF PENN LAKE PARK THAT THE FOLLOWING AMENDMENTS TO THE PENN LAKE PARK ZONING ORDINANCE ARE HEREBY ADOPTED.

SECTION 1.

ARTICLE 3, GENERAL REGULATIONS IS HEREBY AMENDED TO INCLUDE SECTION 324 WHICH SHALL READ AS FOLLOWS:

SECTION 324 SETBACK EXEMPTION FOR STRUCTURAL REPLACEMENTS

Any exterior structural portion of a building, such as a deck, patio, porch or similar feature that does not meet the required setback requirements of this Ordinance and is need of repair to the point of replacement shall be exempt from complying with the applicable setback requirements when all of the following conditions exist:

- A. The use of the building represents a use permitted by right in the district in which it is located.
- B. There are no outstanding zoning or building code violations against the owner of the property.
- C. The exterior structural replacement shall be at the exact same location and shall be the same size, dimensions and height, or less, than that which is being replaced.
- D. A photograph of the subject property, taken prior to the start of work, must be submitted to the Zoning Officer with a completed Zoning Permit Application and applicable fee, along with any other information deemed necessary by the Zoning Officer to process the application.
- E. The provisions of this Section shall not be applied if the exterior structural portion of a building to be replaced that is presently located on the property line or extends beyond the property line, nor shall these provisions to be applied to for the purpose of reconstructing an entire building or structure.

SECTION 2.

SEVERABILITY: If any article, section, subsection, paragraph, sentence or phrase of this Ordinance is for any reason declared to be invalid, illegal or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any other part thereof.

SECTION 3.

REPEALING PROVISION: All other ordinances, or parts thereof, which are in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 4. **EFFECTIVE DATE**

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ENACTED AND ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF PENN LAKE PARK, LUZERNE COUNTY, PENNSYLVANIA, THIS _____ DAY OF _____, 2010.

COUNCIL PRESIDENT

ATTEST:

BOROUGH SECRETARY

APPROVED: _____
MAYOR

ORDINANCE 3

OPEN BURNING ORDINANCE

**AN ORDINANCE OF PENN LAKE PARK, BOROUGH, LUZERNE COUNTY, PENNSYLVANIA,
REGULATING OPEN BURNING WITHIN THE BOROUGH**

ORDINANCE NUMBER OF 2010

WHEREAS, the Borough Council deems it to be in the best interests and general welfare of the citizens and residents of this Borough to regulate open fires and burning to protect the safety of the general public and personal property

NOW, THEREFORE, be it and it is hereby Ordained and Enacted as follows:

SECTION 1 FIRE DEFINITIONS

BONFIRE: A controlled outdoor fire used for ceremonial and/or celebratory purposes. Size restriction applies.

CAMPFIRE: A small fire within a fire ring used for recreation purposes. Size restriction applies.

OPEN FIRE: A fire in which allowed materials, including but not limited to, leaf waste, and tree debris, is burned in the open, outdoors or outside a building or structure even if in a furnace, incinerator, metal drum, steel or metal can, or any type of container. Size restriction applies.

SECTION 2 OPEN FIRES PROHIBITED

No person shall ignite, cause, feed, permit or maintain any Open Fire, as so defined in Section 1 of this Ordinance for the for the purpose of burning any type of material, whatsoever on Borough property including but not limited to the areas of the Community House, Beaches, Recreational fields, roadways. Said prohibition shall apply to any type of Fire including burning within any type of structure or container.

SECTION 3 EXCEPTIONS TO OPEN BURNING PROHIBITION

(A) **Open fires** may be set in the official duty of any public officer, if the fire is deemed necessary for the prevention of a fire hazard which cannot be otherwise abated; or for the protection of the public health.

(B) **Open fires** no person or persons shall ignite, cause, feed, permit or maintain any type of fire for the purpose of routine residential maintenance (disposing of lawn waste such as leaves or twigs) on any private land in the Borough of Penn Lake Park at any time between sunset and sunrise or at any time on Sundays and holidays. Daylight burning for routine residential maintenance may include the burn of only natural vegetation. Please see Section 4 for an extended list of prohibited material. All such fires shall be extinguished by sunset in such a manner that they shall not continue to smolder or to produce smoke or any other fumes or exhalation. Failure to comply with this requirement may result in a citation. In addition:

1. No fuel shall be used to set the fire

2. All burning shall be in a confined area with a lawn stack size no larger than 4 feet in diameter and shall not burn longer than three (3) hours;
3. There shall be at least one portable fire extinguisher with a minimum of a 4-A rating or other approved onsite fire extinguishing equipment, such as dirt, sand, water barrel, garden hose or water truck on hand at all times
4. Material may not be transported from one property to another for the purpose of disposing of it through open burning.
5. The party that initiates such burning shall see that it is attended to at all times all such fires shall be extinguished by sunset in such a manner that they shall not continue to smolder or to produce smoke or any other fumes or exhalation. Failure to comply with this requirement may result in a citation.
6. No burning shall occur under the above exceptions during any fire ban emergency, or air alert or warning declared by a Federal or State entity or agency or Penn Lake Borough

(C) **Campfires** must be encircled with stone or other non combustible materials and cannot exceed an inside diameter of twenty-four (24) inches and must be a minimum of fifteen (15) feet from any structure or combustible material.

(D) **Bonfire** may be permitted in accordance and in compliance with all of the following standards:

1. The owner of the land upon which the-bonfire is to be kindled must first obtain a permit from Penn Lake Borough Council. The charge for said permit shall be \$5.00 and may be modified by resolution by the Borough Council in the future;
2. Fuel shall consist only of clean seasoned firewood;
3. The wood stack size shall be no larger than 5 feet high by 5 feet in diameter and shall not burn longer than three (3) hours;
4. The fire must be at least seventy-five (75) feet from any structure or combustible material;
5. There shall be at least on portable fire extinguisher with a minimum of a 4-A rating or other approved onsite fire extinguishing equipment, such as dirt, sand, water barrel, garden hose or water truck. Also, the applicant must give a minimum of 48 hours notice of the date, time and place of the bonfire to the Volunteer Fire Department.
6. No burning shall occur under the above exceptions during any fire ban emergency, or air alert or warning declared by a Federal or State entity or agency or Penn Lake Park Borough.

SECTION 4. EXTENDED LIST OF PROHIBITED MATERIAL

Regardless of the type of fire, the burning of the following types of materials shall be expressly prohibited:

Furniture	Construction and demolition debris
Garbage	Insulation
Tires	Carpet
Wet or soggy wood	Diapers
Painted wood	Plywood
Material containing plastic	OSB
Material containing rubber	Particleboard
Waste petroleum products	Manure
Paints and paint thinners	Animal carcasses
Chemicals	Asphalt products
Any hazardous or toxic waste	Clothing
Glossy colored paper	

SECTION 5 ENFORCEMENT

The White Haven Borough Police Force shall have the power and authority to enforce any violations of this Ordinance. Also, Borough Council by Resolution, at any time, may name or designate another person or add additional person(s) to have the power and authority to enforce any violations of this Ordinance.

SECTION 6 FINES AND PENALTIES

Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Ordinance shall, upon being found liable in a civil enforcement proceedings shall pay a judgment of not more than five hundred dollars, plus all court costs, including reasonable attorney fees incurred by Penn Lake Park Borough as a result of said proceedings. Each day that a violation continues shall constitute a separate violation.

SECTION 7

SEVERABILITY: If any article, section, subsection, paragraph, sentence or phrase of this Ordinance is for any reason declared to be invalid, illegal or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any other part thereof.

SECTION 8.

REPEALING PROVISION: All other ordinances, or parts thereof, which are in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 9. **EFFECTIVE DATE**

THIS ORDINANCE SHALL TAKE EFFECT FIVE (5) FOLLOWING ITS DATE OF ENACTMENT:

ENACTED AND ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF PENN LAKE PARK, LUZERNE COUNTY, PENNSYLVANIA, THIS _____ DAY OF _____, 2010.

COUNCIL PRESIDENT

ATTEST:

BOROUGH SECRETARY

APPROVED: _____
MAYOR