



BOARD OF COMMISSIONERS

ORDINANCE WORKSHOP

AGENDA-MINUTES

January 12, 2022

1. CALL TO ORDER: 6:00 p.m.

Attendees:

Commissioner Diane Kelly, President
Commissioner David M. Kennedy, Vice President
Commissioner Monica Hodges, Assist. Twp. Secretary
Commissioner Michael Wolk - Absent
Commissioner Brad Osborne

Randy Cope, Interim Township Manager/Dir. of Twp. Operations
John Frantz, Fire Marshal, Building Code Official
Chief Glen Dorney, SWT PD
Tom Harper, Code Enforcement Manager
Dave Manhardt, Director of Community Development
Gregg Adams, CD Planner

For the record, all commissioners were in attendance.

2. PLEDGE OF ALLEGIANCE

3. NOTIFICATION:

- a. All public sessions of the South Whitehall Township Board of Commissioners are electronically recorded, filed, and posted on BoardDocs for the Public's access.
- b. Public/Virtual Meeting Rules

4. DIRECTION/DISCUSSION ITEMS:

Ordinance Summary – 2022

Randy Cope, Interim Township Manager, explained that this workshop is to discuss the ordinances which staff feels are necessary to work on in 2022 and to receive feedback on those ordinances from the BOC/Public. This is an opportunity for the BOC to discuss other ordinances which you feel needs attention. This is a new approach to work on existing/new ordinances so we are all on same page and all working towards a common goal.

Process we are hoping to follow:

1. 2nd BOC Workshop to be held in June re-progress, timeline, implementation of these ordinances.
2. Once staff develops an ordinance, will be sent to BOC for 30-day review period/questions.
3. After #2 has happened, Twp Solicitor will review; while that is happening,
4. Ordinance will be placed on BOC Agenda "Direction/Discussion Items" for Board and Public comments and questions.
5. Ordinance placed on agenda second time, as a Motion to Advertise;
6. Ordinance placed on agenda third time to adopt said Ordinance.
7. This will allow for said Ordinance to be on an Agenda three times before any action is taken on an Ordinance. We are here this evening to talk about process and revise if necessary.

Dave Manhardt explained that some of these Ordinances are required, so they need to be passed, which he will highlight. The other Ordinances, we'd like to know how the BOC wants to prioritize them.

REQUIRED ORDINANCES - 2022

Stormwater Management Plan Ordinance

Required by State, who provides a model ordinance. Part of the current ordinance is DEPs and part is SWTs, which get merged together. Approval deadline is September 2022. (Mike Elias/Township Engineer working on.)

Adoption of 2018 International Codes

The state adopts the 2018 International Building Code; therefore, we need to update our ordinance with references of the old code to the new code. Deadline—this will be approved by us as soon after the State adopts, which is the guideline and TBD.

PRIORITY ORDINANCES - 2022

***Alarm Ordinance (last revised 2010)**

Revision/amending of current SWT Police and Fire Emergency Alarm Ordinance. Highlights: allow for six, free residential/commercial service calls per year; after that they get billed. Possible change to three per year. Will be looking at other municipalities. Incremental Fines are \$75 for Police and \$300 for Fire. Invoicing, looking to do on a quarterly basis. Unpaid Invoices, possibly sending to collection agency to handle. Goal is, if we need to go to court regarding unpaid invoices, need to have standardize reporting by both Police and Fire in place, because they would need to come to court to testify. Disbursement of Invoicing Payments (keep in one fund?) to be discussed. Tom Harper has draft of this ordinance. The buffer of the free service calls is where the education part will come in. This ordinance will go to PSC for review.

***Spill Response Ordinance (last revised 1997)**

Follows same ideology of above Alarm Ordinance, except it is based on the materials that the FD uses to clean up a spill, and vehicle owner is billed. Billing of insurance company directly, regarding reimbursement of material costs, has been tabled/un-tabled by State. Tom will check with our local legislators regarding status of this. Same as invoicing, collections, recording as Alarm Ordinance.

**These two ordinances to be done at same time.*

Service Pack (Zoning and SALDO)

Zoning Ordinance – Dave explained that as Gregg/Laura go through this ordinance, they make list of things that work/do not work, tweaks to text, things that need to be put in place to improve functionality. Two sides—"policy side", which is tied to CP, uses, etc. Service pack changes related to "functionality side" of Ordinance.

Three types of zoning amendments to be looked at:

1. Typos, references, inconsistencies – to be taken care of a.s.a.p.
2. Staff suggested repairs to improve functionality of ordinance – If there is a section in zoning ordinance, where question of what it means is occurring, the ordinance is not clear enough. If a situation is unclear, and goes to court, normally decided in favor of the applicant, not the Township.

3. Business or Resident inspired issues w/Zoning Ordinance – For example, someone will come in and say they want to do something, and we find it is not really addressed in the ordinance. Sometimes these types of situations prompt an ordinance amendment, sometimes they do not.

SALDO – Gregg explained Township Engineer keeps list of what they find. As a side note, Gregg said Zoning Ordinance, SALDO service packs done together. These ordinances, along with the Stormwater Management Plan Ordinance have to run through the PC.

Process: Once BOC reviews first draft, then per their direction, it will go to the PC for their review which is much more public, and every meeting advertised, so public will have a much greater opportunity to come in and look at it and comment. Once PC feels it is ready to be brought back to BOC, we will bring back and run it through remainder of process. Last time service packs were done was March 2019. This will be a six-month process. Dave said the process of PC and LVPC are mandated by the MPC—zoning and SALDO changes. Goal is to have this done on a yearly basis going forward.

Gregg said looking to get changes to BOC in next 30-60 days; March/April will have Workshop for review of draft revisions.

Home Based Businesses

Dave explained the MPC allows for “No Impact” Home-Based Businesses. Our current ordinance is not consistent with MPC—goal is to make our ordinance consistent with MPC. The “Low Impact” Home-Based Business, visitation is the big issue with this; how many people can you have? Laura turns many people away, because the Home-Based business ordinance says NO. We could have a workshop regarding this, where people come in and explain what they are trying to do, but ordinance doesn’t allow them to do legitimately—this will give you some examples. The Board would like to know what these situations are—why they were turned away. Dave said the flip side of this is also enforcement, which Staff can then point back to the Zoning Ordinance to what was agreed upon, if someone is in violation.

Notice Requirements

Previous Workshop held, which Gregg/Netty prepared for—a lot of variations for notice requirements, which can be brought back to Board for consideration. Gregg said this will need Board input, because they are offering a number of choices with cost of each choice—notices do have cost to the Township.

Enabling Ordinance for Unpaid Invoices, etc., to Collections

Randy said this would be a priority of Finance to bring this all together. Utilities—Water, Sewer, Trash, can go to collections; however, all other general billing (such as permit fees) cannot. This ordinance would allow us to go to collections for these fees. Tom Harper will check to see how far back Township can go to collect fees.

Noise Ordinance – Fireworks

Tom said looking to amend this. It looks like the State is working on something related to the Fireworks law—will it move forward, how will it affect the local municipalities. What we currently allow is any day of the week after 4:00 p.m. for fireworks and on weekends/holidays we allow longer. Tom will be talking to Chief Dorney to see if we might limit to 4th of July and New Year’s Eve. Property owner can now be sited for where it is happening. Do not have to see owner. We might want to revisit that section of the ordinance to see where police want to go with that.

Would like to open up the definition part of the ordinance to amend it to define snow activities as to what that includes. Including, but not limited to snow plowing, salting, brine activities which has direct impact on snow/ice removal activities, currently this is exempt, but not defined.

Dave explained that ordinances will get passed; then, we live/work with ordinance day-to-day. Things will come up, where we will have to make a change, or something clarified, add some additional regulations to the ordinance, etc.—modifications are made as we move forward. Randy said as a BOC member, you may hear things from the public that Staff doesn’t hear, and it is important that we discuss these things so that we can address them. President Kelly said it would be helpful to know how Staff is dealing with these newly adopted ordinances—strengths, challenges, where tweaking might need to occur. It would help the Board understand how the community is responding.

Open Burning Ordinance – 2015 International Fire Code

Tom said that most people do not understand the open burning aspect in the Township; currently, you cannot open burn. This may require Board input—are we going to permit it or exclude it? Between PSC, Fire, the Board, hopefully we can come up with a caveat on this. Things to consider--nuisance aspect, size of fire, and location on property. In the fire code, there are two categories: recreational fires and portable fires which are allowed. A permit is not needed. This will affect the 2018 International Code.

Sidewalk

The removal of ice and snow currently falls in three different areas. It’s in the conduct ordinance, which gives you ten days to remove your snow; the Property Maintenance Code falls under 30 days; and State law has 24 hours. Most municipalities go 12-24 hours. Tom said this needs to be defined better in the sidewalk ordinance and also include provision of snow removal from fire hydrants, which is a big safety issue. Dave said regarding sidewalk deferrals, the project may have a deferral, currently there is no procedure to follow when we call in a deferral. Also regarding maintenance. For example there are areas where the sidewalks are a mess and we do not have the mechanism in place telling the homeowner that they have to fix their sidewalk. If a mechanism is in place when these things come up, staff will know the procedure to follow in handling situations—homeowners would have to fix their sidewalks. Clarification of procedures is an important part of these ordinances.

Shade Tree Ordinance – Revised 1969

Gregg said that our current ST Ordinance is the model ordinance from 1968. Said Staff would like to revise/add, especially as it relates to maintenance, and cover land developments when they are required there, and what happens when trees die/cut down, and the enforcement of keeping the trees in place. Randy said it is also a maintenance challenge for our PW Department—over the sidewalk/street when trimming is done. Other municipalities just do the street side to make sure proper clearance for vehicles. SWT takes it to a different extreme. It is also an outdated ordinance, which needs our attention.

Flood Plain Ordinance Update

Gregg said in 2015 went to flood plain training with FEMA. PEMA came and inspected our current ordinance said we were OK but not up to current standard. So, in 2015 we adopted a new flood plain ordinance. After the training, Gregg said he looked at the ordinance and has been since keeping notes regarding how we can improve this ordinance. Put together another ordinance a few years back and ran it by PEMA who liked it; it is low hanging fruit, so it is ready to go. All we have to do is update and improve our flood plain ordinance.

ADDITIONAL ORDINANCES FOR CONSIDERATION

Hotel/Motel Ordinance – New

Tom Harper said he received numerous calls regarding room conditions inside hotels within the Township, and how they are being maintained. After going to the facilities, I noticed some issues, so I checked to see if there was anyone who did inspections; currently, there is no attendee or State inspection of hotels/motels. So, Tom put together an ordinance looking at possibly doing this in the Township. An inspection program could be established, with input from the BOC, to see what frequency we are looking at doing inspections. Feels this would be a benefit to the Township to make sure these hotel/motels are living up to their name-standard, and township code. This would be directed more to the areas that are occupied.

Solid Waste and Recycling Ordinance – Revised 1985

Tom Harper said this will establish a stand-alone part of the ordinance which would outline responsibilities as it pertains to storage, placement and collection of solid waste and recycling generated by residential/commercial entities within the Township. Finance handles the solid waste aspect of things. Receive a lot of calls, for example, regarding mattresses put out that are not wrapped properly, plastic containers, etc., which stay out there longer than they should. This would help with enforcement. This would also address what is needed for the extra yard waste, sticker program—all of which is figured into this ordinance.

Vacant Property Registry Ordinance – New

It should not cost the Township anything to enact this ordinance, but the Township will in fact make money on this, in that there will be a registration fee for which a portion comes

back to the Township. This deals with foreclosures, pre-foreclosures. It will help in that if there is a problem at the property—grass cutting, broken windows, etc., it will aid in quicker resolution via third-party vendor—Allentown uses PROCHAMPS. Used by other municipalities in the area. An ordinance would have to be done, and then a contract would have to be signed with them in order to do this. This is a tool and asset to have in order to get ahold of the right people at the bank. Also, establishes data base of vacant properties located in Township.

Mobile Vending (Food Trucks) – New

This ordinance would establish any guidelines or requirements to operate a food truck or mobile vending within the Township and would establish annual operational license fees. Dave said that from a zoning perspective, where are they parking, how many parking spaces are they taking up, what is the pedestrian flow—is it safe? Original intent was to encourage this. Wanted people to know we want this, but with these conditions—safety, etc. Tom said from the food aspect, that is regulated by the State—they have to have all the necessary credentials. The intent is to set guidelines so that the food trucks can thrive.

Solicitation and Peddling Ordinance – Revised 1972

Tom said this is an ordinance which we have not looked into much. Will talk to Chief Dorney to revise and bring up to current standards. Some conversation needs to take place regarding how far BOC wants to take this ordinance.

Signs-Zoning Ordinance

Review and make any necessary amendments. This falls back on Gregg's Service Pack Ordinance. Need to make this more manageable for both the Staff and Public.

Beekeeping – New

Have had several complaints because of people who wanted to keep bees. Our zoning ordinance says you can do this in rural areas of 5+ acres. These types of bees are different from yellow jackets, and if done correctly, probably would not have much impact on a neighborhood. We can look at the State ordinance for regulations to see if we can go with that.

PROPOSALS FOR 2023

Fire Inspection Program Ordinance – New

There has been discussion regarding inspections of commercial entities (approximately 600) within the Township. This ordinance is about 75% written. Need to go through input received from Fire Companies, and walk it through the PSC. Randy said that this will require a bigger conversation, which will involve budgeting, staffing issues—communities have two or three “John Frantzes” out there doing inspections, not just one.

Lateral Inspection Program

Randy said the lateral inspections coming from the curb to the house, regarding I&I (inflow & infiltration) stormwater/groundwater entering into our wastewater system, which ends up at Klines Island, we get billed for that. There is a big push at the state level to reduce I&I. It has been determined that a lot is being fed through these laterals between the curb and the house. Other communities are handling as part of a home inspection process, when a house goes up for sale. The option is there for our PW to inspect the lateral (from curb to house). Research needs to be done on what that fee would be. The other option is to make sure it is taken care of by a third party. This is an opportunity to get a better handle on our I&I, which in the long run, reduces the bills for everyone, by keeping sewer bills at a reasonable level. This is something we would want to really dive into this year, and come up with a proposal next year, 2023. Other signatories are looking at doing this, if they are not already doing so—the inspection process of lateral.

Dave Manhardt, Director, Community Development explained to get all of the above taken care of is a multi-year process. It is not something that will be done in a year.

President Kelly thought it a good idea to schedule on the calendar now, for the second Wednesday in June, to come back as follow-up to this Ordinance Workshop. Everyone was in agreement.

5. COURTESY OF THE FLOOR:

- a. Brian Hite, said that NWT did the notice requirements, which Dave said we will look into that one.
- b. Bethlehem Township was with the PROCHAMPS, per Dave.

6. EXECUTIVE SESSION: None.

7. ADJOURNMENT: At 8:02P, a MOTION was made to adjourn. All in favor; none opposed.

8. APPROVED: February 2, 2022

A MOTION was made by Commissioner Kennedy, which was seconded by Commissioner Osborne to approve the January 12, 2022, BOC Ordinance Workshop Minutes as presented. All in favor; none opposed. Vote was 5:0. Motion carried.
