

MOUNT POCONO BOROUGH
REGULAR MEETING AGENDA
MONDAY, JANUARY 7, 2019
7:00 P.M.

1. Call to Order
Pledge of Allegiance
2. Preliminary Announcements: Resolution Public Meeting Code of Conduct
3. Approval of Minutes: a. Public Hearing & Special Mtg of Mon. Dec 17, 2018
4. Officer's Reports:
 - a. President:
 - b. Mayor:
 - c. Secretary/Treasurer
 - d. Zoning Officer
 - e. Solicitor
5. Persons to be Heard:
6. Unfinished Business:
 - a. Action Items List
 - b. Proposed Fireworks Ordinance
 - c. Proposed Chicken Ordinance
7. New Business:
 - a. Ord. #1 of 2019 – Tax Millage Ordinance
 - b. Committee Resignations/Appointments/vacancies
8. Standing Committees:
 - a. Junior Councilmember Report: Shawky Nabil Darwish, Kristina Rinaldi
 - b. Planning: D. Casole, C. Williams, T. Ford, M. Penn
 - c. Dept. of Public Works: C. Williams, F. O'Boyle, D. Casole, M. Penn
 - d. Utilities: M. Hensel, A. Montanez, F. O'Boyle
 - e. Water: D. Casole, S. Stewart-Keeler, A. Montanez
 - f. Recreation: S. Stewart-Keeler, C. Williams, T. Ford
 - g. Sanitation: A. Montanez, M. Hensel, S. Stewart-Keeler, M. Penn
 - h. Buildings: F. O'Boyle, M. Hensel, D. Casole, M. Penn
 - i. Budget & Finance: C. Williams, F. O'Boyle, M. Hensel, M. Penn
 - j. Personnel: C. Williams, F. O'Boyle, M. Hensel, M. Penn
 - k. Regional Police/EMS: C. Williams, M. Penn
 - l. COG: L. Noonan, F. O'Boyle, C. Williams
9. Public Participation
10. Adjourn

Check out our NEW & IMPROVED WEB Site @ www.mountpocono-pa.gov

**MOUNT POCONO BOROUGH COUNCIL
PUBLIC HEARING/ SPECIAL MEETING MINUTES
MONDAY, DECEMBER 17, 2018
6:40 P.M.**

Vice President F. O'Boyle opened the Public Hearing at 6:40 P.M. with the following members present: Councilmembers: D. Casole; T. Ford; A. Montanez; and, M. Hensel. Mayor M. Penn and, Borough Secretary/ Treasurer L. Noonan were also present.

Council President C. Williams, Councilmember S. Stewart-Keeler, Solicitor J. Fareri and Junior Councilmembers S. Darwish and K. Rinaldi were absent.

The Pledge of Allegiance was said by all.

PUBLIC COMMENT

Let the records show that there was one (1) resident in attendance for the Public Hearing, this evening: Mike Reardon of Cedar Road. Mr. Reardon stated that he had reviewed the budget.

COUNCIL COMMENT

Councilmember M. Hensel stated that for next year, he believes that the Borough employees need to receive a cost of living increase for 2020 as there is no wage increase this year.

Councilmember D. Casole stated that the Borough pays too much money on public safety for Regional Police and discussed a 2013 study on Regional Police services.

There being no further public or Council comments the Public Hearing adjourned at 6:54 P.M. Motion made by Councilmember T. Ford and seconded by Councilmember A. Montanez. Motion carried unanimously.

SPECIAL MEETING – 6:55 P.M.

All present as stated previously.

PRELIMINARY ANNOUNCEMENTS

Vice President F. O'Boyle stated that Council President C. Williams has joined the Special Meeting via phone as she was out of the area.

APPROVAL OF MINUTES

Councilmember D. Casole moved to accept the Regular Meeting minutes of December 3, 2018, as presented. Councilmember T. Ford seconded. Motion carried unanimously.

TREASURER'S REPORT

GENERAL FUND CHECKING ACCOUNT	\$ 105,322.34
PENN SECURITY GENERAL FUND ACCOUNT	6,311.36
CAPITAL RESERVE ACCOUNT	1,281.99
BANNER BEAUTIFICATION ACCOUNT	3,145.30
STATE LIQUID FUELS	\$ 16,552.90
PARK & RECREATION FUND	871.83

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PLANNING COMMISSION REIMB. FUND	9,759.67
ROAD FUND – GENERAL FUND	516.46
STORMWATER FUND	67,746.92
GENERAL FUND RESERVE ACCOUNT	1,108.18
SANITATION FUND	8,430.14
INTERSECTION& SIGNALIZATION FUND	<u>444,057.20</u>
 GRAND TOTAL	 <u>\$ 665,103.29</u>

Councilmember T. Ford moved to pay and approve the bills as outlined in the Borough Secretary/ Treasurer's report dated December 17, 2018 and transfer any shortfalls from the Intersection/ Signalization Fund. Councilmember D. Casole seconded. Motion went to a roll call vote: Councilmember T. Ford, "Yes"; Councilmember M. Hensel, "Yes"; Councilmember D. Casole, "Yes"; Councilmember A. Montanez, "No"; President C. Williams, "Yes"; and, Vice President F. O'Boyle, "Yes". Motion carried 5 -1.

BILLS TO BE PAID FROM THE GENERAL FUND CHECKING ACCOUNT:

Pocono Mountain Regional Police – 4 th Quarter 2018	\$180,279.26
US Bank - Copier Lease	<u>317.54</u>

Grand Total **\$ 180,596.80**

Councilmember S. Stewart-Keeler arrived at 7:10 P.M.

UNFINISHED BUSINESS

2019 Proposed Budget Adoption

Councilmember T. Ford moved to adopt the proposed 2019 Budget as outlined. Councilmember S. Stewart-Keeler seconded. Motion sent to a roll call vote: Councilman T. Ford, "Yes"; Councilmember A. Montanez, "No"; Councilmember M. Hensel, "No"; Councilmember D. Casole, "No"; Councilmember S. Stewart-Keeler, "Yes"; President C. Williams, "No"; and, Vice President F. O'Boyle, "Yes". Motion fails 4-3.

Discussion

Borough Secretary/ Treasurer L. Noonan stated that Borough Council only has until December 31, 2018, to adopt a budget. She expressed her concerns and that she had not received any questions or comments in the last three (3) weeks since we finalized the budget during the work sessions on November 28th.

There was discussion regarding the reasons why Councilmembers voted no.

Councilmember D. Casole again expressed that she was not happy with the amount that Borough Council spends on Regional Police services.

Councilmember A. Montanez was not happy that there was a shortfall that we were covering for the current budget.

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6:40 P.M.**

After a lengthy discussion regarding these items, Councilmember M. Hensel moved to adopt the proposed 2019 Budget as presented. Councilmember T. Ford seconded. The motion went to a roll call vote: Councilmember A. Montanez, "No"; Councilmember D. Casole, "No"; Councilmember M. Hensel, "Yes"; Vice President F. O'Boyle, "Yes"; President C. Williams, "Yes"; Councilmember S. Stewart-Keeler, "Yes"; and Councilmember T. Ford, "Yes". Motion carried 5-2.

NEW BUSINESS

Advertise 2019 Meeting Schedule

Councilmember M. Hensel moved to advertise the 2019 meeting schedule. Councilmember T. Ford seconded. Motion carried unanimously.

COG

Borough Secretary/ Treasurer L. Noonan advised Borough Council that there is a special COG meeting being held on Thursday, January 3, 2019 at 9:00 A.M. at the Public Safety Center to discuss municipal employee safety after the recent shooting at Paradise Township.

It was also noted that the Borough employees will be having their holiday breakfast tomorrow morning at 8:30 A.M. at Perkins.

Councilmember M. Hensel noted that he saw Ike Olsen recently and he is interested in doing another Arbor Day project in the Borough. Councilmember M. Hensel stated he would put him in contact with the Park & Recreation.

PUBLIC PARTICIPATION

None

There be no further business or public participation coming before the Board, Councilmember A. Montanez moved to adjourn at 7:42 P.M. Councilmember S. Stewart-Keeler seconded. Motion carried unanimously.

Respectfully submitted,

Lori Noonan, Borough Secretary

Zoning / Code Enforcement Office
December 2018 - Report to Council

Permits / Certificates Issued (12/4 to 1/4):

Road Cut – 1

Fence – 1

Shed – 2

Roof – 1

Solar Installation - 1

Fees (12/4 to 1/4): \$572.00

Rental Inspections: 2

Additional Work / Activities:

- 12/3 - Council meeting.
- 12/19 - PC meeting.
- 1/4/19 – 5 Seneca / 83 Winona site inspection with Attorney Clark Conner, property owner Jim Moore and Attorney De Stefano.
- Initiated comprehensive zoning ordinance and SALDO review.

Respectfully submitted,

Dennis Noonan
Zoning / Codes Enforcement

**ACTION LIST
MOUNT POCONO BOROUGH COUNCIL
REGULAR MEETING
JANUARY 7, 20119**

Fire Works Ordinance	<p>01/7/19 – Council has received the Planning Commissions recommendations.</p> <p>12/3/18 – Planning Commission should be forwarding draft to Council at their next meeting</p> <p>11/5/18 – Planning Commission still reviewing</p> <p>10/1/18 – Planning Commission still reviewing</p> <p>9/4/18 – Sample draft ordinance were forwarded to the Planning Commission for their review and recommendation. This is still in the review process.</p> <p>8/6/18 -Council received copies of a sample draft ordinance and the PA Fireworks Law. Does Council want the Planning Commission to review the sample draft ordinance?</p>
Anthony Lepre – donation of property Lot 103, Section 4 Brunswick Dr.	<p>01/7/19 – Received Bid Docs & Advertising will publish this week</p> <p>12/3/18 – Property being advertised for sale</p> <p>11/5/18 – For Sale Sign posted on property</p> <p>10/1/18 – For Sale Sign posted on property</p> <p>9/4/18 – Appraisal of property has been received. What are Council's intentions for this property?</p> <p>8/6/18 - Property has been donated to the Borough and the deed received. Council also received the quarterly sewer bill. What are Council's intentions for this property?</p>

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AED	<p>01/7/19 – Maint. Dept AED Cabinet received. Training on AED Needed</p> <p>12/3/18 – Training on AED's is needed.</p> <p>11/5/18 – AED's were delivered. Training needs to be scheduled and the Maintenance Dept. needs a protective cabinet for their AED. Cost \$190</p> <p>10/1/18 – AED's have been ordered. The AED's were Delivered on 9/28/18. Employees need to be trained. Rachel Moyer can provide training (2-3-hour class)</p> <p>9/4/18 – Rachel Moyer advised Council of a grant she received and the cost per AED is now \$500. Two (2) AED's were ordered on 8/23/18</p>
MCTA Bus Stop SR 940 & BK Entrance	<p>01/7/19 – Council adopted Bus Parking Ord on 10/3/11. On 11/7/11 meeting Council, per the Bus Parking Ord. designated bus stops. They designated ONE (1) stop: School Drive @ the municipal building. No other stops were designated at that meeting or any meeting after that.</p> <p>11/1/18 – In review</p> <p>10/1/18 – Researching Minutes to determine if Council approved all MCTA bus stops in the Borough, particularly the SR940/BK Entrance stop</p> <p>9/4/18 – Solicitor J. Fareri & Borough Secretary/Treasurer are working on this matter.</p> <p>8/6/18 - MCTA advised Council if the stop was moved, Council would be responsible to bring the new bus stop ADA compliant. Solicitor J. Fareri is to review and advise Council</p>

<p style="text-align: center;">ACTION LIST MOUNT POCONO BOROUGH COUNCIL REGULAR MEETING JANUARY 7, 20119</p>

<p>Borough Building Sidewalks & Ramp 3 Year Warranty</p>	<p>01/7/19 – D. McGarry stated Potcher will honor the 3 year additional warranty. Waiting for weather to break. 12/3/18 – No Update 11/5/18 – No Update 10/1/18 – VP O’Boyle & Councilmember Hensel met with Dave McGarry on 9/24/18 – Mr. McGarry scheduling a meeting with Potcher Construction Representative & Door manufacturer 9/4/18 – Called Dave McGarry (he’s on vacation) to schedule meeting. 8/6/18 Three (3) year warranty will end on March 31, 2019. Meeting with Schoonover & Vanderhoof will be scheduled during the month of September to inspect the current conditions on the sidewalks & ramp</p>
<p>Bed & Breakfast Amendment</p>	<p>12/3/18 – B&B Ord. being advertised 11/5/18 – Council reviewed the MCPC comments at the 10/15/18 work session. Council needs to advertise ordinance for adoption 10/1/18 – Council reviewed the MCPC comments at their 9/17/18 work Session and sent the MCPC comments to the MPPC for their advisement. 9/4/18 – Sent to MCPC for review & comments. These will</p>

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Emergency Management Coordinator (EMC)	<p>12/3/18 – Paperwork under review by PEMA & Governor</p> <p>11/5/18 – Paperwork & background checks for J. Woehrle & R. Altemose have been forwarded to the Monroe County Offices of Emergency Services for state approval/appointment by the Governor</p> <p>10/1/18 – Jeff Woehrle and Randy Altemose have agreed to serve as the Borough EMC & Co-EMC respectfully. Council needs to formally appoint.</p> <p>9/4/18 – No change in status</p> <p>8/6/18 -Council has been provided with a “position description” provided by the County Offices of Emergency Services. Currently EMC is K. Transue and Claudette Williams is the Assistant EMC</p>
Traffic Signal SR 611 & Pine Hill Road	<p>01/7/19 – No Update</p> <p>12/3/18 – No Update</p> <p>11/5/18 – No Update</p> <p>10/1/18 – No Update</p> <p>9/4/18 – No Update</p> <p>8/6/18 - Project design is 95% complete. PA DOT Legal is reviewing documents forwarded to them to confirm compliance with PA DOT regulations. PA DOT requires indemnification from Project Sponsor due to inability to obtain contiguous property owner sign offs. Indemnification requirements must now be reviewed by Project Sponsor.</p>

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Permit Fee Schedule Amendments	<p>01/7/19 – No update</p> <p>12/3/18 – ZHB & Hearing fees still under review</p> <p>11/5/18 – Council reviewed the proposed Permit Fee Schedule at the 10/15/18 work session. More research/review on several of the proposed fees is on-going.</p> <p>10/1/18 – Council began reviewing the proposed Permit Fee Schedule amendment at the 9/17/18 Work Session.</p>
LSA Grant Application – Maintenance Garage	<p>01/7/19 – No update</p> <p>12/3/18 – LSA Grant Awards to be announced Spring 2019</p> <p>11/5/18 – Under review by DCED/Commonwealth Finance Committee</p> <p>10/1/18 – LSA Grant Application was successfully submitted to DCED/Commonwealth Finance Committee</p>
MCPC Infrastructure System Planning Program	<p>01/7/19 – No Update</p> <p>12/3/18 – No Update</p> <p>11/5/18 – Councilmember M. Hensel is scheduling the meeting with the County PC</p> <p>10/1/18 – C-member M. Hensel advised Council that the MPMA met with Nate Staruch and Ken Brown regarding this program. Councilmember M. Hensel suggested that a committee of Council, Road Foreman, ZO/Codes Enforcement Officer meet with MCPC Representatives N. Staruch & K. Brown to discuss this program</p>

<p style="text-align: center;">ACTION LIST MOUNT POCONO BOROUGH COUNCIL REGULAR MEETING JANUARY 7, 2019</p>

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Mount Pocono Borough Planning Commission

Memo

Date: January 4, 2019
To: Borough Council
From: Planning Commission
RE: Proposed Fireworks Ordinance

The Planning Commission held a work session and reviewed the proposed Fireworks Ordinance and at its December 19, 2018, regular meeting, the Ordinance was reviewed one more time. The Planning Commission is recommending to Borough Council to adopt the proposed Fireworks Ordinance (please see attached).

Thank you for your consideration on this matter.

**BOROUGH MOUNT POCONO
FIREWORKS ORDINANCE**

ORDINANCE NO. ____ OF 20__

**AN ORDINANCE REGULATING THE USE OF CONSUMER FIREWORKS AND
PROVIDING FOR THE GRANTING OF PERMITS FOR THE USE OF DISPLAY
FIREWORKS, PRESCRIBING SAFEGUARDS CONCERNING SAME, PROHIBITING
THE USE OF DISPLAY FIREWORKS WITHOUT OBTAINING A PERMIT
THEREFORE, AND PRESCRIBING PENALTIES FOR VIOLATIONS
TO BE KNOWN AS CHAPTER 99 OF THE MOUNT POCONO BOROUGH CODE**

WHEREAS, the Borough of Mount Pocono (hereafter, Borough) is a political subdivision of the Commonwealth of Pennsylvania, which is entitled to the rights, privileges and immunities conferred under The Borough Code (hereafter, Code), 8 Pa. C.S.A. §101 et seq.; and

WHEREAS, under Sections 1005 and 1006 of the Code, 8 Pa. C.S.A. §§1005 and 1006, the corporate power of the Borough is vested in the Borough Council; and

WHEREAS, under Section 1202 of the Code, Borough Council has the specific power to enact ordinances as may be necessary for the health, safety, morals, general welfare and cleanliness and beauty, convenience, comfort and safety of the Borough; and

WHEREAS, as additionally authorized by the Fireworks Law, Act 43 of 2017, 72 P.S. § 9401 et seq., the Borough may regulate the use of display and consumer fireworks within the Borough.

NOW, THEREFORE, it is hereby Ordained and Enacted by the Borough Council of Mount Pocono, Monroe County, Pennsylvania, that:

SECTION 1. DEFINITIONS.

Consumer Fireworks – Shall mean the term “Consumer Fireworks” as defined in 72 P.S. § 9401, as may be amended.

Display Fireworks – Shall mean the term “Display Fireworks” as defined in 72 P.S. § 9401, as may be amended.

Fireworks Law – Shall mean Act 43 of 2017, 72 P.S. § 9401 et seq., as may be amended.

Public Officer – Any Police Officer, Constable or Code Enforcement Officer, sometimes herein referred to as Public Officer, designated by the municipality to enforce the Borough

ordinances, and also, to the extent permitted by Intra-jurisdictional Agreement(s), such other Police Officers duly authorized thereunder.

SECTION 2. No Consumer Fireworks may be discharged within the Borough of Mount Pocono before 9:00 a.m. or after 11:00 p.m. except for New Year's Eve, when 11:30 p.m. shall be extended to 1:00 a.m. New Year's Day. No Consumer Fireworks may be discharged within the Borough of Mount Pocono within 200 feet of an occupied structure which term is defined as a structure, vehicle or place adapted for overnight accommodation of persons or for conducting business whether or not a person is actually present.

SECTION 3. It shall be unlawful for any persons, firms, or corporations to possess or use Display Fireworks within the limits of the Borough unless a permit is first granted by the Borough.

SECTION 4. Holders of permits to possess and use Display Fireworks within the Borough must comply with and abide by all Pennsylvania and federal statutes and regulations governing the use and storage of Display Fireworks, including, but not limited to, the International Fire Code and the Uniform Construction Code (Act 45 of 1999, as amended) ("UCC"). In the event of an inconsistency between the aforementioned state and federal laws and regulations and this Ordinance, the more stringent statutes and regulations shall apply.

Before a permit for the possession and use of Display Fireworks may be issued, the applicant must apply to the Borough's building code official for a permit under the UCC. If the building code official indicates in writing that no UCC permit is required, the application shall be processed in accordance with this Ordinance. If a UCC permit is required, the applicant must present the valid UCC permit before a Display Fireworks permit may be issued under this Ordinance.

SECTION 5. Every use of Display Fireworks within the Borough shall be handled, arranged, managed, and directly supervised by a competent operator. The Borough Code Official, or other such officer designated by the Borough's Council, shall inspect the proposed site prior to issuing a permit in accordance with the International Fire Code and other applicable regulations and ensure that the site and proposed use of Display Fireworks are not hazardous to property, will not endanger any person(s) and will be in compliance with said regulations.

SECTION 6.

(A) An application for a permit shall be made in writing to the Borough at least 30 days in advance of the date of the proposed use of Display Fireworks, setting forth the proposed date, time, and location, the character and duration thereof, the name and address of the competent operator, and the name and address of the owner(s) of the grounds on which the Display Fireworks are to be used, with the written consent of such owner(s) and a copy of any permit application required by the International Fire Code and/or the UCC. The application shall contain copies of all state, federal, and local permits and/or licenses needed for the use of

Display Fireworks. All applicants shall pay the Borough the appropriate permit fee identified on the Borough's duly enacted fee schedule and provide proof of liability insurance acceptable to the Borough and the required bond prior to issuance of a permit. The Borough Council or its designee may attach conditions and/or restrictions on any permit for the use of Display Fireworks as deemed necessary.

(B) Permits granted under this section shall be for the approved purpose, date, and time only, unless extended due to unfavorable weather under Section 8.

(C) No permit for the use of Display Fireworks shall be issued to an individual under the age of 21.

(D) No permit for the use of Display Fireworks shall be issued to an individual unless said individual provides written documentation that he or she has all necessary federal licenses and authorizations to possess, store, and use Display Fireworks.

(E) No Display Fireworks shall be ignited within 300 feet of a permanent or temporary fireworks facility licensed by the Pennsylvania Department of Agriculture.

(F) No permit shall be issued to a business entity which performs, provides or supervises the use of Display Fireworks for profit unless it provides proof of registration with the Pennsylvania Attorney General.

(G) Permits issued pursuant to this Ordinance may be transferred in accordance with Act 43 of 2017. Such transfers shall take effect only after (1) the permit holder provides written notice of the proposed transfer to the Borough; and (2) the transferee provides a written statement that he or she agrees to comply with the requirements stated in the permit and this Ordinance. Both must be provided to the Borough at least 10 days in advance of the transfer.

(H) No display fireworks are not permitted during a red flag warning.

SECTION 7. The Borough shall require a bond from the applicant in an amount deemed appropriate by the Borough Council or its designee. The bond amount shall be no less than \$500,000 and shall be provided for the payment of any and all damages caused to any person(s) and property by reason of the display and arising from any acts of the permittee or the permittee's agents, employees, subcontractors, or volunteers. The bond shall be in a form acceptable to the Borough and no permit for the use of Display Fireworks shall be issued unless an acceptable bond is received by the Borough.

SECTION 8. If by reason of unfavorable weather the display for which a permit has been granted does not take place at the time authorized, the permittee may apply to the Borough within twenty-four (24) hours, setting forth under oath the fact that such display was not made, the reason, and request for a continuance of such permit for a specifically designated day, no later than one week after the day fixed originally in said permit. Upon receiving such application for a continuance, the Borough shall extend the provisions of the permit to the day fixed in the

application, no later than one week after the original day designated in the permit, if it believes the facts to be true. Such extension of time shall be granted without the payment of any additional fee or requiring any bond other than the one given for the original permit. The provisions of the original bond shall extend to and cover all damages which may be caused by reason of said display taking place at the extended date in the same manner and to the same extent as if such display had taken place at the date originally fixed in the permit.

SECTION 9. Any person violating the provisions of this Ordinance shall be guilty of a summary offense, and upon conviction thereof, shall be punished by a fine not exceeding \$1,000.00 or by imprisonment not exceeding 30 days or by both such fine and imprisonment.

SECTION 10. If any section, clause, provision or portion of this ordinance shall be held invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this ordinance so long as it remains legally enforceable minus the invalid portion. The Borough reserves the right to amend this ordinance or any portion thereof from time to time as it shall deem advisable in the best interests of the promotion of the purposes & intent of this ordinance, & the effective administration thereof.

SECTION 11. This Ordinance shall be effective at the earliest time permitted by law after adoption.

SECTION 12. This Ordinance is enacted the Council of the Borough of Mount Pocono under the Borough Code and any other applicable law arising under the Laws of the Commonwealth of Pennsylvania, including but not limited to the Fireworks Law.

ORDAINED AND ENACTED this ____ day of _____ 20 ____.

ATTEST:

THE BOROUGH OF MOUNT POCONO

Lori Noonan, Council Secretary

Claudette Williams, Council President

Approved this ____ day of _____ 20 ____.

Michael Penn, Mayor

To: Borough Council
From: Tom Ford
Re: Revised proposed Backyard Chicken Ordinance

After several months, the Planning Commission recommended acceptance of the attached ordinance, with only the comments below (boldfaced) on certain sections. There was not a majority on the PC for the “multiple choice” changes submitted. The Planning Commission noted that “All these items are subject to Borough Council's discretion” to make any changes, or not.

In response to the PC’s review, I made changes to the proposed ordinance. Comments in blue below indicate what changes have been made to the attached proposed ordinance in response to the PC Memo and which changes I am suggesting be rejected

7. Standards and Conditionns: *(Now designated as §59-14 of the proposed ordinance)*

(a) would either be allowed in R1, R2 Zoning Districts or single-family homes and the lot size would either be larger than 1/4 acre, 1/3 of an acre, or 1/2 an acre.

- *This refers to what is now designated as §59-14A of the proposed ordinance*
- *§59-14A has been revised to expressly limit permits to residential properties*
- *With respect to the lot size, that is an arbitrary and capricious restriction, expressly designed to prevent the majority of citizens from keeping chickens. No testimony, scientific evidence, nor animal husbandry basis was offered to support the restriction. The PC could not even decide how much of a restriction there should be, much less state the basis for a lot size restriction.*

(c)(2) Roosters not allowed at all in the Borough.

- *§59-14C now expressly bans Roosters*

(f) (1) Pens and coops shall be located only at the back yard and not at the side yard.

- *Coops serve the same purposes as sheds and dog houses, which are permitted in side yards.*

The PC initially asked that the restrictions be the same as for sheds. When they learned that sheds were permitted in side yards, they inserted the backyard restriction because many lots have homes set back at 25 or less feet, and this requirement would further restrict the number of citizens who

may keep chickens.

No testimony, scientific evidence, nor animal husbandry basis was offered to support the restriction. It is therefore an arbitrary and capricious provision.

We permit dog pens, sheds, trash cans, and the like to be located in side yards. There is no categorical difference with Chicken Pens & Coops.

(f)(2) No part of a pen or coop shall be no closer than 25, 30 or 35 feet.

- *§59-14F(2) accepts the 25-foot setback, which is the setback recommended by the Penn State University Extension.*

(f) (4) Delete the words where reasonably practicable from this section. It should read: Pens and Coops shall be situated on a property to provide maximum screening from adjacent properties and roadways.

- *Deleting “reasonably practicable” would be adding an UNreasonable condition, by definition.*

Screening is not required for dog houses, sheds, hot tubs, pools, or any other accessory structure on a residential lot.

No testimony, scientific evidence, nor animal husbandry basis was offered to support the restriction. It is therefore an arbitrary and capricious provision.

BOROUGH OF MOUNT POCONO

MONROE COUNTY, PENNSYLVANIA

ORDINANCE NO. ____ OF 2019

AN ORDINANCE AMENDING CHAPTER 59 OF THE CODE OF THE BOROUGH OF MOUNT POCONO CODE.

It is hereby Ordained by the Borough Council of Borough of Mount Pocono, County of Monroe, Commonwealth of Pennsylvania, that Chapter 59 of the Borough Code of Mount Pocono is amended to add Article II as follows:

Chapter 59

Article II

NON-COMMERCIAL KEEPING OF CHICKENS

Part I

General Provisions

§59-8 Findings and Intent.
§59-9 Responsibility.
§59-10 Definitions.
§59-11 Fees.
§59-12 Forms and Procedures..

Part II

Non-Commercial Backyard Chicken Keeping

§59-13 Permits Required.
§59-14 Standards and Conditions.
§59-15 Disposal of waste material.
§59-16 Nuisances.

Part III

Violations, Penalties and Costs

§59-17 Compliance.
§59-18 Fine.
§59-19 Other Remedies.
§59-20 Permit Revocation.

Part IV

Miscellaneous Provisions

§59-21 Repealer.
§59-22 Severability.
§59-23 Interpretation.
§59-24 Effective Date.

Part I

General Provisions

§59-8 Findings and Intent.

The Borough Council finds that there is an increase in this Commonwealth among families desiring to be more self-sufficient in the production of food, including the non-commercial keeping of chickens; that the non-commercial keeping of chickens provides social, economic, educational, and environmental benefits; that many people are unfamiliar with chicken keeping, and as a result do not want these activities in their neighborhoods. By adopting this ordinance, Mount Pocono Borough intends to ensure that the interests of all residents are reasonably protected. In adopting this ordinance, this Borough intends to address the growing interest of keeping food producing animals in residential areas in a manner which endeavors to ensure public health, safety and welfare. This Article shall be construed to secure its expressed intent.

§59-9 Responsibility.

The owner and any tenant in possession under the terms of a lease of the property shall be responsible for compliance with the provisions of this Article and the failure of an owner, tenant, agent, managing agency, or occupants to comply with this Article shall be deemed noncompliance by the owner and any tenant.

§59-10 Definitions. For the purpose of this Article II, certain terms, phrases and words are defined as follows:

A. Tense, Gender and Number. Words used in the present tense include the future; words in the masculine gender include the feminine and the neuter; the singular number includes the plural and the plural singular.

B. General Terms. The words “shall,” “will” or “must” are always mandatory; the words “should” or “may” are permissive. The words “used for” includes “designed for,” “arranged for,” “intended for,” “maintained for” or “occupied for.” The word “building” includes “structure” and shall be construed as if followed by the phrase “or part thereof.” The word “person” includes “individual,” “profit or nonprofit organization,” “partnership,” “company,” “incorporated association” or other similar entities.

C. Terms, Phrases and Words Not Defined. When terms, phrases or words are not defined, they shall have their ordinarily accepted meaning or such as the context may imply.

D. Specific Terms. The following words and phrases when used in this Article shall have the meanings given to them in this section unless the context clearly indicates otherwise

“Chicken.” Female poultry or fowl of the species gallus domesticus.

“Coop.” A structure, either portable or permanent, to shelter chickens.

“Owner.” The owner of the land where the keeping is being performed. The owner bears responsibility for any legal action in this ordinance.

“Pen.” A fenced area designed to contain the animal to a restricted area, and prevent animals roaming at large.

“Permit officer.” Official designated to process permit applications and inspect locations to ensure compliance with this ordinance. The Borough Council may appoint one (1) or more persons as Permit Officer(s), who may be the Borough Zoning Officer or Code Enforcement Officer, a Pocono Mountain Regional Police officer, or a contracted individual, firm or agency, to administer this Article.

“Permittee” The person to whom the permit is issued a permit for keeping.

“Receipt of notice.” The typical time for a letter to arrive by mail. For this ordinance the typical time is three business days from the day the letter was mailed. Notice in person is receipt of notice.

“Rooster.” Male poultry or fowl.

“Veterinarian.” A veterinarian who cares for the specific animal type.

“Waste material.” The natural waste produced by keeping activity, which may include feces, soiled hay or bedding. It does not include the carcass of any animal.

§59-11 Fees.

Fees for the administration of this Article shall be charged in accord with the fee schedule adopted by Resolution of the Borough Council.

§59-12 Forms and Procedures.

Registration and application forms and procedures shall be as required by this Article or as otherwise amended or adopted by Resolution of the Borough Council.

Part II Non-Commercial Backyard Chicken Keeping

§59-13 Permits Required.

A. General rule.--Permits for keeping chickens in the Borough shall be issued in accordance with this section. The keeping of any chickens in the Borough without a permit is a violation under this Article.

B. Application.--

(1) An applicant must complete and submit an application provided by the permit officer and pay all fees required hereunder.

(2) A complete application shall include:

(i) proof that the applicant is the owner of the land, or that the applicant is a lawful resident of the land and has express written permission from the owner where the activity will take place;

(ii) a statement that the location is in compliance with the section 59-14 requirements;

(iii) all fees paid in full;

(iv) a statement that the land contains at least one residential dwelling;

(v) a statement that, upon the issuance of a permit hereunder, the proposed permittee and owner irrevocably consent to inspections by the permit officer, with or without notice, conducted in a reasonable manner and at a reasonable time, of the coop, the pen, the permittee's chicken keeping operation, and for compliance with this Article;

(vi) a statement that, upon the issuance of a permit hereunder, the proposed permittee and owner, agree to rely on the reasonable, good faith judgment of the permit officer as to the existence of noise or odor in violation of this Article;

(vii) a statement that, upon the issuance of a permit hereunder, the proposed permittee and owner, agree that the permit officer, or the permit officer's designee, shall be empowered to undertake, and permitted to enter the subject property for the purposes thereof, any corrective, abatement, or compliance action which the permittee has been directed to but has failed to undertake under this Article, and that all of the costs and the expenses of the same shall be the liability of the permittee and owner;

(viii) identify the permittee's intended Veterinarian.

C. Issuance of permit:

(1) A permit application will not be approved unless the applicant affirmatively demonstrates that the following conditions are met:

(i) the information contained in the application is correct;

(ii) the requirements for a permit have been met; and

(iii) the proposed location is consistent with section 59-14.

(2) If all conditions are met, the officer shall issue the permit within five (5) business days.

D. Suspension, revocation, and non-renewal of permit.--

(1) The permit officer may suspend, revoke, or decline to renew any permit issued for any of the following reasons:

(i) false statements made on the application or other misinformation provided to the permit officer by the applicant;

(ii) failure to pay any penalty, inspection, re-inspection, or reinstatement fee required by this section;

(iii) failure to correct deficiencies noted during inspections in the time specified by the permit officer;

(iv) failure to comply with the provisions of an approved mitigation/remediation plan by the permit officer;
or

(v) failure to comply with any provision of this ordinance.

(2) Notification:

(i) revocation, suspension, denial or nonrenewal of a permit shall be in writing, and delivered (A) by ordinary mail; (B) in person to the address indicated on the application; or (C) presented by hand delivery to the person.

(ii) The notification shall state the reasons for the action.

E. Effect of revocation.--

(1) When a permit is revoked, the applicant may not re-apply for a new permit for a period of twelve (12) months from the date of revocation; when a permittee has a permit revoked a second time, the permittee shall not be eligible to re-apply and no permittee on the subject property may receive a permit if the revoked permittee remains a resident of that land.

(2) Within 14 days, all chickens shall be removed from the premises.

(3) Any premises not in compliance shall be subject to the violations and penalties specified herein.

(4) The Owner and Permittee shall be jointly and severally liable to the Borough for all costs incurred to remove, place, and/or dispose of animals, and for the costs of all fees, violations, and penalties hereunder.

F. Duration of permit.-- A permit shall be valid for a three (3) year period of time from January 1 of the year in which the permit is issued. Fees shall not be pro-rated.

G. Renewal of permit--

(1) If

- (i) there are no existing unresolved violations on record for the permittee at the time of renewal;
- (ii) there are no unpaid fees or costs under this Article at the time of renewal; and
- (iii) the permit is not suspended or revoked at the time of renewal,

The permit shall be renewed when the renewal fee is paid and the renewal application is submitted.

(2) Renewal applications shall contain all of the statements and provide the same proof required by the original application and shall be submitted by November 15 of the final year of the permit term.

§59-14 Standards and Conditions.

A. General rule.--Chickens shall be permitted when in compliance with the provisions of this Article.

B. Non-commercial use.--The keeping of chickens under this ordinance shall not be for commercial purposes. A permittee may not engage in commercial:

- (1) chicken breeding;
- (2) sale of chickens;
- (3) egg producing; or
- (4) fertilizer production.

C. Type.--

- (1) Chickens must be hens.
- (2) Roosters may not be kept in the Borough.

D. Coops.-- Chicken coops are required.

(1) Chicken coops shall:

- (i) Have a solid roof.
- (ii) Be solid on all sides.
- (iii) Have adequate ventilation.
- (iv) Provide protection from predators.
- (v) Be designed to secure the chickens.
- (vi) Be readily accessible for cleaning.

(2) Coops may be either:

- (i) commercially built/designed; or
- (ii) built by the owner or permittee.

(3) Coops must provide three (3) square feet of floor space and nine (9) cubic feet of total enclosed space per chicken.

(4) The exterior of coops must be clean and made of wood or similar material; the coop material shall be painted or stained and maintained in good condition.

E. Pens.-- Pens are required.

(1) Pens shall permit at least nine (9) square feet of area per chicken.

(2) The pen must be constructed in a way to prevent chickens from roaming free and keep predators from getting into the pen.

(3) The pen must be accessible by the hens from their coop when they are not secured in the coop.

(4) The pen must have a top sufficient to prevent predators from getting into the pen.

F. Location.--

(1) Pens and coops shall be located in the back or side yard only and at least 25 feet from any street.

(2) No part of a pen or coop shall be closer than 25 feet from a property line or neighboring residence.

(3) The Pen and Coop must not be within or connected to the residence.

(4) Where reasonably practicable, Pens and Coops shall be situated on a property to provide maximum screening from adjacent properties and roadways.

G. Living conditions.--

(1) Chickens shall have access to feed and clean water at all times.

(2) Feed shall be secured to prevent rodents or other pests from accessing the feed.

(3) Chickens shall have adequate bedding of at least a 3-inch base of dry litter such as pine shavings.

(4) Bedding shall be added weekly and removed and replaced at least monthly, and whenever wet.

(5) Pens and coops shall be cleaned at regular intervals and whenever odor can be detected 20 feet from any part of the pen or coop.

(6) A veterinarian shall be identified by the permittee and used for any necessary medical care.

(7) Chickens shall be banded with band(s) of color(s) approved by the permit officer; band color(s) shall be unique to the applicant.

H. Disposition of deceased chickens.--Chicken carcasses shall be disposed of in compliance with 3 PA Cons Stat § 2352 (2014). No person shall slaughter a chicken in a residential zone.

§59-15 Disposal of waste material.

- A. All waste shall be disposed of in a proper manner as follows:
 - (1) Appropriate waste disposal may be any of the following:
 - (i) Waste is to be double bagged and placed into municipal waste;
 - (ii) Owner or Permittee may compost the waste; or
 - (iii) Permittee may give the waste to another person who composts.
 - (2) When waste is composted, the permittee shall notify any person given the waste that it contains chicken excrement, or notify any person given compost that the compost was made from chicken waste.
 - (3) Non-composted waste shall not be spread on lawns, in gardens, or on the ground.
- B. Waste may not be disposed of by any other manner, including dumping or washing away.

§59-16 Nuisances.

- A. General rule.--A nuisance may be either:
 - (1) a health hazard; or
 - (2) activity that unreasonably interferes with the use or enjoyment of neighboring property.
 - (3) For the purposes of this Article, it shall be a nuisance if chicken keeping results in odors detectable on adjacent properties or roadways, or in any noise greater than, or with more frequency than, noises reasonably expected to be encountered in the subject permittee neighborhood.
 - (4) For the purposes of this Article, it shall be a nuisance if a chicken enters a neighboring property or roadway.
- B. It shall be a violation of this Article to fail to abate a nuisance within ten (10) days of the issuance of a notice from the permit officer.

Part III Violations, Penalties and Costs

§59-17 Compliance.

Failure to comply with any provision of this Article, and/or failure to comply with an order to abate an activity, use and/or condition, shall be a violation of this Article and subject to criminal prosecution and the revocation of a license.

§59-18 Fine.

Any person who has violated or permitted the violation of any provisions of this Article shall upon judgment thereof by any Magisterial District Judge be sentenced to pay a fine of not less than One Hundred Dollars (\$100) nor more than Six Hundred Dollars (\$600) per day of violation, together with the costs of suit including reasonable attorney fees. Each day of violation shall constitute a separate offense, for which a summary conviction may be sought. All judgments, administrative, enforcement, security firm or police response, and other costs, interest, and reasonable attorney fees collected for the violation of this Article, shall be paid over to the Borough.

§59-19 Other Remedies.

The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment. The Borough shall also have the right to seek injunctive relief for violations of this Article.

§59-20 Permit Revocation.

If permittee commits two (2) or more offenses resulting in convictions within one year, the permit may be revoked.

Part IV Miscellaneous Provisions

§59-21 Repealer.

All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed.

§59-22 Severability.

If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Borough Council that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

§59-23 Interpretation.

The object of interpretation and construction of this Ordinance and/or the provisions thereof shall be, if possible, to give effect to all of its provisions. Whenever a provision in this Ordinance shall be in conflict with another provision in the same section or another part of this Ordinance or another Ordinance or part thereof, the two (2) shall be construed, if possible, so that the effect may be given to both.

§59-24 Effective Date.

This Ordinance shall become effective upon adoption.

ADOPTION

ORDINANCE ORDAINED AND ENACTED this ____ day of _____, 20 ____, by the Borough Council of the Borough of Mount Pocono, Monroe County, Pennsylvania.

By: _____
Claudette Williams, Council President

ATTEST:

Lori Noonan, Secretary

APPROVED this ____ day of _____, 20 ____

By: _____
Michael C. Penn, Mayor

Mount Pocono Borough Planning Commission

Memo

Date: September 20, 2018
To: Borough Council
From: Planning Commission
RE: Proposed Chicken Ordinance

After reviewing the proposed Chicken Ordinance, several times, the Planning Commission is recommending Borough Council to adopt the proposed Chicken Ordinance with the following suggestions that Borough Council would need to consider/ determine under:

7. Standards and Conditions:

(a) would either be allowed in R1, R2 Zoning Districts or single-family homes and the lot size would either be larger than ¼ acre, 1/3 of an acre, or ½ an acre.

(c) (2) Roosters not allowed at all in the Borough.

(f) (1) Pens and coops shall be located only at the back yard and not at the side yard.

(f) (2) No part of a pen or coop shall be no closer than 25, 30 or 35 feet.

(f) (4) Delete the words *where reasonably practicable* from this section. It should read:
Pens and Coops shall be situated on a property to provide maximum screening from adjacent properties and roadways.

Please see attached proposed Chicken Ordinance.

All these items are subject to Borough Council's discretion.

Thank you for your consideration on this matter.

BOROUGH OF MOUNT POCONO

MONROE COUNTY, PENNSYLVANIA

ORDINANCE NO. ____ OF 2018

AN ORDINANCE AMENDING CHAPTER XXX OF THE CODE OF THE BOROUGH OF MOUNT POCONO CODE.

It is hereby Ordained by the Borough Council of Borough of Mount Pocono, County of Monroe, Commonwealth of Pennsylvania, that Chapter XXX of the Borough Code of Mount Pocono is amended to read as follows:

Chapter XXX NON-COMMERCIAL KEEPING OF CHICKENS

ARTICLE I General Provisions

§XXX-1. Findings and Intent.
§XXX-2. Responsibility.
§XXX-3. Definitions.
§XXX-4. Fees.
§XXX-5 Forms and Procedures..

ARTICLE II Non-Commercial Backyard Chicken Keeping

§XXX-6. Permits Required.
§XXX-7. Standards and Conditions.
§XXX-8. Disposal of waste material.
§XXX-9. Nuisances.

ARTICLE III Violations, Penalties and Costs

§XXX-10. Compliance.
§XXX-11. Fine.
§XXX-12. Other Remedies.
§XXX-13. Permit Revocation.

ARTICLE IV Miscellaneous Provisions

§XXX-14. Repealer.
§XXX-15. Severability.
§XXX-16. Interpretation.
§XXX-17. Effective Date.

ARTICLE I General Provisions

§XXX-1. Findings and Intent.

The Borough Council finds that there is an increase in this Commonwealth among families desiring to be more self-sufficient in the production of food, including the non-commercial keeping of chickens; that the non-commercial keeping of chickens provides social, economic, educational, and environmental benefits; that many people are unfamiliar with chicken keeping, and as a result do not want these activities in their neighborhoods. By adopting this ordinance, Mount Pocono Borough intends to ensure that the interests of all residents are reasonably protected. In adopting this ordinance, this Borough intends to address the growing interest of keeping food producing animals in residential areas in a manner which ensures to ensure public health, safety and welfare. This Chapter shall be construed to secure its expressed intent.

§XXX-2. Responsibility.

The owner and any tenant in possession under the terms of a lease of the property shall be responsible for compliance with the provisions of this chapter and the failure of an owner, tenant, agent, managing agency, or occupants to comply with this chapter shall be deemed noncompliance by the owner and any tenant.

§XXX-3. Definitions. For the purpose of this Part, certain terms, phrases and words are defined as follows:

A. Tense, Gender and Number. Words used in the present tense include the future; words in the masculine gender include the feminine and the neuter; the singular number includes the plural and the plural singular.

B. General Terms. The words "shall," "will" or "must" are always mandatory; the words "should" or "may" are permissive. The words "used for" includes "designed for," "arranged for," "intended for," "maintained for" or "occupied for." The word "building" includes "structure" and shall be construed as if followed by the phrase "or part thereof." The word "person" includes "individual," "profit or nonprofit organization," "partnership," "company," "incorporated association" or other similar entities.

C. Terms, Phrases and Words Not Defined. When terms, phrases or words are not defined, they shall have their ordinarily accepted meaning or such as the context may imply.

D. Specific Terms. The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise

“Chicken.” Female poultry or fowl of the species gallus domesticus.

“Coop.” A structure, either portable or permanent, to shelter chickens.

“Owner.” The person who owns the land where the keeping is being performed. The owner bears responsibility for any legal action in this ordinance.

“Pen.” A fenced area designed to contain the animal to a restricted area, and prevent animals roaming at large.

“Permit officer.” Official designated to process permit applications and inspect locations to ensure compliance with this ordinance. The Borough Council may appoint one (1) or more persons as Permit Officer(s), who may be the Borough Zoning Officer or Code Enforcement Officer, a Pocono Mountain Regional Police officer, or a contracted individual, firm or agency, to administer this chapter.

“Permittee” The person to whom the permit is issued a permit for keeping.

“Receipt of notice.” The typical time for a letter to arrive by mail. For this ordinance the typical time is three business days from the day the letter was mailed. Notice in person is receipt of notice.

“Rooster.” Male poultry or fowl.

“Veterinarian.” A veterinarian who cares for the specific animal type.

“Waste material.” The natural waste produced by keeping activity, which may include feces, soiled hay or bedding. It does not include the carcass of any animal.

§XXX-4. Fees.

Fees for the administration of this chapter shall be charged in accord with the fee schedule adopted by Resolution of the Borough Council.

§XXX-5. Forms and Procedures.

Registration and application forms and procedures shall be as required by this chapter or as otherwise amended or adopted by Resolution of the Borough Council.

ARTICLE II

Non-Commercial Backyard Chicken Keeping

§XXX-6. Permits Required.

(a) General rule.--Permits for keeping chickens in the Borough shall be issued in accordance with this section. The keeping of any chickens in the Borough without a permit is a violation under this Chapter.

(b) Application.--

(1) An applicant must complete and submit an application provided by the permit officer and pay all fees required hereunder.

- (2) A complete application shall include:
- (i) proof that the applicant is the owner of the land, or that the applicant is a lawful resident of the land and has express written permission from the owner where the activity will take place;
 - (ii) a statement that the location is in compliance with the section XXX-7 requirements;
 - (iii) all fees are paid in full;
 - (iv) a statement that the land contains at least one residential dwelling;
 - (v) a statement that, upon the issuance of a permit hereunder, the proposed permittee and owner irrevocably consent to inspections by the permit officer, with or without notice, conducted in a reasonable manner and at a reasonable time, of the coop, the pen, the permittee's chicken keeping operation, and for compliance with this Chapter;
 - (vi) a statement that, upon the issuance of a permit hereunder, the proposed permittee and owner, agree to rely on the reasonable, good faith judgment of the permit officer as to the existence of noise or odor in violation of this Chapter;
 - (vii) a statement that, upon the issuance of a permit hereunder, the proposed permittee and owner, agree that the permit officer, or the permit officer's designee, shall be empowered to undertake, and permitted to enter the subject property for the purposes thereof, any corrective, abatement, or compliance action which the permittee has been directed to but has failed to undertake under this chapter, and that all of the costs and the expenses of the same shall be the liability of the permittee and owner;
 - (viii) identify the permittee's intended Veterinarian.
- (c) Issuance of permit:
- (1) A permit application will not be approved unless the applicant affirmatively demonstrates that the following conditions are met:
 - (i) the information contained in the application is correct;
 - (ii) the requirements for a permit have been met; and
 - (iii) the proposed location is consistent with section XXX-7.
 - (2) If all conditions are met, the officer shall issue the permit within five (5) business days.
- (d) Suspension, revocation, and non-renewal of permit.--
- (1) The permit officer may suspend, revoke, or decline to renew any permit issued for any of the following reasons:
 - (i) false statements made on the application or other misinformation provided to the permit officer by the applicant;
 - (ii) failure to pay any penalty, inspection, re-inspection, or reinstatement fee required by this section;
 - (iii) failure to correct deficiencies noted during inspections in the time specified by the permit officer;
 - (iv) failure to comply with the provisions of an approved mitigation/remediation plan by the permit officer;
 - or
 - (v) failure to comply with any provision of this ordinance.
- (2) Notification:
- (i) revocation, suspension, denial or nonrenewal of a permit shall be in writing, and delivered (A) by ordinary mail; (B) in person to the address indicated on the application; or (C) presented by hand delivery to the person.
 - (ii) The notification shall state the reasons for the action.
- (e) Effect of revocation.--
- (1) When a permit is revoked, the applicant may not re-apply for a new permit for a period of twelve (12) months from the date of revocation; when a permittee has a permit revoked a second time, the permittee shall not be eligible to re-apply and no permittee on the subject property may receive a permit if the revoked permittee remains a resident of that land.
 - (2) Within 14 days, all chickens shall be removed from the premises.
 - (3) Any premises not in compliance shall be subject to the violations and penalties specified herein.
 - (4) The Owner and Permittee shall be jointly and severally liable to the Borough for all costs incurred to remove, place, and/or dispose of animals, and for the costs of all fees, violations, and penalties hereunder.
- (f) Duration of permit.-- A permit shall be valid for a three (3) year period of time from January 1 of the year in which the permit is issued. Fees shall not be pro-rated.
- (h) Renewal of permit--
- (1) If
 - (i) there are no existing unresolved violations on record for the permittee at the time of renewal;
 - (ii) there are no unpaid fees or costs under this Chapter at the time of renewal; and

(iii) the permit is not suspended or revoked at the time of renewal,
The permit shall be renewed when the renewal fee is paid and the renewal application is submitted.

(2) Renewal applications shall contain all of the statements and provide the same proof required by the original application and shall be submitted by November 15 of the final year of the permit term.

§XXX-7. Standards and Conditions.

(a) General rule.--Chickens shall be permitted in residential zones when in compliance with the provisions of this Chapter.

(b) Non-commercial use.--The keeping of chickens under this ordinance shall not be for commercial purposes. A permittee may not engage in commercial:

- (1) chicken breeding;
- (2) sale of chickens;
- (3) egg producing; or
- (4) fertilizer production.

(c) Type.--

(1) Chickens must be hens.

(2) Roosters may not be kept in residential areas.

(d) Coops.-- Chicken coops are required.

(1) Chicken coops shall:

- (i) Have a solid roof.
- (ii) Be solid on all sides.
- (iii) Have adequate ventilation.
- (iv) Provide protection from predators.
- (v) Be designed to secure the chickens.
- (vi) Be readily accessible for cleaning.

(2) Coops may be either:

- (i) commercially built/designed; or
- (ii) built by the owner or permittee.

(3) Coops must provide three (3) square feet of floor space and nine (9) cubic feet of total enclosed space per chicken.

(4) The exterior of coops must be clean and made of wood or similar material; the coop material shall be painted or stained and maintained in good condition.

(e) Pens.-- Pens are required.

(1) Pens shall permit at least nine (9) square feet of area per chicken.

(2) The pen must be constructed in a way to prevent chickens from roaming free and keep predators from getting into the pen.

(3) The pen must be accessible by the hens from their coop when they are not secured in the coop.

(4) The pen must have a top sufficient to prevent predators from getting into the pen.

(f) Location.--

(1) Pens and coops shall be located in the back or side yard only and at least 25 feet from any street.

(2) No part of a pen or coop shall be closer than 25 feet from an property line or neighboring residence.

(3) The Pen and Coop must not be within or connected to the residence.

(4) Where reasonably practicable, Pens and Coops shall be situated on a property to provide maximum screening from adjacent properties and roadways.

(g) Living conditions.--

(1) Chickens shall have access to feed and clean water at all times.

(2) Feed shall be secured to prevent rodents or other pests from accessing the feed.

(3) Chickens shall have adequate bedding of at least a 3-inch base of dry litter such as pine shavings.

(4) Bedding shall be added weekly and removed and replaced at least monthly, and whenever wet.

(5) Pens and coops shall be cleaned at regular intervals and whenever odor can be detected 20 feet from any part of the pen or coop.

(6) A veterinarian shall be identified by the permittee and used for any necessary medical care.

(7) Chickens shall be banded with band(s) of color(s) approved by the permit officer; band color(s) shall be unique to the applicant.

(h) Disposition of deceased chickens.--Chicken carcasses shall be disposed of in compliance with 3 PA Cons Stat

§ 2352 (2014). No person shall slaughter a chicken in a residential zone.

§XXX-8. Disposal of waste material.

- (a) All waste shall be disposed of in a proper manner as follows:
 - (1) Appropriate waste disposal may be any of the following:
 - (I) Waste is to be double bagged and placed into municipal waste;
 - (ii) Owner or Permittee may compost the waste; or
 - (iii) Permittee may give the waste to another person who composts.
 - (2) When waste is composted, the permittee shall notify any person given the waste that it contains chicken excrement, or notify any person given compost that the compost was made from chicken waste.
 - (3) Non-composted waste shall not be spread on lawns, in gardens, or on the ground.
- (b) Waste may not be disposed of by any other manner, including dumping or washing away.

§XXX-9. Nuisances.

- (a) General rule.--A nuisance may be either:
 - (1) a health hazard; or
 - (2) activity that unreasonably interferes with the use or enjoyment of neighboring property.
 - (3) For the purposes of this Chapter, it shall be a nuisance if a permittee's chicken keeping results in odors detectable on adjacent properties or roadways, or in any noise greater than, or with more frequency than, noises reasonably expected to be encountered in the subject permittee neighborhood.
 - (4) For the purposes of this Chapter, it shall be a nuisance if a permittee's chicken enters a neighboring property or roadway.
- (b) It shall be a violation of this Chapter for an owner and permittee to fail to abate a nuisance within ten (10) days of the issuance of a notice from the permit officer.

ARTICLE III
Violations, Penalties and Costs

§XXX-10. Compliance.

Failure to comply with any provision of this chapter, and/or failure to comply with an order to abate an activity, use and/or condition, shall be a violation of this chapter and subject to criminal prosecution and the revocation of a license.

§XXX-11. Fine.

Any person who has violated or permitted the violation of any provisions of this chapter shall upon judgment thereof by any Magisterial District Judge be sentenced to pay a fine of not more than one thousand dollars (\$1,000.00) per day of violation, together with the costs of suit including reasonable attorney fees. Each day of violation shall constitute a separate offense, for which a summary conviction may be sought. All judgments, administrative, enforcement, security firm or police response, and other costs, interest, and reasonable attorney fees collected for the violation of this chapter, shall be paid over to the Borough.

§XXX-23. Other Remedies.

The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment. The Borough shall also have the right to seek injunctive relief for violations of this chapter.

§XXX-24. Permit Revocation.

If permittee commits two (2) or more offenses resulting in convictions within one year, the permit may be revoked.

ARTICLE IV
Miscellaneous Provisions

§XXX-25. Repealer.

All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed.

§XXX-26. Severability.

If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Borough Council that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

§XXX-27. Interpretation.

The object of interpretation and construction of this Ordinance and/or the provisions thereof shall be, if possible, to give effect to all of its provisions. Whenever a provision in this Ordinance shall be in conflict with another provision in the same section or another part of this Ordinance or another Ordinance or part thereof, the two (2) shall be construed, if possible, so that the effect may be given to both.

§XXX-28. Effective Date.

This Ordinance shall become effective upon adoption.

**BOROUGH OF MOUNT POCONO
MONROE COUNTY, PENNSYLVANIA
ORDINANCE NO. 1 OF 2019**

NOTICE OF INTENTION TO ADOPT ORDINANCE

The Borough Council of the Borough of Mount Pocono, at a regular meeting to be held on January 7, 2019 at 7:00 p.m. in Council Chambers, Mount Pocono Municipal Building, 1361 Pocono Boulevard, Suite 100, Mount Pocono, Pennsylvania 18344, intends to adopt an Ordinance establishing a Millage Rate for 2019 which is set forth below:

Section 1. That a tax be levied on all real property within the Borough of Mount Pocono, subject to taxation for Borough purposes for fiscal year of 2019, as follows: the 2019 Real Estate Tax Millage will be 27 mills, with a 3-mill dedication street improvement tax, a 1 mill dedicated library tax, a 1 mill dedicated fire tax, and a one-half mill dedicated EMS tax, for a total millage rate of 32 and one-half mills.

Section 2. That a taxpayer subject to the tax on real property within the Borough of Mount Pocono:

(1) Shall be entitled to a discount of two (2) percent from the amount of such tax, upon making payment thereof within two (2) months after the date of the tax notice;

(2) Shall be charged a penalty of ten (10) percent of the amount of such tax, upon failure to make payment thereof within four (4) months after the date of the tax notice. The penalty shall be added to the taxes by the tax collector.

Section 3. That any Ordinance or part of any Ordinance, conflicting with this Ordinance be and the same is hereby repealed.

EFFECTIVE DATE

This Ordinance shall become effective immediately upon adoption.

Memo

Date: January 4, 2019
To: Borough Council
From: Borough Secretary/ Treasurer L. Noonan
RE: Committee Resignations, Appointments and Vacancies

Following actions need to be taken at Monday's meeting regarding various appointments, resignations and vacancies.

Resignations: Borough Council will need to accept the resignations from: Robin LaForge from Park & Recreation; and Vincent Misuraca from the Planning Commission

Citizen applications for appointments received:

Robert Stank – Park & Recreation

Richard Varnay – Planning Commission or Zoning Hearing Board

Patricia Bucco – Planning Commission or Zoning Hearing Board

Norman A. DeLano, Jr. – Planning Commission or Zoning Hearing Board

Leanon Trawick – Municipal Authority or Zoning Hearing Board

Jodi Bohdal – Municipal Authority

The following Boards have vacancies:

Park & Recreation: Two (2) seats are open: Debra Fulton has requested to be re-appointed to a 4-year term which will expire on December 31, 2022 and 1 vacancy (the unexpired term of Robin LaForge) which will expire on December 31, 2021.

Planning Commission: 1 vacancy set to expire December 31, 2021. Alternate members Planning Commission: 1 vacancy (4-year term)

Zoning Hearing Board: 1 vacancy for a 5-year term. Alternate members Zoning Hearing Board: 2 vacancies (5-year terms)

Municipal Authority: One (1) seat is open: Michael Penn has requested to be re-appointed. Term is 5 years.

Thank you for your consideration on this matter.

Lori Noonan

From: Mount Pocono Borough <mountpocono.website@gmail.com>
Sent: Sunday, December 9, 2018 6:30 PM
To: lori@mountpocono-pa.gov
Subject: Citizen Application for Appointment

*Interested
in
Park & Rec*

Name	Robert Stank
Date of Application	12/9/2018
Phone	XXXXXXXXXXXXXXX
Email	XXXXXXXXXXXXXXX
Your Street Address	130 foxfire drive
You must reside in the Borough to be considered	I am a resident of the Borough of Mount Pocono and at least 18 years old
Position(s) Requested	Planning Commission, Parks & Rec
Meetings Attended	I'm fairly new to the borough, I havent made it to a meeting, yet. Ive just become interested in getting involved. I was wondering if I could be involved with a possible community garden.
Education	GED from Sussex County Community College.
Employment	Disabled.
Statement of Interest	I'm not looking for an appointment outright, but was hoping if someone was taking charge of a community garden, I could be considered as a volunteer.
IP Address	50.29.130.178
User-Agent (Browser/OS)	Google Chrome 70.0.3538.110 / Android
Referrer	http://mountpocono-pa.gov/government/citizen-involvement/application-for-appointment/

Lori Noonan

From: Mount Pocono Borough <mountpocono.website@gmail.com>
Sent: Thursday, December 27, 2018 4:50 PM
To: lori@mountpocono-pa.gov
Subject: Citizen Application for Appointment

Name	Patricia Bucco
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Date of Application	12/27/2018
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Phone	XXXXXXXXXXXXXXX 570-218-3310
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Email	XXXXXXXXXXXXXXX lori602@gmail.com
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Your Street Address	140 Winona Rd
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You must reside, be a taxpayer, or own a business in the Borough to be considered	I am a resident of the Borough of Mount Pocono and at least 18 years old
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Position(s) Interested in	Planning Commission, Zoning Hearing Board
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Meetings Attended	I just moved into Mt. Pocono and would love to be involved. I was in a HOA in Boynton Beach, FL for 17 years and served on my board for many years there. I would love to serve the Borough and I love trying to make sure property values continue to improve. I have not been to a meeting as of yet since I just moved in Oct. 2th and recently found out when they are. I will be attending the meetings.
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Education	High School grad 1977 Business School -- Accounting graduate
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Employment	I am retired. I did work for 15 years for a Real Estate investment Company in Florida as an Asst. Office Manager/ Vendor Liaison. 2002-2016 Office Manager for a Court Reporting Firm 1999-2002
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Community Service	I served my community in Florida for 15 years. From being on committees to being Secretary of the Board of Directors.
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Lori Noonan

From: Mount Pocono Borough <mountpocono.website@gmail.com>
Sent: Thursday, December 27, 2018 10:52 PM
To: lori@mountpocono-pa.gov
Subject: Citizen Application for Appointment

Name	Norman A. DeLano Jr.
Date of Application	12/27/2018
Phone	XXXXXXXXXXXX
Email	XXXXXXXXXXXX
Your Street Address	19 Edgewood rd., Mount Pocono, Pa, 18344
You must reside, be a taxpayer, or own a business in the Borough to be considered	I am a resident of the Borough of Mount Pocono and at least 18 years old
Position(s) Interested in	Planning Commission, Zoning Hearing Board
Meetings Attended	None
Education	Martin Luther High School Diploma St Johns University (Graphic design) No degree
Employment	Self employed graphics designer (home business) DELCOM Graphics
Statement of Interest	I've been a resident of Mount Pocono for 8 years. I've always had an interest in local government and I'm finally at a stage in my life where I have the time to spare. I've owned several businesses, my first at the age of 23. Before moving to Mount Pocono I owned a sign company in New York City for 13 years, throughout this time I learned a lot about building permits, permit applications and variances. I feel my business experience can make me an asset to whichever position I'm appointed too.
IP Address	24.115.228.206
User-Agent (Browser/OS)	Unknown ? / OS X
Referrer	http://mountpocono-pa.gov/government/citizen-involvement/application-for-appointment/

Lori Noonan

From: Mount Pocono Borough <mountpocono.website@gmail.com>
Sent: Wednesday, January 2, 2019 1:18 PM
To: lori@mountpocono-pa.gov
Subject: Citizen Application for Appointment

Name	Jodi Bohdal
Date of Application	01/02/2019
Phone	XXXXXXXXXXXXXXX 570783991
Email	XXXXXXXXXXXXXXX jbohdal@mountpocono-pa.gov
Your Street Address	PO Box 12 Blakeslee, PA 18610
You must reside, be a taxpayer, or own a business in the Borough to be considered	I own real estate or a business located in the Borough
Position(s) Interested in	Municipal Authority
Education	BA BS High School Diploma
Employment	Owner of Pocono Rocks on Route 611, Mount Pocono, PA
Statement of Interest	As a business owner in Mount Pocono, I am concerned about borough laws and how they pertain to my business. I would like to be pro-active in bringing Mount Pocono back to its glory days.
IP Address	50.29.152.203
User-Agent (Browser/OS)	Google Chrome 64.0.3282.140 / Windows
Referrer	http://mountpocono-pa.gov/government/citizen-involvement/application-for-appointment/

Lori Noonan

From: Richard Varney ~~XXXXXXXXXXXXXXXXXXXX~~
Sent: Tuesday, October 9, 2018 4:53 PM
To: Lori Noonan
Subject: Zoning Board

Hey Lori,

Per our conversation earlier today, I would like to volunteer for the Mount Pocono Borough Zoning Board. Please let me know the next steps.

Thanks in advance.

Richard Varney

21 Church Avenue
MOUNT POCONO, PA 18344
~~XXXXXXXXXXXXXXXXXXXX~~



LEANON TRAWICK
23 COBBLEWOOD DRIVE
MOUNT POCONO, PENNSYLVANIA 18344
TEL. ~~XXXXXXXXXXXX~~
EMAIL: ~~XXXXXXXXXXXX~~

RECEIVED

OCT -4-2018

MT. POCONO BOROUGH

Volunteering to serve on the Mount Pocono Municipal Authority, Zoning Hearing Board. This resume serves as my letter of interest for consideration.

EXPERIENCE

DATES: 1 NOVEMBER 2003-AUGUST 2016

JOB TITLE: SENIOR LOGISTICS OFFICER, SURFACE DEPLOYMENT AND DISTRIBUTION COMMAND (SDDC) UNITED STATES ARMY. SCOTT AFB, IL.

Responsible for the Department Of Defense (DoD) Intermodal Fleet. I was the Team Leader for a team of Military and Contract Civilians to manage the Army's \$2Bil Intermodal fleet. Core responsibility was for maintenance, utilization, tracking, and strategically storing of intermodal assets to meet contingencies worldwide. Administer regulations, write policy and procedures for utilization of the fleet. Maintain inspection of assets to meet Department of Transportation (DOT) regulatory guidance for roadworthiness, and for shipping munitions, and hazardous material across various platforms on public highways, airways, railways, and water ways.

DATES: JULY 2016 -NOVEMBER 2003

JOB TITLE: SENIOR TRANSPORTER, ARMY INTERMODAL DISTRIBUTION AND PLATFORM MANAGEMENT OFFICE (AIDPMO). TOBYHANNA ARMY DEPOT, TOBYHANNA, PA.

Responsible leasing intermodal equipment for Department of Defense and other authorized US Government agencies worldwide. Manage a multi-year, multi-million-dollar contract with various intermodal commercial companies. Served as the Contracting Officer Representative (COR) between government and private industry to ensure best practices were established and adhered to by both parties. Authorized agent to commit government dollars up to 5MIL. Attend meeting with senior US military leaders, and civilian leaders at all levels of government. Negotiated terms and conditions for shipping outside of US territories with foreign governments. Receive and examine all requests for utilization of intermodal equipment with the authority to deny or grant. Receive written complaints of violations of regulations and issue a written notice of violation to any person(s) violating any regulation.

EDUCATION

MONTH: JUNE / 1972

DEGREE TITLE, ASSOCIATE, UNIVERSITY OF KENTUCKY, FORT KNOX CAMPUS

MONTH: SEPTEMBER / 1975

DEGREE TITLE, MASTERS, LOGISTICS, ARMY MANAGEMENT STAFF COLLEGE, FT. BELVOIR, VA

SKILLS

- Excellent Verbal and Written Communication
- Good Analytical skills
- Excellent Microsoft ability
- Mission Oriented
- Attention to details
- Good Business Acumen skills
- Integrity

INTEREST

I am applying to be a volunteer with the aspiration to seek a higher position of responsibility to make Mount Pocono, Pennsylvania where I live, work, and play a greater community than it is now. With my skills, ability, and knowledge of logistics and business acumen, coupled with my desire to serve my local community as I have serving the country for 22 years in the Army as a soldier, and 22 years as a Department of Defense civilian. I bring experience as a Federal employee, and soldierly discipline to serve the people of my community to the best of my ability. Serving to help others is a core value to me personally. I have a personal interest of serving in my community, I live here, and have retired here to serve as part of my civic duty as a private citizen. Among my other attributes, I am also an ordained pastor with a local congregation in both Pocono Summit (the former Joan of Arc church in Pocono Summit), and Stroudsburg. I am guided by principles of integrity, and honesty, and fairness to all people who has a need to have an advocate. Serving my community is paramount as to who I am. Learning and taking an active part in our community governance is a duty of trust, and honor. Serving with integrity in any capacity is ideal for me.

I trust and pray I will be granted the opportunity to serve my community to make Mount Pocono, Pennsylvania a wonderful place to work, live, and play for everyone.

I AM WILLING TO SUBMIT THE FOLLOWING REFERENCES WHO MAY ATTEST TO THE ABOVE:

1. State Senator Mario Scavello
2. Former State Representative Parker
3. Former Mount Pocono Mayor McDavitt

Other references can be provided upon request

R/Y

Leon Trawick



January 2019



SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
		1 New Year Day - Closed	2 Library Mtg 7 pm	3 MPMA Const. Mtg 10:00 am Trash Pickup	4	5
6	7 Council Mtg – 7 pm	8 PMRPC 7 pm ZHB – 7 pm (no mtg)	9 Trash Pickup	10 Municipal Auth 7 pm	11	12
13	14 Sanitation/PRD Mtg – 10 am	15	16 Planning – 7 pm Trash Pickup	17 Park & Rec Mtg 7 pm Open Space 7 pm	18	19
20	21 MLK Day – Offices Closed	22 Council W/S – 7 pm	23 Trash Pickup	24 MPMA W/S 10 am EMS 7 pm @Toby Twp.	25	26
27	28	29	30 Trash Pickup	31		

30	31 New Year's Eve					
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