

TAYLOR BOROUGH COUNCIL MEETING

April 12, 2017 at 7:30 PM

Held At:

Taylor Borough Municipal Building

122 Union Street

Taylor, PA 18517


- Call to Order
- Pledge of Allegiance
- Roll Call
- Public Input
- Approval of the March 8, 2017 Regular Meeting Minutes held at Taylor Municipal Building, 122 Union Street, Taylor, PA 18517 and the March 28, 2017 Special Meeting Minutes held at Taylor Municipal Building, 122 Union Street, Taylor, PA 18517.
- Old Business
- New Business

- A. Consider an Ordinance #1 of 2017, regulating the display of Fireworks.
- B. Consider an Ordinance #2 of 2017 Amending the Zoning Ordinance and Map of the Borough of the Borough of Taylor to rezone, from R-2 general residential to C-2 Community Commercial/CBD, property along Middle Street, being three parcels of land of now or formerly James J. Gaughan and Michael J. Gaughan and identified as parcel number 166.15-040-026, parcel number 166.15-040-025 and parcel number 166.15-040-024, and including a portion of an unnamed alley, aka Chambers Court, all such rezoned lands containing approximately 0.30 acres, more or less.
- C. Consider a letter of Resignation from John Gawel from the Taylor DPW to be effective May 10, 2017.
- D. Consider a letter of Resignation from Patricia Naro from her Position as Taylor Borough Tax Collector to be effective May 1, 2017.
- E. Consider a motion to appoint Matthew Joseph Baux as a Part-Time Police Officer, on an as needed basis with no guarantee of hours.
- F. Consider a Resolution No. 4 of 2017 to authorize the President of Council to execute a Letter of Understanding between the Pennsylvania State Police and the Taylor Borough Police Department related to the procedures to be followed when conducting motor carrier safety inspections which require Commercial Motor Vehicle (CMV) inspections only be performed by qualified inspectors.
- G.

- Approval of Bills for payment (attached sheet)
- Treasurer's Report
- Financial Report
- Recycling Report
- Committee Reports
- Mayor's Report
- Public Input
- Adjournment

4/12/2017

9:49:34 AM

 *NOTE* Any person with a disability requiring a special accommodation to attend a Council Meeting should notify the Borough Secretary at (570) 562-1400 as early as possible, but not later than 3 business days prior to the meeting. Taylor Borough will make every effort to provide a reasonable accommodation.

BOROUGH OF TAYLOR
ORDINANCE NO.1 OF 2017

AN ORDINANCE REGULATING THE DISPLAY OF ANY FIREWORKS OF ANY KIND WITHIN THE BOROUGH LIMITS OF BOROUGH OF TAYLOR WITHOUT A PERMIT.

BE IT ENACTED by the Council of the Borough of Taylor and it is hereby ordained by the authority of the same.

Section 1. Scope - In order to protect life and property in the Borough of Taylor, the Borough as authorized by the Fireworks Law, 35 P.S. § 1275.2, is promulgating rules on the issuance of permits.

Section 2. Definition.

CODE OFFICER-Such official designated by Borough Council to carry out duties under this Ordinance.

“FIREWORKS” OR “FIREWORK” – Shall mean the terms “Consumer Fireworks” and “Display Fireworks” as defined in 35 P.S. § 1271et seq., as may be amended.

FIREWORKS LAW-Shall mean Title. 35 P.S., Ch. 13A, Refs & Annos, PA ST T. 35 P.S., Ch. 13A Fireworks Law, 35 P.S. 1271 et. seq.

FIRE CHIEF-The Borough of Taylor Fire Chief.

PUBLIC OFFICER – any Taylor Borough Police Officer, sometimes herein referred to as Public Officer designated by the municipality to enforce the Borough ordinances, and also to the extent permitted by Intrajurisdictional Agreement(s) such other Police Officers duly authorized thereunder.

Section 3. Discharge of Fireworks.

(a) Discharge of fireworks shall be by permit.

(b) Permits for display of Fireworks (consumer fireworks and display fireworks) may be granted upon application to the Code Officer after approval of the Taylor Borough Fire Chief, and filing of a bond and/or certificate of insurance by the applicants as provided in Section 4 (a). The application shall specify the composition, character, and proposed location, manner of discharge or firing, current registration with the Pennsylvania Attorney General inclusive of name of such entity/person. Every such display shall be handled by a competent operator registered as noted above and approved by the Code Officer and shall be of such composition, character, and so located, discharged or fired as in the opinion of the Code Officer, after consultation with the Fire Chief, and after proper inspection, and shall not be hazardous or endanger any person or persons. Further the Applicant must certify to the Code Officer and Fire Chief that the possession, transportation , use and distribution of fireworks for display purposes

will be conducted in accordance with the applicable standard specified in NFPA No 1122L, NFPA 1123 and 1126 as may be amended.

No such permit shall be issued to a person younger than twenty-one (21) years of age, as provided under 35 P.S. § 1275. All Permittees must be registered with the Pennsylvania Attorney General Office under the Pennsylvania Fireworks Law 35 P.S. 1276.2, as may be amended.

(c) Applications for permits shall be made in writing at least thirty (30) days in advance of the date of the display. After such privilege has been granted, sale, possession, use and distribution of fireworks for such display shall be lawful for that purpose only. No permit granted hereunder shall be transferable. An extension shall be governed by 35 P.S. § 1274, as may be amended, when display prevented by unfavorable weather. The Borough may from time to time adopt an Application and fees by Resolution, the initial Application fee shall be seventy-five dollars (\$75.00) per permit.

(d) The possession and use and of fireworks for display purposes shall be conducted so as to be reasonably safe to persons and property. Evidence by way of certification in the application that the possession, transportation, use and distribution of fireworks for display purposes will be conducted in accordance with the applicable standard specified in NFPA No 1122L, NFPA 1123 Code for Fireworks Display and NFPA Standard for the use of Pyrotechnics Before a Proximate audience 1126, as may be amended, shall be evidence that such design, construction, and use provides reasonable safety to persons and property. Further to the extent allowed by law the Code Officer, Fire Chief and Borough shall have no liability for harm or injury based upon such certification and the Applicant and permittee shall indemnify and hold harmless the Code Officer, Fire Chief and Borough from all claims based upon the Application composition, character, location, transportation, distribution, discharged or firing.

Section 4. Bond and Responsibility for Fireworks Display Required.

(a) The Code Officer shall require a bond and/or a certificate of insurance from the permittee in a sum not less than Two hundred and fifty Thousand (\$250,000.00) Dollars conditioned on compliance with the provisions of this article, naming the Code Officer, Fire Chief and Borough of Taylor as an additional insured (additional Insured) with a notice of cancelation to the additional insured. Failure of the Borough to require or lapse of a Bond/Insurance shall not be grounds for liability to Additional Insured.

(b) Before any permit for a pyrotechnic display shall be issued, the person, firm or corporation making application therefore shall furnish proof of financial responsibility to satisfy claims for damages to property or personal injuries arising out of any act or omission on the part of such person, firm or corporation or any agent or employee thereof, in such amount, character and form as the Public Officer determines to be necessary for the protection of the public.

Section 5. Disposal of Fireworks - Any fireworks that remain unfired after the display is concluded shall be immediately disposed of in a way safe for the particular type of fireworks remaining.

Section 6. Seizure of Fireworks - The Police Officer may seize, take, remove or cause to be removed at the expense of the owner all stocks of fireworks offered or exposed for sale, stored or held in violation of state law as authorized under 35 P.S. § 1278.

SECTION 7. Authority for Issuance of Violation - Upon finding a violation, any Police Officer, as previously defined herein, may proceed under 35 P.S. §1277, as may be amended.

SECTION 8. Enforcement.

1. The provisions of this Ordinance shall be enforced by the Taylor Borough Police, and as such phrase is otherwise defined above or the Pennsylvania State Police.

2. Any violation of the provisions of this Ordinance may be cause for a citation to be issued to the violator in conformance with law, with a fine of no less than two hundred and fifty (\$250.00) dollars and no more than six hundred dollars (\$600.00); also enforcement may include but not limited to 35 P.S. § 1277, as may be amended, as well as, no limitation is intended under the Crimes Code or other law having application.

SECTION 9. Separate Offense - Each day a violation continues or is permitted to continue may constitute a separate offense for which a separate fine may be imposed.

SECTION 10. Fines and Penalties.

A. Any person who violates this Ordinance may be issued a citation for each offense as noted above, however, nothing herein limits the Police Officer(s) ability to act under 35 P.S. § 1277, Pa Crimes Code or other law having application.

B. Nothing herein is intended to impede or restrict the prosecution of any criminal offense for any person continuing to violate the terms of this Ordinance or any order to stop or desist from any illegal conduct or from being charged with any separate offense under the criminal codes or otherwise.

SECTION 11. Conflicting Ordinances - All relevant ordinances, regulations, and policies of the Borough of Taylor, Pennsylvania not amended shall remain in full force and effect. Any Ordinance or part of an Ordinance conflicting with the provisions of this Ordinance shall be subordinate to this Ordinance to the extent of such conflict, and the language contained in the Ordinance shall control. Nothing herein is intended to repeal the Taylor Borough Zoning Ordinance. Further nothing herein is intended on limiting the Police Officers authority under Title. 35 P.S., Ch. 13A, Refs & Annos, PA ST T. 35 P.S., Ch. 13A Fireworks Law.35 P.S. 1271 et. seq.

SECTION 12. SEVERABILITY - 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 13. EFFECTIVE DATE - This Ordinance shall be effective at the earliest time permitted by law after adoption.

SECTION 14. This Ordinance is enacted by the Council of the Borough of Taylor under the Borough Code and any other applicable law arising under the laws of the State of Pennsylvania , including but not limited to 35 P.S. § 1275.2.

ORDAINED AND ENACTED THIS 12th day of April, 2017.

ATTEST:

The Borough of Taylor

BY

Kristi A. Evans, Secretary

Kenneth F. Mickavicz, President of Council

Approved this 12th day of April 2017.

Theodore Praschak, Mayor

ORDINANCE NO. 2 of 2017

AN ORDINANCE AMENDING THE ZONING ORDINANCE AND MAP OF THE BOROUGH OF TAYLOR TO REZONE, FROM R-2 GENERAL RESIDENTIAL TO C-2 COMMUNITY COMMERCIAL /CBD, PROPERTY ALONG MIDDLE STREET, BEING THREE PARCELS OF LAND OF NOW OR FORMERLY JAMES J. GAUGHAN AND MICHAEL J. GAUGHAN AND IDENTIFIED AS PARCEL NUMBER 166.15-040-026, PARCEL NUMBER 166.15-040-025 AND PARCEL NUMBER 166.15-040-024, AND INCLUDING A PORTION OF AN UNNAMED ALLEY, AKA CHAMBERS COURT, ALL SUCH REZONED LANDS CONTAINING APPROXIMATELY 0.30 ACRES, MORE OR LESS.

Whereas, the Borough of Taylor is a duly ordained political subdivision (the "Borough"); and

Whereas, the Borough has duly enacted a Zoning Ordinance inclusive of a Zoning Map (the "Ordinance"); and

Whereas, the Borough has a need for new commercial uses and structures that reflect the employment and commercial needs of the residents including commercial uses as allowed in a C-2 zone reflective of the needs of the community and the surrounding uses; and

Whereas, the Borough, after recommendation of the Taylor Borough Planning Commission, desires to rezone various lands in the Borough from R-2 General Residential, to C-2 Community Commercial /CBA in order to better provide for the health, safety and welfare of the residents; and

Whereas, for the public good and welfare, it is in the best interest of the Borough to amend the aforesaid Ordinance and Map.

BE IT HEREBY ORDAINED AND ENACTED by the Council of the Borough of Taylor , Lackawanna County, Pennsylvania by the authority granted to Boroughs under the laws of the Commonwealth of Pennsylvania and by authority of and pursuant to the provisions of Act of 1968, P.L. 805, No. 247 of the General Assembly of the Commonwealth of Pennsylvania, approved July 31, 1968, as reenacted and amended, 1988 Dec 21, P.L. 1329, No 170, §2 known and cited as the "Pennsylvania Municipalities Planning Code," as follows:

THE TAYLOR ZONING ORDINANCE, AS AMENDED, IS HEREBY AMENDED AS FOLLOWS:

SECTION 1 – Map Amendment.

Change the zoning district classification of the following area as currently shown on the Taylor Zoning Map, as amended, including inter alia, Section 2.200, as noted below:

All that certain piece, parcel or plot of land situated in the Borough of Taylor, County of Lackawanna, and Commonwealth of Pennsylvania bounded and described as follows;

Beginning at a point being the intersection of the centerline of an unnamed alley (AKA Chambers Court) and the northerly right-of-way line of West High Street;

Thence along said northerly right-of-way line of West High Street in a westerly direction to a corner being the intersection of said right-of-way line and the westerly right-of-way line of Chambers Court;

Thence along said westerly right-of-way line of Chambers Court in a northerly direction to a point being the southeasterly corner of a parcel of land of Now or Formerly James J. Gaughan and Michael J. Gaughan, identified as parcel number 166.15-040-026;

Thence in a westerly direction along the rear lot lines of three parcels of land of Now or Formerly James J. Gaughan and Michael J. Gaughan, identified as said parcel number 166.15-040-026, parcel number 166.15-040-025 and parcel number 166.15-040-024 to a point being a rear corner common to said parcel number 166.15-040-024 and a parcel of land of Now or Formerly Patricia Ann Amity, identified as parcel number 166.15-040-023;

Thence in a northerly direction and along a dividing line common to said lands of Now or Formerly James J. Gaughan and Michael J. Gaughan (parcel number 166.15-040-024) and said lands of Now or Formerly Patricia Ann Amity (parcel number 166.15-040-023) to a point being a front corner common to said parcel number 166.15-040-024 and parcel number 166.15-040-023, the Gaughan and Amity parcels, respectively, said point also being along the southerly right-of-way line of Middle Street;

Thence in an easterly direction along said southerly right-of-way line of Middle Street and along the front lot lines of three parcels of land of Now or Formerly James J. Gaughan and Michael J. Gaughan, identified as said parcel number 166.15-040-024, parcel number 166.15-040-025 and parcel number 166.15-040-026 to a point being the northeasterly corner of said parcel number 166.15-040-026;

Thence continuing in an easterly direction along said southerly right-of-way line of Middle Street to a point being the intersection of the centerline of an unnamed alley (AKA Chambers Court) and the southerly right-of-way line of Middle Street;

Thence along the centerline of said unnamed alley (AKA Chambers Court) in a southerly direction to the place of beginning.

Containing 0.30 acres of land, more or less, and being the lands Now or Formerly James J. Gaughan and Michael J. Gaughan (parcel number

166.15-040-024, parcel number 166.15-040-025 and parcel number 166.15-040-026) and also containing the westerly portion of the lands of an unnamed alley (AKA Chambers Court) within the boundaries described above and as shown on a map prepared by Reuther+Bowen Engineering, titled Zoning Plan, Drawing Number Z-1, dated 1/12/2017 and attached hereto.

A copy of the Zoning Map Amendment is attached hereto as Exhibit A, incorporated herein by reference and made a part hereof.

SECTION 2 - Location of Ordinance.

In all other respects, the Zoning Ordinance of the Borough of Taylor, as amended, shall remain in full force and effect, and is incorporated herein by reference and made a part hereof; copies of the full text of the Zoning Ordinance, Zoning Map, and amendments are on file for inspection and copying with the Borough Secretary at 122 Union Street, Taylor, PA 18517. The Zoning Ordinance and this Amendment are incorporated by reference into the official Ordinance Book of the Borough and on the official Zoning Map with the same force and effect as if duly recorded therein.

SECTION 3 - Severability.

The provisions of this ordinance are severable. If any part of this ordinance is declared to be unconstitutional, illegal or invalid, the validity of the remaining provisions shall be unaffected thereby. It is the intention of the Borough of Taylor that this ordinance would have been adopted had such unconstitutional, illegal or invalid part not been included.

SECTION 4- Effective Date.

This Ordinance shall be effective upon adoption or at the earliest date permitted by law.

ORDAINED AND ENACTED by Borough Council of the Borough of Taylor this ____ day of _____, 2017.

ATTEST:

BOROUGH OF TAYLOR
BOROUGH COUNCIL

Attest: _____
Kristi Evans , Secretary

By: _____
Kenneth F. Mickavicz-President

EXAMINED AND APPROVED this ____ day of 2017.

Theodore Praschak, Mayor

