

GENERAL PROVISIONS

ARTICLE I Adoption of Code

Originally enacted during codification of the Paradise Township Code of Ordinances 2/13/2001. Reenacted 6/5/2007, Ordinance No. 157.

ARTICLE II Definitions

Adopted at time of adoption of Code (see
Ch. 1, General Provisions, Art. I)

Revised 10/21/08, Ord. No. 168; revised 7/21/09, Ord. No.173; revised 11/4/09, Ord. No. 177; revised 6/15/10, Ord. No. 180; revised 3/1/11, Ord. No. 186; revised 3/15/11, Ord. No. 190; revised 8/16/11, Ord. No. 194; revised 11/15/11, Ord. No. 196; revised 2/27/12, Ord. No. 199; revised 11/19/12, Ord. No. 202; revised 7/21/14, Ord. No. 218; revised 3/16/15, Ord. No. 226; revised 5/20/15, Ord. No. 231; revised 3/6/17, Ord. No. 239; revised 4/3/17, Ord. No. 241; revised 8/21/17, Ord. No. 247; revised 2/5/18, Ord. No.250; revised 12/17/18, Ord. No. 256; revised 02/17/21, Ord. No. 265; revised 02/17/21, Ord. No. 268; revised 02/17/21, Ord. No. 270;

§ 1-16. Defined terms.

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

ACCELERATED EROSION -- The removal of the surface of the land through the combined action of man's activity and natural processes at a rate greater than would occur because of the natural process alone.

ACCELERATION LANE -- The portion of roadway adjoining the travelway, constructed for the purpose of enabling a vehicle entering a roadway to increase its speed to a rate at which it can safely merge with traffic.

ACCESS -- Any driveway, street or other means of passage of vehicles between a roadway and abutting property, including acceleration and deceleration lanes and such drainage structures as may be necessary for the proper construction and maintenance thereof.

ACCESSORY EQUIPMENT-- Any equipment serving or being used in conjunction with a wireless communications facility or wireless support structure. The term "Accessory Equipment" includes but is not limited to utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters or similar structures.

CHAPTER 1

ACCESSORY STRUCTURE -- A structure clearly incidental or subordinate to and located on the same lot with the principal building or use and serving a purpose customarily incidental to the use of the principal building or use. No such structure shall be used for human habitation, such as the preparation of and the eating of food, for living quarters during the day or sleeping quarters at night or any other such activity which could be classified as human habitation; and no such structure shall be equipped or furnished with any facilities for the preparation or eating of food, bathing, sleeping or any other activity by anyone which would permit the use of such structure for human habitation. Residential firewood storage structures and/or child play equipment are excluded from this definition.

ACCESSORY DWELLING UNIT -- A dwelling unit served by water under pressure and properly permitted sewage disposal such as a barn, stable, carriage house, spring house, or guest cottage which is accessory to a primary residential use.

ACCESSORY USE -- Use of land or building incidental or subordinate to the principal use of that land or building and located on the same lot with such principal use.

ADMINISTRATOR -- The person designated by the Township Supervisors to receive applications.

ADULT BOOKSTORE -- An establishment that has as a substantial or significant portion of its stock-in-trade books, magazines, other periodicals or like visual representations or writings which are distinguished or characterized by their emphasis on matters depicting, describing or relating to special sexual activities or specified anatomical areas or an establishment with a segment or section devoted to the sale or display of such materials.

ADULT ENTERTAINMENT -- An establishment wherein live displays of the human body without a covering on the specified anatomical areas are conducted, or an enclosed building used for presenting materials distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

ADULT ENTERTAINMENT BUSINESS -- Includes but is not limited to "Adult Media Outlets", "Escort Agencies", "Massage Parlors", "On-Site Entertainment Businesses", "Sex Shops", and/or any business that designates itself as an adult entertainment business through its advertising or other means, where services and/or goods are sold or rented for money or any form of consideration. Adult Entertainment shall not be considered recreation for the purposes of this Code of Ordinances.

ADULT MEDIA OUTLETS – Includes but is not limited to bookstores, newsstands and video stores offering for sale or rent any books, magazines, periodicals or other printed matter or photographs, films, motion pictures, video cassettes or video reproductions or slides or other visual representation characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas” where the floor space (open to the public) or inventory is made up to 40% or more of “sexually-oriented material”. A media outlet is not an “Adult Media Outlet” for purposes of this Chapter if less than forty percent (40%) of its inventory or publicly accessible floor space is made up of “sexually-oriented material” or if the establishment limits its “sexually-oriented material” to a separate room or area opened only to those over age eighteen and controlled by electronic, or other secure means, regardless of what percentage of the total inventory is “sexually-oriented materials.”

ADVERTISEMENT -- The outdoor display of any writing, printing, picture, painting, emblem, drawing, sign or similar device intended to invite or draw the attention of the public to any goods, merchandise, property, business, service, entertainment, amusement or industrial activity or establishment.

ADVERTISING STRUCTURE -- Any rigid or semirigid material with or without advertising displayed thereon situated upon or attached to or which is part of real property for the purpose of furnishing a background, base surface or support upon which an advertisement may be posted or displayed outdoors.

AGENT -- One who performs an act for his immediate family or for another person gratuitously (without any form of monetary or material compensation therefor).

AGRICULTURAL ACTIVITIES – The work of producing crops and raising livestock including tillage, plowing, disking, harrowing, pasturing and installation of conservation measures. For purposes of regulation by this Code of Ordinances, construction of new buildings or impervious area is not considered an agricultural activity.

AGRICULTURALLY SUITED SOILS -- Soils designated within land capability Classes I or II in the Soil Survey of Monroe County, United States Department of Agriculture, Soil Conservation Service.

AGRICULTURAL USE - Uses including, but not limited to, commercial Animal Husbandry, dairy farm, livestock production, Commercial Fishery, Forestry/Timbering Operations, Commercial Greenhouse or Plant Nursery.

AIRCRAFT -- Any contrivance, except an unpowered hang glider or parachute, used for manned ascent into or flight through the air.

AIRPORT - A tract of land, with or without buildings, where aircraft land and take off.

AIRPORT ELEVATION -- The highest point of an airport's usable landing area measured in feet above sea level. Birchwood-Pocono Airpark: 969 feet; Pocono Mountains Municipal Airport: 1,916 feet.

CHAPTER 1

AIRPORT HAZARD -- Any structure or object, natural or man-made, or use of land which obstructs the airspace required for flight or aircraft in landing or taking off at an airport or is otherwise hazardous, as defined by "airport hazard" in 74 Pa.C.S.A. § 5102.

AIRPORT HAZARD AREA -- Any area of land or water upon which an airport hazard might be established, if not prevented, as provided for in Chapter 160, Zoning, Article XII, Airport Zoning Regulations, and the Act 164 of 1984 (Pennsylvania Laws Relating to Aviation).¹

AIRPORT HEIGHT ZONES -- For determining height limits in all zones set forth in the Airport Zoning Ordinance² and as shown on the Zoning Map, the datum shall be mean sea level elevation unless otherwise specified.

¹ Editor's Note: See the Aviation Code, 74 Pa.C.S.A. § 5101 et seq.

² Editor's Note: See Chapter 160, Zoning, Article XII, Airport Zoning Regulations.

AIRPORT OBSTRUCTION -- Any structure, growth or other object, including a mobile object, which exceeds a limiting height set forth in Section 1304 of the Airport Zoning Ordinance.³

AIRPORT, PRIVATE -- An airport which is privately owned and is not intended to be open to the public as defined in 74 Pa.C.S.A § 5102.

AIRPORT, PUBLIC -- An airport which is publicly or privately owned and is open to the public as defined in 74 Pa.C.S.A. § 5102.

ALLEY -- A minor vehicular right-of-way providing only a secondary means of access solely to commercial or industrial property. Such alley shall be privately improved and maintained by the owners using or benefiting from the same.

ALTERATION -- As applied to land:

- A. A change in topography as a result of the moving of soil and rock from one location or position to another.
- B. The changing of surface conditions by causing the surface to be more or less impervious.
- C. Land disturbance.

ALTERNATIVE TOWER STRUCTURE -- Man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

ALUMINUM CANS -- Empty, all-aluminum beverage and food containers.

AMUSEMENT PARK - See Water Park.

ANIMAL HOSPITAL -- Any establishment offering veterinary services. Animal hospitals can treat all types of animals.

ANIMAL HUSBANDRY -- The keeping of any livestock, including dairy animals, swine, sheep or farm animals. The keeping of any animal for the purpose of breeding, obtaining eggs, for meat or milk shall also be considered animal husbandry.

ANIMAL SHELTER - A facility used to house or contain stray, homeless, abandoned, abused or unwanted pets and that is owned, operated, or maintained by a public body, established humane society, animal welfare society (such as the Society for the Prevention of

³Editor's Note: See Chapter 160, Zoning, Article XII, Airport Zoning Regulations, § 160-61.

Cruelty to Animals), or other nonprofit organization devoted to the welfare, protection and humane treatment of animals.

ANIMAL UNIT – One thousand (1,000) pounds of animal(s) by weight.

ANTENNA – An apparatus designed for the purpose of emitting radiofrequency (RF) radiation, to be operated or operating from a fixed location pursuant to Federal Communications Commission authorization, for the provision of wireless service and any commingled information services.

APPLICANT -- A landowner or developer who has filed an application for approval to engage in a regulated activity, including his heirs, successors and assigns.

APPLICATION FOR DEVELOPMENT -- Every application, whether preliminary, tentative or final, required to be filed and approved prior to start of construction or development including but not limited to an application for a zoning permit, for the approval of a subdivision plat or plan or for the approval of a development plan.

APPROACH SURFACE -- A surface longitudinally centered on the extended runway center line, extending outward and upward from the end of the primary surface and at the same slope as the approach surface zone height limitations slope set forth in Section 1304 of the Airport Zoning Ordinance.⁴ In plan, the perimeter of the approach surface coincides with the perimeter of the approach surface zone.

APPROACH, TRANSITIONAL, HORIZONTAL AND CONICAL SURFACE ZONES

-- These zones are set forth in Section 1304 of the Airport Zoning Ordinance.⁵

AS-BUILT DRAWINGS – Those maintained by the Contractor as he constructs the project and upon which he documents the actual locations of the building components and changes to the original contract documents. These, or a copy of same, are turned over to the Engineer at the completion of the project.

⁴Editor's Note: See Chapter 160, Zoning, Article XII, Airport Zoning Regulations, § 160-61.

⁵Editor's Note: See Chapter 160, Zoning, Article XII, Airport Zoning Regulations, § 160-61.

⁶Editor's Note: See Ch. 119, Solid Waste, Article I, Recycling.

ASPHALT OR CONCRETE PLANT -- A facility that produces or manufactures asphalt, cement, concrete and/or similar materials.

ASSEMBLAGE -- A gathering of people without vehicles, which interferes with the movement of pedestrian or vehicular traffic on any street.

ASSOCIATION -- A partnership, limited partnership or any other unincorporated group of two or more persons.

AUCTION HOUSE - A place where object of art, furniture, and other goods, excluding livestock, are offered for sale to persons who bid on the objects in competition with each other.

AUTHORIZED COLLECTOR -- A licensed hauler, a recyclable collection permittee or a person who, being so authorized by the terms of the Solid Waste Ordinance,⁶ removes municipal waste or recyclables from his own premises, as owner of the building or commercial, municipal or institutional establishment or community activity conducted therein or as an agent of another person.

AUTHORIZED PRIVATE RECEPTACLE -- A litter storage and collection receptacle as used by township citizens to convey litter to trash haulers for collection.

AUTO REPAIR OR BODY SHOP -- The retail repair, servicing, maintenance and reconstruction of passenger vehicles, but not including car washes.

AUTOMOBILE DEALERSHIP – A retail business primarily housed in a structure and characterized by a mixture of related uses upon a commercial site; however, the principal use of the site shall be the marketing of new or used automobiles, whether by sale, rent, lease, or other commercial or financial means. Secondary supporting uses may also exist upon the same site, such as maintenance, repair and service areas, parts and storage areas, and financial services areas.

AVERAGE GROSS RESIDENTIAL DENSITY -- The total number of single-family dwelling units divided by the total number of acres in a development.

BACKUP -- A structure containing an advertisement on the opposite surface of the sign.

BANK - A federal or state chartered/licensed establishment for the custody, loan, exchange or issue of money, for the extension of credit, and for facilitating the transmission of funds.

BANKFULL – The channel at the top-of-bank or point where water begins to overflow onto a floodplain.

BASAL AREA – The cross-sectional area of trees on a tract of land, or portion thereof.

BASE FLOOD - A flood which has a one percent chance of being equaled or exceeded in any given year (also called the "100-year flood" or one-percent (1%) annual chance flood).

BASE FLOOD DISCHARGE - The volume of water resulting from a Base Flood as it passes a given location within a given time, usually expressed in cubic feet per second (cfs).

BASE FLOOD ELEVATION (BFE) - The elevation shown on the Flood Insurance Rate Map (FIRM) for Zones AE, AH, A1-30 that indicates the water surface elevation resulting from a flood that has a one-percent (1%) or greater chance of being equaled or exceeded in any given year.

BASEFLOW – The portion of stream flow that is sustained by groundwater discharge.

BASEMENT – An area of the building having its floor below ground level on all sides.

BEACON - Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same property as the light source; any light with one or more beams that rotate or move.

BED-AND-BREAKFAST -- A dwelling which is owner/manager-occupied, in which one to a maximum of six rooms or cottages are rented for lodging and which serves breakfast, but not other meals. A bed-and-breakfast is designed primarily for casual and transient guests, and no public restaurant is maintained.

BEST MANAGEMENT PRACTICE – Stormwater structures, facilities and techniques to control, maintain or improve the quantity and quality of surface runoff and groundwater recharge.

BIMETALLIC CANS -- Empty food or beverage containers consisting of both steel and aluminum.

BIORETENTION – A stormwater retention area which utilizes woody and herbaceous plants and soils to remove pollutants before infiltration occurs.

BLOCK -- An area bounded by three or more roads.

BMP – see Best Management Practice.

BOARDINGHOUSE -- A dwelling in which the owner or tenant rents at least one but not more than six rooms and furnishes meals only to boarders for compensation.

BOARDING STABLE - See Riding Stable.

BOARD OF SUPERVISORS -- The Paradise Township Board of Supervisors.

Btu – BRITISH THERMAL UNIT – The amount of thermal energy necessary to raise the temperature of one (1) pound of pure liquid water by one degree (1°) F. at the temperature at which water has its greatest density (thirty-nine degrees [39°] F.

BUFFER -- A designated area along the perimeter of a natural feature to be protected from incompatible use or along the perimeter of that use or between two uses deemed incompatible with each other, which will absorb or otherwise preclude such incompatibility.

BUFFER STRIP -- A buffer may be a part of the minimum setback distance and shall be free of any structure.

BUILDING – A combination of materials to form a permanent structure having walls and a roof. Included shall be all manufactured homes and trailers to be used for human habitation.

BUILDING AREA -- The horizontal ground area enclosed by the walls of a building together with the area of all covered porches and other roofed portions.

BUILDING COVERAGE -- Percentage of the lot area that is occupied by all buildings.

BUILDING, FACE OF -- The term "front" or "face" of a building shall mean the outer surface of a building, which is visible from any private or public road.

BUILDING HEIGHT -- The vertical distance measured from the average elevation of the perimeter of the building to the highest point of the roof.

BUILDING, PRINCIPAL -- A building in which is conducted the main or principal use of the lot on which said building is located.

BUILDING SETBACK LINE -- The line within a property defining the minimum required distance between the principal building to be erected and an adjacent road right-of-way.

BULK WASTE -- Any article, item or quantity of municipal waste which is too large to be placed in sanitary closed or covered containers as otherwise required under the Solid Waste Ordinance.⁷

BUS, LIMOUSINE OR TAXI TERMINAL - An area and/or building where more than one bus, limousine, and/or taxi are stored or parked on a regular basis with or without maintenance and repair facilities.

BUS SHELTER - Any shed-like structure, usually open on one or more sides, located along the regular route of a public bus, van, or other vehicle, including an official school bus, whose purpose is to provide temporary shelter for the users of the vehicle while they are waiting.

⁷Editor's Note: See Ch. 119, Solid Waste, Article I, Recycling.

BUS TERMINAL – A facility for parking, washing, and/or maintenance of buses.

BUS STATION – A facility enabling buses to pick-up and discharge passengers.

BUSINESS -- Any enterprise, occupation, trade or profession engaged in, either continuously or temporarily, for profit or nonprofit purposes.

CAMOUFLAGING – Concealment methods applied to wireless communications facilities and accessory equipment which render them more visually appealing or blend the proposed facility into the existing structure or visual backdrop in such a manner as to render it minimally visible to the casual observer. Such methods include, but are not limited to, architecturally screened roof-mounted antennae, building-mounted antennae painted to match the existing structure and facilities constructed to resemble trees, shrubs, and light poles.

CAMPGROUND -- A planned development, under single ownership, for rental or lease only, of sites for use as tent and/or recreational vehicle camping, on a temporary short-term basis only, with or without recreational facilities.

CAMPING TRAILER -- A transportable structure or vehicle designed for travel, recreation and vacation use.

CANOPY - An extension of the roof of a building or a freestanding structure that has a roof with ground support, but no walls.

CARE FACILITY, DEPENDENT -- A facility in which room and/or board are provided to any person having limited or diminished ability to care for themselves due to conditions of age. A dependent care facility shall include rest home, nursing home and convalescent home. (See also "institutional use.")

CARE FACILITY, FAMILY -- A residential facility, for four (4) or fewer individuals, which is operated by a responsible individual or organization to provide care, that does not meet the definition of a group home.

CARE FACILITY, GROUP -- A facility which is licensed and inspected by an agency of the state which provides residential services to five or more residents who are handicapped, developmentally disabled, mentally ill or retarded, including residents who are serving the sentence of a court of law, but not requiring or receiving skilled or intermediate nursing care or psychiatric or correctional treatment normally provided in an institutional setting, including rehabilitation homes. This definition excludes those uses which qualify under "Care Facility – placement."

CARE FACILITY – PLACEMENT – A facility which is licensed and inspected by a state and/or federal agencies which provides residential placement services for juvenile and/or adult residents, as a result of any Court order, any federal, state or local probation placement, any federal, state or local parole board placement, and/or a Commonwealth of Pennsylvania Department of State placement. This definition shall include all residents who are serving a sentence of court or placed by the Commonwealth of Pennsylvania Department of State, and who are not handicapped, developmentally disabled, mentally ill or retarded as required under the care facility group definition herein. This definition shall also include halfway and transition housing for juvenile delinquents and/or adult convicts.

CARTWAY -- The improved portion of a road right-of-way, including travelway and shoulders.

CELLAR -- See "basement."

CELLULAR TOWER - See Communication Tower.

CEMETERY -- Land used or intended to be used for the burial of the deceased, including mausoleums.

CERTIFICATE OF HABITABILITY – A permit required for occupancy and/or use of a structure, or portions thereof, issued by the Paradise Township Zoning Officer after both a Zoning Certificate of Occupancy and a Uniform Construction Code Certificate of Occupancy are issued.

CHANNEL EROSION -- The widening, deepening and headward cutting of small channels and waterways, caused by stormwater runoff or bankfull flows

CHARGING STATION - The physical device that provides a connection from a power source to an electric or natural gas powered vehicle for the purpose of charging or recharging that vehicle's power supply.

CISTERN – An underground reservoir or tank for storing rainwater.

CIVIC CLUB – See Fraternal, Civic or Social Club.

CLEAN WOOD – Wood that does not have paint, stains, or other types of coatings, and wood that has not been treated with substances, including but not limited to, copper, arsenate, creosote, or pentachlorophenol, and wood pellets made from clean wood.

CLEAR SIGHT TRIANGLE -- An area of unobstructed vision at road intersections defined by lines of sight between points at a given distance from the intersection of the road center line.

CLUB AND CAMP, NONCOMMERCIAL -- An association of persons which is the owner, lessee or occupant of an establishment operated solely for a recreational, social, fraternal, religious, political or athletic purpose whose activities are confined to the members and guests, are not extended to the general public and include the establishment so operated; but does not include such clubs and camps the chief activity of which is a service customarily carried on primarily for business or gain.

CLUB, HUNTING OR FISHING -- A nonprofit association or group whose purpose is to enjoy the outdoor sport of hunting or fishing.

CODE (OF ORDINANCES) -- The Paradise Township Code of Ordinances.

COLLECTOR -- Any person who collects municipal waste or recyclables or is a registered waste hauler.

COLLEGE - See Schools and Colleges.

COLLOCATION -- The mounting of one or more WCF's, including antennae, on a pre-existing structure, or modifying a structure for the purpose of mounting or installing a WCF on that structure.

COMESTIBLES -- Food products fit for human consumption.

COMMERCIAL AGRICULTURE -- The cultivation of the soil and the raising and harvesting of the products of the soil, including but not limited to nursery, horticulture, forestry.

COMMERCIAL CAMP OR CLUB -- A business offering dormitories, cottages, cabin or similar accommodations, eating facilities, sanitary facilities and recreational and/or educational facilities to the public at large or any segment of the public on other than a transient basis. This definition does not include "trailer camp."

COMMERCIAL FISHERY -- A place for hatching of fish eggs and/or place where fish are raised or caught for sale.

COMMERCIAL GAIN OR PROFIT -- An advantage, benefit, dividend or proceeds, returns or revenues derived from trade or business activity involving the interchange of goods or commodities; money or any thing or credit of value received for a product, commodity or service; pecuniary gain resulting from the employment of capital in any transaction; the surplus left to the producer or employer after deducting wages, rent, cost of raw materials, etc.

COMMERCIAL WASTE -- Of or pertaining to any wholesale, retail, industrial, manufacturing, transportation or financial or professional service or office enterprise, business or establishment.

COMMERCIAL WATER EXTRACTION - The extraction of surface water or groundwater for the purpose of sale, reuse or manufacturing off the subject property, or for any use regulated by either the Pennsylvania Department of Environmental Protection or the Delaware River Basin Commission, except that water extraction used solely for a community potable water system approved and licensed by the Pennsylvania Department of Environmental Protection which does not commercially sell water to haulers or for commercial purposes outside the community water distribution system shall be exempt from the provisions of Chapter 160, §160-12(A)(15.A).

COMMINGLED RECYCLABLES -- Recyclables mingled or blended together, placed in the same container.

COMMISSION -- The Paradise Township Planning Commission.

COMMON CARRIER -- An entity licensed by the FCC or a state agency to supply local and/or long distance telecommunications services to the general public at established and stated prices.

COMMON EXPENSE -- Expenditures made or liabilities incurred by or on behalf of a group of owners, part of which is to be allocated to the maintenance of buildings or common areas.

COMMON OPEN SPACE -- A parcel or parcels of land or an area of water or a combination of land and water within a Planned Residential Development or non-conservation design subdivision and designed and intended for the use or enjoyment of residents (not including streets, off-street parking areas and areas set aside for public facilities).

COMMON RESIDENTIAL USES – One and/two family Dwelling Units, Family Care Facility, Group Home.

COMMUNITY ACTIVITY -- An activity or event sponsored or organized by a public or private nonprofit organization for recreational, educational, cultural or civic purposes, which may be attended by members of the public, whether or not an entrance or participation fee is charged therefor.

COMMUNITY CENTER -- A governmental or nonprofit facility which provides educational, recreational, safety, leisure and like needs to the local community.

COMPLETELY DRY SPACE – A space which will remain totally dry during flooding; the structure is designed to prevent the passage of water and water vapor.

COMPOSTING -- The process of the biological decomposition of organic solid waste which is biologically decomposed under controlled anaerobic or aerobic conditions to yield a humus-like product.

COMPREHENSIVE PLAN (MASTER PLAN) -- A Comprehensive Plan prepared by the Township Planning Commission pursuant to Article III of the Pennsylvania Municipalities Planning Code⁸ which indicates the general location recommended for the various functional classes of public works, places and structures and for the general physical development of the township and includes any unit or part of such plan separately adopted and any amendment to such plan or part thereof.

CONCENTRATED ANIMAL FEEDING OPERATION (CAFO) - Any livestock operation which is defined as a concentrated feeding operation by the regulations adopted by the Commonwealth of Pennsylvania.

CONCRETE PLANT - See Asphalt Plant.

CONDITIONAL USE -- A use permitted in a particular zoning district by the Board of Supervisors pursuant to the provisions of the Zoning Ordinance.⁹

CONICAL SURFACE -- A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.

CONSERVANCY LOT - A large, privately owned lot comprised primarily of open land. The purpose of the conservancy lot is to provide surrounding residents with frontage on greenway land, while keeping the land under private ownership and maintenance. Except for the portion of the lot specifically designated for the house, yard, and related accessory uses, the remainder must be subjected to conservation easements and/or restrictions and used in conformance with the standards for greenway land as set forth in this Ordinance. Public access to conservancy lots is not required.

CONSERVATION -- The planned management of a natural feature to prevent its exploitation, destruction or neglect.

CONSERVATION AREA, PRIMARY - Lands comprising ponds, lakes, riparian buffers and steep slopes.

CONSERVATION AREA, SECONDARY - Features, such as moderate slopes, woodlands, areas that provide habitat to rare and/or endangered species, historic resources, cultural resources, rural roads, viewsheds, and trails such as those depicted on the Map of Potential Conservation Areas, to be included preferentially in greenway lands.

CONSERVATION DISTRICT -- The Monroe County Conservation District or its successor.

⁸ Editor's Note: See 53 P.S. § 10101 et seq.

⁹Editor's Note: See Ch. 160, Zoning.

CONSERVATION SUBDIVISION – Subdivision designed to include and protect greenway land in accordance with conservation design standards described in Chapter 131 and Chapter 160.

CONSTRAINED LANDS – An acreage amount that represents 100 percent of ponds, lakes and wetlands, 80 percent of steep slopes, 15 percent of moderate slopes, and 50 percent of floodplains on a tract proposed for a conservation subdivision or Master Development Plan used to calculate the "Adjusted Tract Acreage" in accordance with §160-21-C. See "Tract Acreage, Adjusted".

CONSTRUCTION -- Any new construction, reconstruction, modification, extension or expansion of buildings or structures, placement of fill, dumping, storage of materials, land excavation, land clearing or any combination thereof; included shall be the affixing of any prefabricated structures and/or manufactured homes to the surface.

CONSUMER FIREWORKS – The term "Consumer Fireworks" shall mean and include:

- A. Any combustible or explosive composition or any substance or combination of substances intended to produce visible and/or audible effects by combustion and which is suitable for use by the public that complies with the construction, performance, composition, and labeling requirements promulgated by the Consumer Products Safety Commission in 16 CFR (relating to commercial practices) or any successor regulation and which complies with the provisions for "consumer fireworks" as defined in the American Pyrotechnics Association (APA) Standard 87-1, or any successor standard.
- B. The term does not include devices such as "ground and hand-held sparkling devices," "novelties," and "toy caps" in APA Standard 87-1, the sale, possession and use of which is permitted at all times throughout this Commonwealth by state law.

COMSUMPTIVE WATER USE – That part of water removed from the immediate water environment not available for other purposes such as water supply, maintenance of stream flows, water quality, fisheries and recreation, as opposed to water that is used non-consumptively, which is returned to surface water, where practicable, and groundwater.

CONVERSION/CHANGE IN USE -- To change or adapt land, structure or a building to a different use, occupancy or purpose.

CORPORATION -- A corporation or joint-stock association organized under the laws of the United States, the Commonwealth of Pennsylvania or any other state, territory, foreign country or dependency.

CORRECTIONAL FACILITY - A public or private facility used to house and/or rehabilitate adults or juveniles detained, sentenced or adjudicated delinquent by the criminal justice system, including, but not limited to, jails, prisons, penitentiaries, reformatories, and similar facilities, excluding Group Homes and Care Facilities.

CORRUGATED PAPER -- Structural paper material with an inner core shaped in rigid parallel furrows and ridges of the type normally used to make packaging cartons and boxes.

COUNTY -- The County of Monroe, Commonwealth of Pennsylvania.

COUNTY CONSERVATION DISTRICT -- The Monroe County Conservation District.

COUNTY PLANNING COMMISSION -- The Monroe County Planning Commission.

COURT -- An open and unoccupied space on a lot enclosed on at least three sides by the walls of a building.

CREMATORY - A furnace or establishment for the incineration of human or animal corpses.

CROP - A non-animal species or variety that is grown to be harvested as food, livestock fodder, fuel or for any other economic purpose.

CROP FARMING -- The raising and keeping of field, truck and tree crops. For the purposes of this Code, the term "crop farming" does not include animal husbandry.

CROSSWALK (INTERIOR WALK) -- A publicly or privately owned right-of-way for pedestrian use extending from a road into a block or across a block to another road or to a public recreation area.

CULTURAL FACILITY -- A use or facility which promotes art, drama, music, science and/or history in the form of a museum, library or gallery.

CULTURAL LANDSCAPE - The minimum essential setting or context in which an identified historic resource retains its historic integrity, including both natural (trees, streams, slopes, etc.) and man-made features (bridges, outbuildings such as springhouses, barns, stables, cemetery markers, etc.) in an unimpaired state, allowing a better understanding of the materials and culture of the past.

CULTURAL RESOURCE - A site or collection of sites, building or collection of buildings, with such a combination of historical, architectural, natural and scenic attributes as to create an irreplaceable, unique entity that serves as an element in defining the overall community character.

CULVERT -- A structure with appurtenant works, which carries water under or through an embankment or fill.

CURBSIDE COLLECTION -- A method of collection of residentially generated recyclables by which the owners or occupants of certain residential properties may dispose of their recyclables by placing them at curbside at times designated by the licensed haulers, for collection and removal by an authorized collector thereof for delivery to a recycling center.

CURRENT YEAR -- The calendar year for which the tax is levied.

DAM – An artificial barrier, together with its appurtenant works, constructed for the purpose of impounding or storing water or another fluid or semifluid, or a refuse bank, fill or structure for highway, railroad or other purposes which does or may impound water or another fluid or semifluid.

DANCE HALL/NIGHTCLUB -- A building or structure where the public is permitted to dance and consume drinks and where entertainment may be provided.

DAY-CARE FACILITY -- A facility which exclusively provides child care and supervision and/or instruction during the day to seven or more children simultaneously, who are not relatives of the caregiver, and where tuition, fees or other forms of compensation are charged and which is licensed or approved to dispense child care by the state.

DBH – The diameter of a tree at breast height, measured 4.5 feet from the ground.

DECELERATION LANE -- The portion of roadway adjoining the travelway, constructed for the purpose of enabling a vehicle that is exiting a roadway to slow to a safe speed after it has left the mainstream of traffic.

DECISION -- Final adjudication of any board or other body granted jurisdiction under any section of the Code.

DECK -- An unroofed structure above grade level.

DECORATIVE POLE – A township-owned pole that is specially designed and placed for aesthetic purpose and on which no appurtenances or attachments, other than a Small Wireless Communications Facility, lighting, or municipal attachments have been placed or are permitted to be placed.

DEDICATION -- The deliberate appropriation of land by its owner for any general and public or limited public use, reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted.

DENSE RESIDENTIAL USES – Multiple Dwelling units, Rooming/Boarding House, Mobile Home Parks.

DERRICK – Any portable framework, tower mast and/or structure which is required for any Oil and Gas Development.

DESIGNEE -- The agent of the Monroe County Conservation District and/or agent of the Supervisors involved with the administration, review or enforcement of any provisions of the Stormwater Management Ordinance.¹⁰

DESIGN PROFESSIONAL -- A Pennsylvania Registered Professional Engineer, Registered Landscape Architect or a Registered Professional Land Surveyor trained to develop stormwater management plans.

DESIGN STORM -- The magnitude and temporal distribution of precipitation from a storm event measured in probability of occurrence (i.e., 5-year storm) and duration (i.e., 24-hours) used in the design and evaluation of stormwater management systems.

DETENTION BASIN -- An impoundment structure designed to manage stormwater runoff by temporarily storing the runoff and releasing it at a predetermined rate.

DETENTION DISTRICT - Those subareas in which some type of detention is required to meet the plan requirements and the goals of Act 167.

DETERMINATION -- Final action by an officer, body or agency charged with the administration of any land use ordinance or application thereunder, except the following:

- A. The Board of Supervisors.
- B. The Zoning Hearing Board.

DEVELOPER -- Any landowner, agent of such landowner or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development.

DEVELOPMENT -- Any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of manufactured homes; the construction of streets; paving; installation of utilities; filling, grading and excavation; mining; drilling operations; storage of equipment or materials; and the subdivision of land.

DEVELOPMENT AREA -- The area of a tract proposed for a conservation subdivision or master development plan that excludes greenway lands.

DEVELOPMENT PLAN -- The provisions for development, including a planned residential development, a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase "provisions of development plan," when used in this Code, shall mean the written and graphic materials referred to in this definition.

¹⁰Editor's Note: See Ch. 123, Stormwater Management.

DEVELOPMENT, PROJECT OR PROPERTY -- All of the real property subject to development and containing more than one unit.

DEVELOPMENT SITE – The specific tract of land for which a Regulated Activity is proposed.

DIFFUSED DRAINAGE DISCHARGE – Drainage discharge not confined to a single point location or channel, such as sheet flow or shallow concentrated flow.

DISABLED VEHICLE -- Any vehicle which is disabled or inoperable in such a manner and to such an extent that it is impossible to avoid stopping and temporarily leaving the vehicle in that position. A vehicle which is not properly equipped with winter or snow tires for winter driving conditions shall not for that reason alone be deemed disabled.

DISPLAY FIREWORKS - Large fireworks to be used solely by professional pyrotechnicians and designed primarily to produce visible or audible effects by combustion, deflagration or detonation. The term includes, but is not limited to:

- (1) Salutes that contain more than two (2) grains or one hundred thirty (130) milligrams of explosive materials;
- (2) Aerial shells containing more than sixty (60) grams of pyrotechnic compositions; and
- (3) Other display pieces that exceed the limits of explosive materials for classification as consumer fireworks and are classified as fireworks US0333, UN0334 or UN0335 under 49 CFR 172.101 (relating to purpose and use of hazardous materials table).

DISPOSAL -- The incineration, deposition, injection, dumping, spilling, leaking or placing of municipal waste into or on the land or water in a manner such that the municipal waste or a constituent thereof enters the environment, is emitted into the air or is discharged to the waters of the Commonwealth of Pennsylvania.

DISPOSAL AREA -- Any site, location, area, building, structure, transfer station or premises to be used for municipal waste disposal.

DISSOLVE - A mode of message transition on an Electronic Message Sign accomplished by varying the light intensity or pattern, where the first message gradually appears to dissipate and lose legibility simultaneously with the gradual appearance and legibility of the second message.

DISTRICT -- A portion of the township within which certain uniform zoning or other code regulations, requirements or combinations thereof apply.

DISTRIBUTED ANTENNA SYSTEM (DAS) – Network of spatially separated antenna sites connected to a common source that provides wireless service within a geographic area or structure.

DISTURBED AREA – Land area where an earth disturbance activity is occurring or has occurred.

DOCUMENT -- The instrument whereby a transfer is effected.

DOMICILE -- The place where one lives and has his permanent home and to which he has the intention of returning whenever he is absent. Actual residence is not necessarily domicile, for domicile is the fixed place of abode which, in the intention of the taxpayer, is permanent rather than transitory. Domicile is the place in which a man has voluntarily fixed the habitation of himself and his family, not for a mere special or limited purpose, but with the present intention of making a permanent home, until some event occurs to induce him to adopt some other permanent home. In the case of businesses or associations, the domicile is that place considered as the center of business affairs and the place where its functions are discharged.

DRAINAGE CONVEYANCE FACILITY – A stormwater management facility designed to transmit stormwater runoff and shall include channels, swales, pipes, conduits, culverts, storm sewers, etc.

DRAINAGE EASEMENT -- A right granted by a grantor to a grantee, allowing the use of private land for stormwater management purposes.

DRAINAGE PLAN -- The combined stormwater management site plan and narrative, the erosion and sediment pollution control plan and narrative and the nonpoint source pollution control plan and narrative.

DRILLING PAD – The area of surface operations surrounding the surface location of a well or wells used in oil and gas development.

DRIVE-IN/DRIVE THROUGH FACILITY -- Any business, restaurant or eating or drinking establishment which furnishes or provides goods, food, beverage, other merchandise or services to persons in motor vehicles of any type, which establishment is designed and/or operated so that such persons are served without leaving their motor vehicles.

DRIVEWAY -- Every entrance or exit used by vehicular traffic to or from properties abutting a highway.

DRY-CLEANING FACILITY - A facility where chemical solvents are used to clean clothes and other materials.

DWELLING -- A building designed, occupied or used as living quarters.

DWELLING, MULTIPLE -- A building or portion thereof containing three or more dwelling units.

DWELLING, ONE-FAMILY -- A detached building containing one dwelling unit only.

DWELLING, TWO-FAMILY -- A detached building containing two dwelling units only.

DWELLING UNIT -- A building or entirely self-contained portion thereof designed to be occupied for living quarters as a single housekeeping unit providing complete living, sleeping and eating facilities, including kitchen and bathroom facilities that are not in common with any other dwelling unit.

EARNED INCOME -- Salaries, wages, commissions, bonuses, incentive payments, fees, tips and other compensation received by a person or his personal representative for service rendered, whether directly or through an agent and whether in cash or in property; not including, however, wages or compensation paid to persons on active military service, periodic payments for sickness, disability or retirement or payments arising under workmen's compensation acts, occupational disease acts and similar legislation or payments commonly recognized as old age benefits, retirement pay or pensions paid to persons retired from service after reaching a specific age or after a stated period of employment or payments commonly known as "public assistance" or unemployment compensation payments made by any governmental agency or payments to reimburse expenses or payments made by employers or labor unions for wage and salary supplemental programs, including but not limited to programs covering hospitalization, sickness, disability or death, supplemental unemployment benefits, strike benefits, social security and retirement.

EARTH DISTURBANCE -- A construction or other human activity which disturbs the surface of land including, but not limited to, clearing and grubbing, grading, excavations, embankments, agricultural plowing or tilling, timber harvesting activities, road maintenance activities, mineral extraction and the moving, depositing, stockpiling, or storing of soil, rock or earth materials.

EASEMENT -- The authorization by a property owner or authorized agency of a right-of-way granted, but not dedicated, for limited use of private land for a public or quasi-public purpose; and within which the owner of the property shall not erect any permanent structures, but shall have the right to make any other use of the land which is not inconsistent with the rights of the grantee.

EATING/DRINKING ESTABLISHMENT - See Restaurant.

EGRESS -- The exit of vehicular traffic from abutting properties to a roadway.

ELIGIBLE FACILITIES REQUEST – Any request for modification of an existing WCF that does not substantially change the physical dimensions of such tower or base station, involving:

- (1) Collocation of new transmission equipment;
- (2) Removal of transmission equipment; or
- (3) Replacement of transmission equipment.

EMERGENCY – A condition that (1) constitutes a clear and immediate danger to the health, welfare, or safety of the public, or (2) has caused or is likely to cause facilities in the rights-of-way to be unusable and result in loss of the services provided.

EMERGENCY CONDITION -- An emergency condition shall exist where there is a snowfall which measures two inches or more on the ground and is the result of one continuous snowfall or any accumulation of hail, sleet, freezing rain or ice.

EMERGENCY SPILLWAY – A conveyance area that is used to pass peak discharge greater than the maximum design storm controlled by a stormwater facility.

EMPLOYEES – Any and all persons who perform any service on the premises of any “adult entertainment business”, on a full-time, part-time or contract basis, whether or not the person is denominated an employee, independent contractor, agent, lessee, lessee of a dance floor, or space or otherwise, and whether or not said person is paid a salary, wage or compensation by the operator of said business or works for tips only. “Employee” does not include a person who is on the premises for the exclusive purpose of maintenance or repair of the premises or equipment on the premises, or for the delivery of goods to the premises.

EMPLOYER -- A person, partnership, association, corporation, institution, governmental body or unit or agency or any other entity employing one or more persons for a salary, wage, commission or other compensation.

ENCROACHMENT -- Any physical action which may jeopardize the health and longevity of a natural feature; a structure or activity that changes, expands or diminishes the course, current or cross section of a watercourse, floodway or body of water.

ENDORSEMENT -- The signatures of the Chairman of the Planning Commission and the Chairman of the Board of Supervisors on a development plan.

ENGINEER -- A licensed professional engineer registered by the Commonwealth of Pennsylvania.

EQUIPMENT -- All machinery and equipment, together with the necessary supplies for upkeep and maintenance, and also tools and apparatus necessary for the proper construction and completion of the work.

EQUIPMENT COMPOUND – An area surrounding or adjacent to a wireless support structure within which base stations, power supplies, or accessory equipment are located.

EROSION -- The movement of soil particles, rock, and other earthen particles by the action of water, wind, ice, or other natural forces.

EROSION AND SEDIMENT POLLUTION CONTROL PLAN -- A site specific plan that is designed to minimize accelerated erosion and sedimentation during construction.

ESCORT – A person who, for consideration, agrees or offers to act as a companion, guide or date for another, or who agrees or offers to privately model lingerie or perform a strip tease for another for consideration.

ESCORT AGENCY – Includes a person or business who furnishes, offers to furnish or advertises to furnish escorts as one of its primary business purposes, for a fee, tip or other consideration.

ESSENTIAL PUBLIC UTILITY SERVICES -- The erection, construction, alteration or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electric, steam, water or sewage transmission or distribution systems, including buildings, poles, wires, mains, drains, sewers, pipes, conduits cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies for the public health or safety or general welfare, excluding wireless communication facilities as defined herein.

ESSENTIALLY DRY SPACE – A space which will remain dry during flooding, except for the passage of some water vapor or minor seepage; the structure is substantially impermeable to the passage of water.

EXCEPTIONAL VALUE WATERS – Surface waters of high quality which satisfy Pennsylvania Code Title 25 Environmental Protection, Chapter 93, Water Quality Standards, § 93.4b (b) (relating to antidegradation) or its successor statute and/or regulation.

EXERCISE FACILITY OR GYM - A type of service establishment that offers indoor or outdoor exercise facilities including, but not limited to, weight rooms, exercise equipment, non-household pool and racquetball courts.

EXISTING CONDITIONS – The initial condition of a project site prior to the proposed alteration.

EXISTING OUTDOOR WOOD-FIRED BURNER/FURNACE – An Outdoor Wood-Fired Burner/Furnace that was purchased and installed prior to the effective date of this Ordinance November 4, 2009.

EXOTIC ANIMAL - Means any animal that is not normally domesticated in the United States or is wild by nature. Exotic animals include but are not limited to, any of the following orders and families, whether bred in the wild or captivity, and also any of their hybrids with domestic species. The animals listed in parentheses are intended to act as examples and are not to be construed as an exhaustive list or limit the generality of each group of animals, unless otherwise specified:

CHAPTER 1

- A. Non - human primates and prosimians (monkeys, chimpanzees, baboons)
- B. Felidae (lions, tigers, bobcats, lynx, cougars, leopards, jaguars, not domesticated cats)
- C. Canidae (wolves, coyotes, foxes, jackals, not domesticated dogs)
- D. Ursidae (all bears)
- E. Reptilia (all venomous snakes, all constricting snakes)
- F. Crocodilia (alligators, crocodiles)
- G. Proboscidae (elephants)
- H. Hyanenidae (hyenas)
- I. Artiodatyla (hippotamuses, giraffes, camels, not cattle or swine or sheep or goats)
- J. Procyonidae (raccoons, coatis)
- K. Marsupialia (kangaroos, opossums)
- L. Perissodactylea (rhinoceroses, tapirs, not horses or donkeys or mules)
- M. Edentara (anteaters, sloths, armadillos)
- N. Viverridae (mongooses, civets, and genets)

FAA -- The Federal Aviation Administration of the United States Department of Transportation.

FADE - A mode of message transition on an Electronic Message Sign accomplished by varying the light intensity, where the first message gradually reduces intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility.

FACADE - The exterior of a building exposed to public view or that wall viewed by persons not within the building.

FAMILY – Any individual, or two (2) or more persons related by blood, marriage, legal adoption, foster placement, or a group of individuals, who need not be related by blood or marriage but are living, cooking and sharing expenses as a single housekeeping unit and provided they live together in a manner similar to a traditional nuclear family. A “family” shall not include the occupants of a boardinghouse, rooming or lodging house, club, fraternity/sorority, resort, hotel, motel or group home or care facility.

FCC -- The Federal Communications Commission.

FELLING – The act of cutting a standing tree so that it falls to the ground.

FENCE -- A structure erected around or by the side of any open space to prevent passage in or out; especially, a structure enclosing or separating yards or fields, including a wall, hedge or bank.

FILING DATE -- The day of the first regularly scheduled meeting of the Planning Commission following receipt of a complete application by the Administrator.

FILTER FABRIC -- Textile of relatively small mesh or pore size that is used to allow water to pass through while keeping sediment out (permeable) or to prevent both runoff and sediment from passing through (impermeable).

FILTER STRIPS -- Long, narrow strips of close-growing vegetation at the perimeter of disturbed or impervious areas which serve to intercept or retard sheet flows of surface runoff and/or collect sediment; used often to protect other stormwater control facilities such as diversions, impoundments, etc.

FINANCIAL SECURITY -- An agreement or document which furnishes a monetary guaranty to the township in order to provide for and secure to the public the completion of any improvements which may be required on or before the date fixed in the formal action of approval or accompanying agreement for completion of the improvements.

FIREWORKS DISPLAY PERMIT - The term "Fireworks Display Permit" shall mean a permit issued by the Paradise Township Zoning Officer authorizing a display of Consumer Fireworks or Display Fireworks within Paradise Township.

FLAG LOT -- A lot or parcel of land of three acres or less in size, which does not meet the minimum lot width requirements under the Zoning Ordinance¹¹ and for which access to the buildable area of the lot is provided by a strip of land at least 40 feet in width and not more than 500 feet in length.

FLEA MARKET -- An occasional or periodic market held in an open area or structure where groups or individual sellers offer goods for sale to the public.

FLOOD -- A temporary condition or partial or complete inundation of land areas from the overflow of streams, rivers, and other waters of this Commonwealth.

FLOOD HAZARD AREA -- A normally dry land area that has been and is susceptible to being inundated by surface or subsurface flow in addition to stream overflow. For purposes of this Code, the Pennsylvania Flood Plain Management Act (Act of October 4, 1978, P.L. 851, No. 166)¹² and regulations pursuant to the Act defines "flood hazard area" as that area identified by FEMA (as shown on the floodplain map) as being subject to flooding by a one-hundred-year flood.

FLOOD INSURANCE RATE MAP (FIRM) - The official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY (FIS) - The official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

FLOODING, PERIODIC -- Inundation of land occurring with a frequency normally five years or less.

FLOOD, OCCASIONAL -- Inundation of land occurring with a frequency normally in excess of five years.

¹¹Editor's Note: See Ch. 160, Zoning.

¹²Editor's Note: See 32 P.S. § 679.101 et seq.

FLOODPLAIN AREA – A relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.

FLOOD-PRONE AREA -- An area of land which has been or may hereafter be covered by floodwater of the one-hundred-year flood or subject to erosion caused by a one-hundred-year flood.

FLOODPROOFING - Any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY – The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

FLOOR AREA -- The sum of the gross horizontal areas of the several floors of the building or buildings of a lot measured from the exterior faces of exterior walls or from the center line of party walls separating two buildings, excluding basement areas used only for storage and the operation and maintenance of the building.

FORESTRY– Means the management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve any land development.

FOWL AND SMALL ANIMALS – Rabbits, pot belly pigs, chickens **excluding roosters**, turkeys, ducks, geese, pheasants, and pigeons.

FRACKING – The process of injecting water, customized fluids, sand, steam, or gas into a gas well under pressure to improve gas recovery.

FRATERNAL, CIVIC OR, SOCIAL CLUB -- A nonprofit social, professional or charitable organization characterized by the payment of dues, regular meetings and bylaws; a building used for club or lodge purposes when it serves as a meeting place for such an organization and is not an adjunct to or operated or in connection with a public tavern, retail sales or other public place. The building may be used for recreational and/or dining facilities for the membership and their guests.

FREEBOARD -- A vertical distance between the elevation of the design highwater and the top of a dam, levee, tank, basin or diversion berm. The space is required as a safety margin in a pond or basin.

FRONT FAÇADE AREA – The area of the public right-of-way directly in front of a structure, identified by drawing a perpendicular line from each corner of structure to the public right-of-way.

FUEL DISTRIBUTOR/BULK FUEL STORAGE - Any facility where fuels are stored in bulk for distribution by delivery truck to retail or wholesale establishments.

FUELING STATION -- A business where vehicle fueling products and a limited selection of automobile accessories are sold to the public at retail, including Charging Stations.

FUNERAL HOME -- A building used for the preparation of the deceased for burial or cremation and the display of the deceased and ceremonies connected therewith before burial or cremation.

GAMBLING - See Legal Gambling.

GARAGE, NONRESIDENTIAL -- A building or part thereof other than a residential garage.

GARAGE, RESIDENTIAL -- A building or part thereof accessory to a principal residential building and providing for the storage of vehicles.

GARBAGE -- All putrescible animal and vegetable matter resulting from the handling, preparation, cooking and consumption of food.

GLARE - Excessive brightness in the field of view that is sufficiently greater than the brightness to which the eyes are adapted, to cause annoyance or loss in visual performance and visibility, so as to jeopardize health, safety or welfare.

GLASS CONTAINERS -- All empty food and beverage jars or bottles, the product being transparent or translucent (either clear, green or brown).

GOLF COURSE - A tract of land for playing golf, improved with trees, greens, fairways, hazards, and which may include clubhouses and shag ranges; but does not include miniature golf courses or golf driving ranges.

GOLF COURSE, MINIATURE - A facility where a novelty version of golf *is* played with a putter and golf ball on a miniature course, typically with artificial playing surfaces, and including obstacles such as bridges and tunnels.

GOLF DRIVING RANGE - A facility arranged with golf tees and used for longer range play of golf balls where balls are supplied for a fee. It may also include a putting green and chipping green.

GOVERNING BODY -- The Board of Supervisors of Paradise Township, Monroe County, Pennsylvania.

GOVERNMENT FACILITIES AND/OR SERVICES -- Municipal, county, state or federal government buildings or facilities designed and intended to be occupied by the government or designed and intended for public use by a government entity.

GRADE -- A slope, usually of a road, channel or natural ground; specified in percent and shown on plans.

A. TO GRADE -- The finish surface of a roadbed, top of embankment or bottom of excavation.

GRASSED WATERWAY -- A natural or constructed waterway, usually broad and shallow, covered with erosion-resistant grasses, used to convey surface water.

GREENHOUSE, COMMERCIAL - A structure, typically constructed of metal or wood framework and covered with glass or plastic, used for the propagation of plants for wholesale or retail distribution; and including associated structures for office space and storage; but not including retail sales of any other products or services.

GREENHOUSE, PRIVATE - An accessory structure, typically constructed of metal or wood framework and covered with glass or plastic used for private noncommercial propagation of plants.

GREEN ROOF – A roof of a building that is at least fifty percent (50%) covered with vegetation and a growing medium, planted over a waterproofing membrane. It may also include additional layers such as a root barrier and drainage and irrigation systems.

GREEN WALL – A wall, either free-standing or part of a building, that is partially or completely covered with vegetation and, in some cases, soil or an inorganic growing medium.

GREENWAY LAND - That portion of a tract proposed for a conservation subdivision or master development plan that is set aside for conservation through restricted uses, design, maintenance, and ownership in accordance with §160-21-C.

GROUNDWATER RECHARGE -- Replenishment of existing natural underground water supplies without degrading groundwater quality.

GROUND SOURCE HEAT PUMP – Any geothermal, earth-coupled, geoexchange, water-coupled, groundwater, ground-coupled, closed-loop, coiled, open, or water source heat pump system used for heating and/or cooling which utilizes groundwater extracted from a well.

GROUP HOME – A dwelling unit of four or fewer residents which is operated by a responsible individual or organization with a program to provide supportive living arrangements for individuals where special care is needed by the persons served due to age, emotional, mental, developmental or physical disability. This definition is expressly reserved for supervised care of persons subject to protection of the U.S. Fair Housing Act of 1988, as amended, and/or the Americans with Disability Act, as amended. A group home must comply with all state and/or federal laws and be licensed where required by an appropriate government agency.

GUEST LODGING – Facilities serving transients for compensation, such as Motels, Hotels, Resorts, Bed and Breakfasts.

HANDBILL -- Any printed or written matter and sample or device, dodger, circular, leaflet, pamphlet, paper, booklet or any other printed or otherwise reproduced original or copies of any matter of literature:

- A. Which advertises for sale any merchandise, product, commodity or thing; or
- B. Which directs attention to any business or mercantile or commercial establishment or other activity, for the purpose of either directly or indirectly promoting the interest thereof by sales; or
- C. Which directs attention to or advertises any meeting, theatrical performance, exhibition or event of any kind, for which an admission fee is charged for the purpose of private gain or profit; but the terms of this clause shall not apply where an admission fee is charged or a collection is taken up for the purpose of defraying the expenses incident to such meeting, theatrical performance, exhibition or event of any kind when either of the same is held, given or takes place in connection with the dissemination of information which is not restricted under the ordinary rules of decency, good morals, public peace, safety and good order; provided that nothing contained in this clause shall be deemed to authorize the holding, giving or taking place of any meeting, theatrical performance, exhibition or event of any kind without a license where such license is or may be required by any law of this state or under any ordinance of this township; or
- D. Which, while containing reading matter other than advertising matter, is predominantly and essentially an advertisement and is distributed or circulated for advertising purposes or for the private benefit and gain of any person so engaged as advertiser or distributor.

HAUL ROAD – Those roads, trails, or other openings upon which minerals, natural resources, equipment, and/or vehicles are moved within or from the site of extraction operations for minerals or natural resources. Haul roads must comply with the provisions of Chapter 160-20.G (Traffic impact analysis for haul roads). A Skid Road is not a Haul Road.

HEAVY EQUIPMENT/STORAGE -- Machinery, vehicles and other devices that are not normally used for domestic purposes or stored upon a residential lot. Examples include, but are not limited to, farm machinery, excavation equipment, commercial trucks and trailers, recreational vehicles, bus(es), industrial machinery and any other equipment associated with construction or excavation.

HEC- HMS – The U.S. Army Corps of Engineers, Hydrologic Engineering Center (HEC) – Hydrologic Modeling System (HMS) computer program.

HEIGHT OF SIGN OR OTHER STRUCTURE -- The vertical distance measured from the average existing grade at the front of the structure or sign to its highest point. The highest point in the case of a sign or other structure shall include the supporting structure. In the case

of a sloped roof, the highest point shall be the mid-height between the roof eave and the roof ridge. In the case of a building with multiple roof levels, the highest of the various roof levels must be used to determine the building height. Height of towers, spires, steeples and other roof structures, excluding cellular towers and/or antennas, may exceed the height limit so long as such structures are not used for habitation or storage, and constructed of noncombustible materials, and the structures meet all state and federal requirements.

HEIGHT OF A TOWER-BASED WCF – The vertical distance measured from the ground level, including any base pad, to the highest point on a tower-based WCF, including antennae mounted on the tower and any other appurtenances.

HELIPORT -- A landing and takeoff place for a helicopter.

HIGH QUALITY WATERS – Surface waters having quality which exceeds levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water by satisfying Pennsylvania Code Title 25 Environmental Protection, Chapter 93 Water Quality Standards, § 93.4 (b) (a) or its successor statute and / or regulation.

HIGHEST ADJACENT GRADE - The highest natural elevation of the ground surface prior to construction next to a proposed structure.

HISTORIC STRUCTURE - Any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (1) By an approved state program as determined by the Secretary of the Interior;
or
 - (2) Directly by the Secretary of the Interior in states without approved programs.

HOME OCCUPATION -- A use conducted for gain within a dwelling by the residents thereof, which use is clearly incidental and secondary to the use for dwelling purposes and does not change its character.

HOMEOWNERS ASSOCIATION - A non-profit organization comprised of homeowners and/or property owners, planned and operated under negotiated and approved rules and regulations, for the purpose of administering the needs of residents through the maintenance of community-owned property. This term is synonymous with property-owners association.

HORIZONTAL SURFACE -- A horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal surface zone.

HOSPITAL -- An institution providing health services, medical and/or surgical care to persons.

HOTEL -- A building or part thereof which has a common entrance and general dining room and which contains six or more living and sleeping rooms designed and used primarily for temporary occupancy (not more than 30 days) by transients for compensation.

HOUSE OF WORSHIP -- A building utilized for public divine worship. This term shall include church, chapel, temple, synagogue, mosque and other similar place of worship.

HOUSE TRAILER -- See "mobile home."

HYDROLOGIC REGIME (NATURAL) – The hydrologic cycle or balance that sustains quality and quantity of stormwater, baseflow, storage and groundwater supplies under natural conditions.

ILLEGAL SIGN - A sign which does not meet the requirements of this article or which is not a registered nonconforming sign. This specifically includes a sign that remains standing when the time limits set by the permit are exceeded and any sign not removed after notification from the Zoning Officer to remove the sign.

ILLUMINATION -

(1) Bare Bulb Illumination - Illumination by bulbs without shading or shields.

(2) Charged Gas Tube Illumination - Illumination caused by electrically-charged gases (such as neon) within a glass or plastic tube, specifically including cold cathode and other similar light sources but not fluorescent light sources.

(3) Flame Illumination - Illumination using open flame as the source of the illumination.

(4) Floodlight Illumination - Illumination using floodlights to direct light to a desired location.

(5) Indirect Illumination - A light source not seen directly.

(6) Internal Illumination - A light source concealed or contained within the sign and which becomes visible in darkness through a translucent surface.

IMPERVIOUS SURFACE – A surface that prevents the percolation of water into the grounds such as rooftops, pavement, sidewalks, driveways, gravel drives, roads and parking, and compacted fill, earth or turf to be used as such.

IMPOUNDMENT -- A retention or detention basin designed to retain stormwater runoff and release it at a controlled rate.

IMPROVED AREA -- The area within a road right-of-way which has been constructed for roadway purposes, including roadbed, pavement, shoulders, slope, drainage facilities and any other appurtenances.

INCOME TAX OFFICER -- The person, public employee or private agency designated by the governing body to collect and administer the tax on earned income and net profits.

INDOOR SHOOTING RANGE -- An activity within a building where firearms and other projectile-type weapons (e.g., guns, rifles, shotguns, pistols, air guns, archery, crossbows, etc.) can be shot for recreation, competition, skill development and/or training.

INDOOR THEATER/AUDITORIUM -- A building for showing motion pictures, plays, cultural performances or other meetings.

INDUSTRIAL USE, LIGHT - Industrial or commercial uses including, but not limited to, Self-Storage Facilities, Light Manufacturing, Warehousing in a building under ten thousand (10,000) square feet, Commercial Water Extraction, Solar Energy System (primary use).

INDUSTRIAL USE, GENERAL - Industrial or commercial uses including, but not limited to, Concrete or Asphalt Plant, Heavy Equipment/Storage, Junkyard or Salvage Yard, Surface Mining, Oil and Gas Operations, Motor Freight Terminal, General Manufacturing, and Warehousing in a building over ten thousand (10,000) square feet.

INFESTATION -- The presence of insects, rodents, vermin and/or other pests.

INFILTRATION -- The flow of a liquid into a substance through pores or other openings, connoting flow into a soil, in contradistinction to the word "percolation," which connotes flow through a porous substance. The infiltration capacity is expressed in terms of inches per hour.

INFILTRATION STRUCTURE -- A structure designed to direct runoff into the underground water (e.g., french drains, seepage pits, seepage trench).

INGRESS -- The entrance of vehicular traffic to abutting properties from a highway. **INLET**

– The upstream end of any structure through which water may flow. **INSTITUTIONAL**

RESIDENCE -- All structures, except rooming houses, used primarily for the housing of persons nonrelated by blood or marriage, shall be considered group

residences. Such group residences shall include, but not be limited to, dormitories, fraternities and sororities.

INSTITUTIONAL USE, LIGHT - Institutional uses including, but not limited to, Government Facilities and/or Services, Cultural Facilities, Public Utility, and Group Home.

INSTITUTIONAL USE, GENERAL - Institutional uses including, but not limited to, Houses of Worship, Cemetery, Schools and Colleges, and Nursery School, Correctional Facility, Hospital, Institutional Residences, Care Facilities - Dependent/Group/Family, Care facilities - Placement, Retirement Facility, or any Light Institutional Use in a building over two thousand (2000) square feet in area

INTERMEDIATE ISLAND -- The section of right-of-way between driveways from the pavement edge to the property line.

INVASIVE PLANTS – List of prohibited invasive plants as set forth in the Pennsylvania Department of Natural Resources website, as amended from time to time, located at: <http://www.dcnr.state.pa.us/forestry/plants/invasiveplants/>.

INVERT ELEVATION -- The vertical elevation of a pipe or orifice.

ITEM OF INFORMATION - A word, abbreviation, logo, symbols not part of a numeric graphic, a single digit by itself if not part of a group of numbers, two or more numbers grouped together including attendant symbols, or other graphic displayed on a sign face.

JUNK -- Any material or article which is dismantled, scrapped, abandoned or discarded including, but not limited to, scrap metal, motor vehicles, machinery, equipment, appliances, paper trash, rubber, debris, glass, containers, structures, furniture or tires. Refuse or garbage kept in a hard plastic or metal container with a secure lid for the purpose of prompt disposal shall not be considered as junk hereunder.

JUNK OR ABANDONED MOTOR VEHICLES – Any Motor Vehicle as defined by the Commonwealth of Pennsylvania Motor Vehicle Code which does not display a current valid registration and a current valid certificate of inspection unless the Motor Vehicle is exempted from registration requirements under 75 Pa. C.S. §1302 (Vehicles exempt from registration).

JUNKYARD -- Any lot or part thereof where junk, as defined above, is stored, disposed of or accumulated.

JUNKYARD or SALVAGE YARD -- Any lot, land, structure or part thereof where junk or salvage is discarded, bought, sold, exchanged, stored, baled, cleaned, packed, disassembled or handled.

KENNEL -- The keeping of four or more dogs or other animals that are more than six months of age for commercial purposes, including animal shelters and animal grooming facilities.

LAKES AND PONDS - Natural or artificial bodies of water (other than swimming pools) which retain water year-round. Artificial ponds may be created by dams, or result from excavation. Lakes are bodies of water two (2) or more acres in area. Ponds are bodies of water less than two (2) acres in area excluding swimming pools.

LAND DEVELOPMENT:

A. Any of the following activities:

- (1) The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
 - (a) A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
 - (b) The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features; or

- (2) A subdivision of land.

B. Land development does not include development which includes:

- (1) The conversion of an existing single-family detached dwelling or single-family semidetached dwelling into not more than three residential units, unless such units are intended to be a condominium;
- (2) The addition of an accessory building less than 1,500 square feet in gross floor area, including farm building, on a lot or lots subordinate to an existing principal building; or
- (3) The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For purposes of this subsection, an "amusement park" is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by the proper authorities.
- (4) A retail sales structure permitted on property used for commercial agriculture, providing it does not exceed 600 square feet of floor area and that it meets the

minimum building setbacks for an accessory structure in the underlying zoning district.

LAND DEVELOPMENT, MAJOR -- Any land development which does not fall within the category of land development, minor, as defined within these regulations, including any combination of residential and nonresidential uses.

LAND DEVELOPMENT, MINOR -- Any residential development falling under the definition of land development which does not exceed four dwelling units.

LAND DISTURBANCE -- Any activity involving grading, tilling, digging or filling of ground or stripping of vegetation or any other activity that causes an alteration to the natural condition of the land.

LANDING -- A place where logs, pulpwood, or firewood are assembled for transportation.

LANDLORD -- The owner of residential property or such owner's authorized agent.

LANDOWNER -- The legal or beneficial owner or owners of land, including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner or other person having proprietary interest in the land.

LARGE VOLUME SUBSURFACE SEWAGE DISPOSAL SYSTEM -- a sewage disposal facility which is designed to discharge directly to the soil profile, whether natural or enhanced, and which has a design capacity in excess of 10,000 gallons per day.

LARGE VOLUME SPRAY IRRIGATION SEWAGE DISPOSAL SYSTEM -- A sewage disposal facility which is designed to treat wastewater with ultimate disposal of effluent being to the land surface via a spray mechanism and which is designed for more than 2,000 gallons per day.

LARGER THAN UTILITY RUNWAY -- A runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet-powered aircraft.

LASER TAG FACILITY -- A team or individual sport or recreational activity where players attempt to score points by tagging targets, typically with a hand-held infrared-emitting targeting device.

LATTICE TOWER -- A guyed or self-supporting three- or four-sided, open, steel frame structure used to support communications equipment.

LAUNDROMAT -- An establishment providing washing, drying or dry-cleaning machines on the premises for rental use to the general public for laundering or dry-cleaning purposes.

LAWN, YARD, GARAGE AND TAG SALES -- A sale, open to the public, of new or used previously owned personal property, including but not limited to goods, wares, merchandise and clothing, held on vacant property or on the lawn, yard, porch, patio or in the garage, residence or other outbuilding of the person who obtains a permit for such sale as provided by this Code.¹³

LEAF WASTE -- Leaves, garden residues, shrubbery and tree trimmings and similar material, but not including grass clippings.

LEGAL GAMBLING - Legal Gambling or off-track betting establishments include any and all legal gambling uses, including but not limited to off-track betting establishments, but excluding small games of chance (see 10 P.S. § 311 et seq.) whether or not they include a restaurant, nightclub, bar or similar use.

LESSEE -- For purposes of the Motor Vehicle Ordinance,¹⁴ this equates to the owner, when the lessor holds the lessee responsible for maintenance and repairs.

LICENSED HAULER -- A person licensed by the township to collect, haul and transport municipal waste and recyclables for the purpose of disposal.

LIMITING ZONE – A soil horizon or condition in the soil profile or underlying strata which includes one of the following:

- A. A seasonal high water table, whether perched or regional, determined by direct observation of the water table or indicated by soil mottling.
- B. A rock with open joints, fracture or solution channels, or masses of loose rock fragments, including gravel, with insufficient fine soil to fill the voids between the fragments.
- C. A rock formation, other stratum or soil condition which is so slowly permeable that it effectively limits downward passage of water.

LITTER -- Garbage, refuse, rubbish and all other waste material which, if thrown or deposited, tends to create a danger to public health, safety and welfare.

LIVESTOCK - One or more domesticated animals (including of the equine, bovine or sheep family, among others) raised in an agricultural setting to produce commodities such as food, fiber, or labor. The term "livestock" as used in this ordinance includes poultry and farmed fish.

LOCAL TRAFFIC – The following shall be regarded as local traffic for the purposes of Chapter 142 of this Code of Ordinances:

¹³Editor's Note: See Ch. 155, Yard Sales.

¹⁴Editor's Note: See Ch. 146, Storage of Vehicles.

- A. Emergency vehicles;
- B. School buses;
- C. Vehicles and combinations of government agencies and utilities or their contractors engaged in construction or maintenance on a weight-limit-posted street or in a location which can be reached only via a posted street; and
- D. Vehicles and combinations going to or coming from a residence, commercial establishment, or farm located on a weight-limit-posted street or which can be reached only via a posted street.

LOGGING PLAN -- A written description, including a map, of a specific logging operation prepared before the operation commences.

LOP -- To cut tops and slash into smaller pieces to allow the material to settle close to the ground.

LOT -- A part of a subdivision or a parcel of land used as a building site or intended to be used for building purposes, whether immediate or future, which would not be further subdivided.

LOT AREA, GROSS -- The horizontal area contained within the property lines of a lot.

LOT AREA, NET -- The horizontal area contained within the property lines of a lot excluding space within all roads and within all permanent drainage easements, but including the areas of all other easements.

LOT, CORNER -- A lot at the junction of and abutting on two or more intersecting roads where the interior angle of intersection does not exceed 135°. A lot abutting a curved road shall be deemed a corner lot if the tangents to the curve at the points of intersection of the side lot lines with the road lines intersect at an interior angle of less than 135°.

LOT COVERAGE -- The percentage of the lot area that is occupied by all structures.

LOT DEPTH -- The average horizontal distance between the front and rear lot lines.

LOT, INTERIOR -- Any lot other than a corner lot.

LOT LINE -- Any property boundary of a lot.

LOT LINE, FRONT -- Any boundary of a lot which is along an existing or proposed road right-of-way. Corner lots and through lots shall have two front lot lines. The shorter of the two will be the front.

LOT LINE, REAR -- A lot line opposite and most distant from the front lot line.

LOT LINE, SIDE -- Any lot line which is not a front or rear lot line.

LOT, THROUGH -- A lot extending between and having frontage on two generally parallel and opposite roads.

LOT WIDTH -- The horizontal distance between the side lot lines, measured along the building minimum front setback line and parallel to the front lot line, as established by the Zoning Ordinance.¹⁵

LOWEST FLOOR – The lowest floor of the lowest fully enclosed area (including basement). An unfinished, flood resistant partially enclosed area, used solely for parking of vehicles, building access, and incidental storage, in an area other than a basement area is not considered the lowest floor of a building provided that such space is not designed and built so that the structure is in violation of the applicable non-elevation design requirements of this ordinance.

LUMBERMILL- An area and structures used for the storage, distribution, and sale of finished or rough-cut lumber and lumber products, including saw and planing mills, excluding storage of such material strictly for retail sale.

MAGAZINES -- Printed matter, also known as "periodicals," containing miscellaneous written pieces published at fixed or varying intervals, printed on glossy or chemically coated paper. Expressly excluded are newspaper and all other paper products.

MAIN STEM (MAIN CHANNEL) – Any stream segment or other runoff conveyance facility used as a reach in the Brodhead/McMichaels hydrologic model.

MAINTENANCE FEES -- The fees charged periodically by a maintenance organization to cover common expenses, expenses of replacing personal property, housekeeping functions and other recurring costs above the initial purchase price.

MAINTENANCE ORGANIZATION -- The body, regardless of name or legal structure, designated to act on behalf of an owner in matters concerning the payment of costs and expenses of time-share ownership and/or the maintenance and care of buildings and common areas.

MANNING EQUATION (MANNING FORMULA) – A method for calculation of velocity of flow (e.g. feet per second) and flow rate (e.g. cubic feet per second) in open channels based upon channel shape, roughness, depth of flow and slope. "Open channels" may include closed conduits so long as the flow is under pressure.

¹⁵Editor's Note: See Ch. 160, Zoning.

MANUFACTURED HOME – A structure, transportable in one or more sections, which is built on a permanent chassis, and is designed for use with or without a permanent foundation when attached to the required utilities. The term includes park trailers, travel trailers, recreational vehicles which are placed on a site for more than 180 consecutive days.

MANUFACTURED HOME PARK -- A parcel of land under single ownership which has been planned and improved for the placement of two or more manufactured homes for nontransient use.

MANUFACTURING, LIGHT - Facilities involving generally unobtrusive processes carried on entirely within a fully enclosed building and not resulting in the storage of hazardous materials or the generation of hazardous waste products in excess of fifty five (55) gallons per year, or other environmentally hazardous processes. Light Manufacturing includes, but is not limited to:

- A. Fabrication, processing, assembly, repair, testing, packing and/or storage of products made from previously prepared materials, products, components and parts such as cloth, plastic, food, paper, glass, leather, stones and electronic components;
- B. Research, engineering or testing laboratories;
- C. Textile and clothing manufacturing;
- D. Furniture or other wood products production.

Light Manufacturing does not include:

- A. Any Manufacturing facility with floor space greater than 10,000 square feet in area;
- B. Slaughterhouses, the production of fish or meat products, or the rendering of fats and oils.
- C. Any use listed separately in §160-11.

MANUFACTURING, GENERAL - Establishments engaged in the basic mechanical, chemical or other transformation of extracted or raw materials or substances into new products or materials, including, but not limited to, the manufacturing or transformation of products for use by other manufacturers, the blending of materials such as lubricating oils, plastics, resins or liquors, other basic industrial processes, mineral processing, and any facility involving processes resulting in the storage of hazardous materials or the generation of hazardous waste products in excess of fifty five (55) gallons per year, or other environmentally hazardous processes. General Manufacturing includes any Light Manufacturing facility with floor space greater than 10,000 square feet in area. General Manufacturing does not include any use listed separately in §160-11.

MAP OF POTENTIAL CONSERVATION LANDS - A map depicting primary and secondary conservation areas for the purposes of creating an interconnected system of open space and recreation areas, to be used as a planning tool for subdivision and land development design.

MARKER -- A solid steel pin not less than 1/2 inch in diameter or less than 18 inches in length or a steel or iron pipe not less than 3/4 inch in diameter or less than 18 inches in length.

MARQUEE - A roofed structure comprising not more than twenty-five (25) percent of the building facade and projecting at least three (3) feet, which is supported by a building and erected over a doorway or doorways as protection from the weather, such as at a theatre.

MASSAGE PARLORS – A commercial enterprise whose primary business emphasis is the administration of massages to patrons by employees.

MASTER DEVELOPMENT – A combination of land uses, consisting of a resort and additional uses listed in § 160-12(A)(43.B).

MASTER DEVELOPMENT PLAN – A plan meeting the standards of a sketch plan for a conservation subdivision or land development, and including an Existing Resources Site Analysis Plan, for development within a Resort Development Area Overlay District. A master development plan shall be reviewed and approved as a conditional use.

MASTER SIGN PLAN - A site plan and accompanying documentation that identifies all existing and proposed signage for a non-residential development, lot, site, structure or use(s), and/or a Master Development.

MECHANICAL MOVEMENT - Refers to revolution, vertical and/or horizontal movement.

MEDICAL CLINIC - An institution providing health services, medical care and/or surgical care to persons which does not exceed two thousand (2000) square feet in floor space.

MEMBERSHIP CLUB AND CAMP -- An association of persons which is the owner, lessee or occupant of an establishment operated solely for a recreational, social, fraternal, religious, political or athletic purpose whose activities are confined to the members and guests, are not extended to the general public and include the establishment so operated; but does not include such clubs and camps the chief activity of which is a service customarily carried on primarily for business or gain.

MEMORANDUM OF UNDERSTANDING -- An agreement between Paradise Township and the Monroe County Conservation District to provide for cooperation between the Conservation District and the Township Supervisors, to include within its ordinances and to jointly promote conservation of natural resources within Paradise Township on lands both public and private, for the purposes of preventing soil erosion and sedimentation of streams,

reducing stormwater damage and promoting the health, safety and general welfare of the residents of Paradise Township.

MINIMIZE -- To reduce to the smallest amount possible. For purposes of this Code, it shall not mean complete elimination, but shall require that the most substantial efforts possible under the circumstances be taken to reduce an adverse effect caused by the action required to be minimized. It shall include but is not limited to the requirement that the placement of dwellings and other structures and the location of roads, sedimentation and erosion control devices and earthmoving activities shall be planned and designed so as to permit the adverse effect of the activity in question to be reduced to the smallest amount possible under the circumstances consistent with the otherwise permitted activity.

MINIMUM USE DRIVEWAY -- A residential or other driveway which is used or expected to be used not more than 25 times per day by vehicles ingressing and egressing combined.

MINOR REPAIR -- The replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exitway requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, oil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

MITIGATION -- Any action taken to lessen the specified undesirable impacts of a proposed land use or land disturbance activity, including those which would adversely affect the health or longevity of a natural feature, pose a visual intrusion or conflict or otherwise be deemed compatible with surrounding properties.

MOBILE HOME -- A transportable, single-family dwelling intended for permanent occupancy, contained in one unit or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations and constructed so that it may be used without a permanent foundation.

MOBILE HOME LOT -- A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

MOBILE HOME PARK -- A parcel or contiguous parcels of land which have been so designated and improved that they contain two or more mobile home lots for the placement thereon of mobile homes.

MODEL AIRPLANE FACILITY -- A use or an area where model planes are flown for competition, recreational entertainment or sport.

MODIFICATION OR MODIFY – the improvement, upgrade or expansion of existing wireless communications facilities or base stations on an existing wireless support structure or the improvement, upgrade, or expansion of the wireless communications facilities located within an existing equipment compound, if the improvement, upgrade, expansion or replacement does not substantially change the physical dimensions of the wireless support structure.

MONUMENT -- A stone or concrete monument not less than four inches in diameter or four inches square and not less than 36 inches in length; a galvanized iron pipe not less than two inches in diameter and not less than 36 inches in length filled with concrete; a railroad rail not less than 36 inches in length; a solid steel pin not less than 3/4 inch in diameter grouted four inches into rock.

MORTUARY - See Funeral Home.

MOTEL – A building or group of buildings, whether detached or in connected units, used as individual sleeping or dwelling units with direct outside access, designed and used primarily for temporary occupancy (not more than 30 days) by transients for compensation and not primarily established for residential use. The term “motel” includes buildings designed as tourist courts, motor lodges, auto courts and other similar appellations, but shall not be construed to include mobile homes, travel trailers or Dwelling Units used for Short Term Rentals.

MOTOR FREIGHT TERMINAL -- A facility for the handling, shipping or storage of freight by a motor carrier.

MOTOR VEHICLE -- A vehicle which is self-propelled, except one which is propelled solely by human power or by electric power obtained from overhead trolley wires, but not operated upon rails.

MOVED or MOVING -- The act of effecting a change in the occupancy of any residence or place of business or the act of occupying a formerly vacant residence or place of business or the act of rendering a residence or place of business vacant.

MUNICIPAL AUTHORITY -- A body politic and corporate created pursuant to the Act of May 2, 1945, P.L. 382, No. 164, known as the "Municipality Authorities Act of 1945."¹⁶

MUNICIPALITY -- Paradise Township, Monroe County, Pennsylvania (SWMO).

MUNICIPAL PLANNING CODE -- Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247; as reenacted and amended December 21, 1988, P.L. 1329, No. 170, as amended.¹⁷

MUNICIPAL WASTE – See Solid Waste.

¹⁶ Editor's Note: See 53 P.S. § 301 et seq.

¹⁷ Editor's Note: See 53 P.S. § 10101 et seq.

NATURAL FEATURE -- A component of a landscape, such as a water body or a woodland, identified by Paradise Township as important for conservation. Natural features shall include, but not be limited to, the following:

Floodplains
Steep slopes
Woodlands
Mature trees
Streams
Watercourses and waterfalls
Wetlands/hydric soils
Lakes
Ponds, marshes, bogs
Lake and pond shorelines
Prime agricultural soils
Bedrock, outcropping/bedrock to surface
Springs
Exceptional value water quality
Natural swale
Hedgerow
Natural scenic vista
Vegetation
Plant and animal species (from the Natural Diversity Inventory)
Topsoil
Upland wildlife habitats
Headwater stream valley areas

NATURAL GAS COMPRESSOR STATION – A facility designed and constructed to compress natural gas that originates from a gas well or collection of such wells operating as a midstream facility for delivery of gas to a transmission pipeline, distribution pipeline, natural gas processing plant or underground storage field, including one or more natural gas compressors, associated buildings, pipes, valves, tanks and other equipment.

NATURAL GAS PROCESSING PLANT – A facility designed and constructed to remove materials such as ethane, propane, butane, and other constituents or similar substances from natural gas to allow such natural gas to be of such quality as is required or appropriate for transmission or distribution to commercial markets but not including facilities or equipment

that is designed and constructed primarily to remove water, water vapor, oil or naturally occurring liquids from the natural gas.

NATURAL RESOURCES -- Mineral deposits, including sand, gravel, peat, stone, shale and other elements, including water.

NET PROFITS -- The net income from the operation of a business, profession or other activity, except corporations, after provision for all costs and expenses incurred in the conduct thereof, determined either on a cash or accrual basis in accordance with the accounting system used in such business, profession or other activity, but without deduction of taxes based on income.

NEWSPAPER:

- A. Any newspaper of general circulation as defined by general law, any newspaper duly entered with the Post Office Department of the United States, in accordance with federal statute or regulation, and any newspaper filed and recorded with any recording officer as provided by general law and in addition thereto shall mean and include any periodical or current magazine regularly published with not fewer than four issues per year and sold to the public.
- B. Paper of the type commonly referred to as "newsprint" and distributed at fixed or stated intervals, usually daily or weekly, having printed thereon news and opinions and containing advertisements and other matters of public interest. The term "newspaper" expressly excludes glossy advertising inserts, magazines, glossy or other chemically coated paper, office paper and any other paper products of any nature.

NIGHTCLUB - See Dancehall.

NONCONFORMING LOT -- A lot the area or dimension of which was lawful prior to the adoption or amendment of the Paradise Township Zoning Ordinance,¹⁸ but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption or amendment.

NONCONFORMING STRUCTURE -- A structure or part of a structure manifestly not designed to comply with an applicable use or extent of use provisions in the Paradise Township Zoning Ordinance¹⁹ or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

NONCONFORMING USE -- A use, whether of land or of structure, which does not comply with the applicable use provisions in the Paradise Township Zoning Ordinance²⁰ or amendments heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of said chapter or amendment or prior to the application of said chapter or amendment to its location by reason of annexation.

NONPOINT SOURCE POLLUTION -- Pollution that enters a water body from diffuse origins in the watershed and does not result from discernible, confined, or discrete conveyances.

¹⁸Editor's Note: See Ch. 160, Zoning.

¹⁹Editor's Note: See Ch. 160, Zoning.

²⁰ Editor's Note: See Ch. 160, Zoning.

NONPRECISION INSTRUMENT RUNWAY -- A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance or area-type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or planned.

NONRESIDENT -- A person, partnership, association or other entity domiciled outside the taxing district.

NONSTRUCTURAL BMPs – Methods of controlling stormwater runoff quantity and quality, such as innovative site planning, impervious area and grading reduction, protection of natural depression areas and grading reduction, protection of natural depression areas, temporary ponding on site and other techniques.

NON-TOWER WIRELESS COMMUNICATIONS FACILITY (NON-TOWER WCF)—Wireless communications facilities located or collocated on existing structures, such as, but not limited to buildings, water towers, electrical transmission towers, utility poles, light poles, traffic signal poles, flag poles and other similar structures that do not require the installation of a new tower. This term includes the replacement of an existing structure with a similar structure that is required to support the weight of the proposed WCF.

NRCS – Natural Resource Conservation Service (previously SCS).

NUISANCE -- Any condition, structure or improvement which shall constitute a threat or potential threat to the health, safety or welfare of the citizens of the township.

NURSERY -- A place or area where plants are grown for transplanting, for use as stocks for budding and grafting or for sale.

NURSERY SCHOOL -- See "Schools and Colleges."

NUTRIENT MANAGEMENT PLAN – A document applicable to agricultural properties which describes the storage, handling and application of fertilizers, including manure, related to agricultural production.

OBSTRUCTION -- Any wall, dam, wharf, embankment, levee, dike, pile abutment, projection, excavation, channel, rectification, culvert, building, fence, stockpile, refuse, fill, structure or matter in, along, across or projecting into any channel, watercourse or flood-

prone area, which may impede, retard or change the direction of the flow of water, either by itself or by catching or collecting debris carried by such water, or is placed where the flow of the water might carry the same downstream to the damage of life and property.

OFFICIAL MAP -- The map adopted by the Township Board of Supervisors under Article IV of the Pennsylvania Municipalities Planning Code.²¹

OIL AND GAS – Crude oil, natural gas, methane gas, coal bed methane gas, propane, butane and/or any other constituents or similar substances that are produced by drilling an oil or gas well.

OIL AND GAS DEVELOPMENT – The well site preparation, construction, drilling, redrilling, hydraulic fracturing, and/or site restoration associated with an oil or gas well of

²¹Editor's Note: See 53 P.S. § 10101 et seq.

any depth; water and other fluid storage, impoundment and transportation used for such activities; and the installation and use of all associated equipment, including tanks, meters, and other equipment and structures whether permanent or temporary; and the site preparation, construction, installation, maintenance and repair of oil and gas pipelines and associated equipment and other equipment and activities associated with the exploration for, production and transportation of oil and gas. The definition includes natural gas compressor stations and natural gas processing plants or facilities performing the equivalent functions.

OIL OR GAS WELL – A pierced or bored hole drilled or being drilled in the ground for the purpose of, or to be used for, producing, extracting or injecting gas, oil, petroleum or another liquid related to oil or gas production or storage, including brine disposal.

OIL OR GAS DEVELOPMENT SITE - The location where facilities, structures, materials and equipment, whether temporary or permanent, necessary for or incidental to the preparation, construction, drilling, production or operation of an oil or gas well are located. This definition also includes exploratory wells.

ON-SITE ENTERTAINMENT BUSINESS – Any business involving exhibition of any motion pictures distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas”; and/or a live performance, display or dance of any type which has a significant or substantial portion of the performances any actual or simulated performance of “specified sexual activities” or exhibition and viewing of “specified anatomical areas”, removal of articles of clothing or appearing unclothed, pantomiming, modeling or any other personal service offered to customers. This definition includes but is not limited to any business operating as an adult arcade, adult novelty store, adult movie theater, cabaret, nude encounter studio, lingerie modeling, adult motels, sex clubs, bath houses and/or massage parlors.

ONE-HUNDRED-YEAR FLOOD -- A flood magnitude that is estimated to have a one- percent chance of occurring each year in a given location. It does not imply that no greater flood is likely to occur nor that such a flood will not happen more often than once every 100 years.

OPEN CHANNEL -- A drainage element in which stormwater flows with an open surface. Open channels include, but shall not be limited to, natural and man-made drainageways, swales, streams, ditches, canals and pipes flowing partly full.

OPEN SPACE -- The space between the earth and the sky unoccupied by any structure.

ORGANIZATION -- A corporation, association, trust, foundation, fund or a group of persons, suitably organized or associated to ensure the improvement, maintenance and preservation of common open space.

OUTDOOR ARENA -- An outdoor facility for contests, shows or sporting events with tiers of seats for spectators that would generate ingress/egress traffic that would meet the criteria established by PennDOT for a low volume driveway or greater.

OUTDOOR SHOOTING RANGE -- An activity or use conducted outdoors where firearms and other weapons which utilize percussion detonation or explosive charges can be shot for recreation, competition, skill development and/or training. This definition does not include a property owner who may target practice on his own land.

OUTDOOR WOOD-FIRED BURNER/FURNACE -- A fuel burning device designed to (1) burn clean wood or other fuels listed under §87-9(A) (relating to outdoor wood-fired burner/furnace); (2) that the manufacturer specifies for outdoor installation or installation in structures not normally intended for habitation by humans or domestic animals including structures like garages and sheds; and (3) heats building space or fluid, or both, through the distribution, typically through pipes, of a fluid heated in the device, typically water or a water/antifreeze mixture. This term may include outdoor wood-fired furnaces, outdoor wood-burning appliances, outdoor hydronic heater or outdoor water stove.

OUTFALL -- A point where water flows from a conduit, stream or drain.

OUTLET -- A point of water disposal from a stream, river, lake, tidewater or artificial drain.

OVERFLOW RATE -- Detention basin release rate divided by the surface area of the basin. It can be thought of as an average flow rate through the basin.

PARK-AND-RIDE - A parking lot designed for drivers to leave their cars and share a ride with another driver or use mass transit facilities beginning, terminating, or stopping at or near the park and ride facility.

PARKING -- To leave a vehicle temporarily in a parking lot or garage.

PARKING AREA -- An open space used for the storage or parking of motor vehicles exclusively, with or without compensation, and in which no other business is conducted. Any parking area installed for any nonresidential use shall be considered a structure upon the land and shall be subject to the land coverage provisions of the Zoning Ordinance.²²

PARKING GARAGE - A building designed specifically for automobile parking and where there are a number of floors or levels on which parking takes place.

PARKING LOT STORAGE -- Involves the use of impervious parking areas as temporary impoundments with controlled release rates during rainstorms.

PARKING SPACE -- A space or berth which is arranged and intended for parking of a motor vehicle in a garage or parking area.

²² Editor's Note: See Ch. 160, Zoning.

PARK, PUBLIC AND/OR NONPROFIT -- Those facilities designed and used for recreation purposes by the general public that are owned and operated by the government or governmental agency/authority or are operated on a nonprofit basis.

PARSONAGE -- The residence appropriated to a parson or a single-family dwelling set aside for the pastor and his or her family on church property.

PATIO -- An unroofed structure at grade level.

PATRONS -- Anyone on site at an “Adult Entertainment Business” with the purpose of viewing adult entertainment or sexually oriented materials, whether paying for such services/materials or not.

PAVEMENT EDGE -- The edge of the main traveled portion of any roadway, exclusive of shoulder.

PAWN SHOP - A business that offers secured loans to people, with items of personal property used as collateral.

PEAK DISCHARGE -- The maximum rate of flow of water at a given point and time resulting from a storm event.

PEDDLER -- Any person who shall engage in peddling, as herein defined.

PEDDLING -- The selling or offering for sale of any goods, wares, services or merchandise for immediate delivery, which the person selling or offering for sale carries with him in traveling or has in his possession or control, upon any of the streets or sidewalks, from house to house, by visitation to private residences or by entering in or upon private property within the township.

PENNDOT -- The Pennsylvania Department of Transportation.

PENN STATE RUNOFF MODEL (CALIBRATED) -- The computer-based hydrologic modeling technique adapted to the Brodhead/McMichaels watershed for the Act 167 Plan. The model has been “calibrated” to reflect actual recorded flow values by adjoining key model input parameters.

PERFORMANCE GUARANTY -- Any financial security which may be accepted by the township in lieu of a requirement that certain improvements be made by the applicant.

PERFORMERS -- A person who provides entertainment within an “adult-entertainment business”, whether or not a fee is charged or accepted for entertainment and whether or not entertainment is provided as an “employee” or independent contractor.

PERMIT -- Authorization from a governmental agency to perform a regulated activity.

- A. **PERMIT, DRAINAGE** -- A permit issued by the Supervisors after a drainage plan has been approved. Said permit is issued prior to or with final project approval by the township.
- B. **PERMIT, ZONING** -- A permit issued indicating that a proposed use, building or structure is in accordance with the provisions of this Code and authorizing an applicant to proceed with said use, building or structure.

PERSON – Individuals, corporations, companies, associations, joint stock companies, firms, partnerships, limited liability companies, corporations and other entities established pursuant to statutes of the Commonwealth of Pennsylvania, provided that “Person” does not include or apply to the Township, or to any department or agency of the Township.

PERSONAL SERVICES – An establishment primarily providing services oriented to personal needs which do not involve retail sales unless incidental to the service being provided. Personal services include barbershop and beauty shop, tattoo parlor, shoe repair shop, household appliance repair shop, dry cleaner drop off (excluding dry cleaning facilities), tailor, photographer studio, travel agency, real estate office and the like, excluding adult entertainment.

PESTICIDE MANAGEMENT PLAN – A document applicable to agricultural properties which describes the storage, handling and application of products to control pests and undesirable vegetation related to agricultural production.

PHASE 2 OUTDOOR WOOD-FIRED BURNER/FURNACE – An outdoor wood-fired boiler that has been certified or qualified by the Environmental Protection Agency as meeting a particulate matter emission limit of 0.32 pounds per million Btu output and is labeled accordingly. Phase 2 outdoor wood-fired boiler models will be identified with a white hang tag.

PICKUP COACH -- A structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation and vacation.

PIPE – A culvert, closed conduit, or similar structure (including appurtenances) that conveys stormwater.

PLAN -- A map or drawing showing proposed work or development.

PLAN, FINAL -- A complete and exact plan showing proposed work or development.

PLANNED COMMUNITY OFFICE PARK AND SHOPPING CENTER – A collection of land uses described in the Paradise Township Zoning Ordinance permitted within a Master Development Plan proposal. Uses proposed in a Planned Community Office Park and Shopping Center may include uses permitted in the underlying zoning district, fraternal, civic or social clubs, cultural facilities, libraries, museums, art galleries, community centers, theaters, indoor recreational facilities, cellular towers, day care facilities, drive-in/drive-through facilities, financial, insurance, real estate, business or personal services, medical clinics, laundromats, professional offices, repair services (excluding automobile and machinery repair), bus stations, taxi services, retail sales, eating or drinking establishments, and commercial special events.

PLANNED RESIDENTIAL DEVELOPMENT -- An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units or combination of residential and nonresidential uses, the development plan for which does not correspond in lot size, bulk, type of dwelling or use, density or intensity, lot coverage and required open space to the regulations established in any one district created, from time to time, under the provisions of the Paradise Township Zoning Ordinance.²³

PLANNING COMMISSION -- The Paradise Township Planning Commission.

PLAN, PRELIMINARY -- A tentative plan, in lesser detail than a final plan, showing proposed work or development.

PLAN, RECORD -- An exact copy of the approved final plan recorded with the County Recorder of Deeds.

PLAN, SKETCH -- A sketch of a proposed development showing information to enable the developer to save time and expense in reaching general agreement with the township as to the form of the development as well as the accompanying objectives and requirements.

PLANT NURSERY - A place where plants are propagated and grown to usable size. They include retail nurseries which sell to the general public, wholesale nurseries which sell only to businesses such as other nurseries and to commercial gardeners, and private nurseries which supply the needs of institutions or private estates. Some retail and wholesale nurseries sell by mail.

PLASTIC CONTAINERS -- Empty plastic food, beverage and product containers, the specific types of which are PETE (e.g., soft drink bottles) and HDPE 2 (e.g., milk and water jugs, detergent and shampoo bottles) and other containers as may be designated by resolution adopted by the Township Supervisors.

PLAYGROUND, PARK OR PICNIC AREA – Public facilities designed and used for recreation purposes including picnic tables, barbecues, play equipment for children, athletic facilities such as basketball, baseball, soccer, and tennis owned by the Township of Paradise or non-profit.

PLAT -- See "plan."

PMF – PROBABLE MAXIMUM FLOOD – The flood that may be expected from the most severe combination of critical meteorologic and hydrologic conditions that are reasonably possible in any area. The PMF is derived from the probable maximum precipitation (PMP) as determined based on data obtained from the National Oceanographic and Atmospheric Administration (NOAA).

POINT SOURCE – Any discernable, confined and discrete conveyance, including, but not limited to any pipe, ditch, channel, tunnel, or conduit from which stormwater is or may be discharged, as defined in State regulations at 25 PA. Code § 92.1.

POLLUTION INCIDENT PREVENTION (PIP) PLAN – An environmental emergency response document authorized by Chapter 101 of the Pennsylvania Department of Environmental Protection Rules and Regulations which is applicable to facilities which handle materials with the potential for accidental pollution of the waters of the Commonwealth. Specific requirements for a PIP plan are contained in “Guidelines for the Development and Implementation of Environmental Emergency Response Plans,” PADEP, September, 1990.

POOL HALL - See Indoor Recreation.

PORCH -- A roofed structure projecting from a building.

POWER PLANT - Any facility, including structures, machinery and associated equipment, which generates electric energy from another source of energy, such as nuclear reactors, hydroelectric dams, or natural gas or coal fired plants, the primary purpose of which is the commercial sale of the energy which is generated. Power plants which produce electric energy, 75 percent or more of which is used on the site of production, shall be considered part of the principal permitted use for which the energy is used. This term does not include any use listed separately in § 160-11.

PRACTICABLE ALTERNATIVE – An alternative that is available and capable of being done after taking into consideration cost, existing technology and logistics in light of overall project purposes.

PRECEDING YEAR -- The calendar year before the current year.

PRECISION INSTRUMENT RUNWAY -- A runway having an existing instrument approach procedure utilizing an instrument landing system (ILS) or a precision approach radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

²³Editor's Note: See Ch. 160, Zoning.

PRE-COMMERCIAL TIMBER STAND IMPROVEMENT – A forestry practice, such as thinning or pruning, which results in better growth, structure, species composition, or health for the residual stand but which does not yield a net income to the landowner, usually because any trees cut are of poor quality, too small or otherwise of limited marketability or value.

PREDEVELOPMENT – Undeveloped/natural condition.

PREEXISTING TOWERS AND ANTENNAS -- Any tower or antenna on or for which a permit has been issued prior to the effective date of the Paradise Township Zoning Ordinance²⁴.

PREMISES - A lot, parcel, tract, or plot of land together with the buildings and structures thereon, including any areas associated with land development submittals representing separate phases of development within a Master Development.

PREPAREDNESS, PREVENTION AND CONTINGENCY (PPC) PLAN – An environmental emergency response document required by the Federal Resource Conservation and Recovery Act (as amended by the Hazardous and Solid Waste Amendments of 1984), the Pennsylvania Solid Waste Management Act and the Pennsylvania Department of Environmental Protection Hazardous Waste Regulations (Chapters 260-270) applicable to facilities which generate, store, treat or dispose of hazardous wastes. Hazardous wastes are those defined with the Pennsylvania Department of Environmental Protection regulations or other wastes which meet specific characteristic tests.

PRESERVATION OR PROTECTION – When used in connection with natural and historic resources, shall include means to conserve and safeguard these resources from wasteful or destructive use, but shall not be interpreted to authorize the unreasonable restriction of forestry, mining or other lawful uses of natural resources.

PRETREATMENT – Techniques employed in structural and nonstructural stormwater BMPs to provide storage or filtering to help trap coarse materials and other pollutants before they enter the system but not necessarily meet the water quality volume requirements of Chapter 123.

PRIMARY SURFACE -- A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. For military runways or when the runway has no specially prepared hard surface or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in Section 1304 of the Airport Zoning Ordinance.²⁵ The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway center line.

PRIME AGRICULTURAL LAND - Land used for agricultural purposes that contains soils of the first, second, or third class as defined by the United States Department of Agriculture Natural Resource and Conservation Services County Soil Survey.

PRIVATE PREMISES -- Any dwelling, house, building or other structure, designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant; and shall include any yard, grounds,

²⁴Editor's Note: See Ch. 160, Zoning.

²⁵Editor's Note: See Chapter 160, Zoning, Article XII, Airport Zoning Regulations, § 160-61.

walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building or other structure.

PRIVATE WATER SUPPLY WELL – any well used or intended to be used as a groundwater supply well that is not regulated by the Pennsylvania Department of Environmental Protection.

PROCESSION -- A group of individuals, vehicles, animals and/or objects moving along a street in a way that interferes with the normal movement of traffic. A procession shall not include a funeral caravan or military convoy.

PROFESSIONAL FORESTER – A Professional Forester is a forester meeting one of the following requirements: a) Two years of technical forestry experience and an associate's degree in forest technology, forestry, forest management, forest ecosystem management, urban forestry, forest science, agroforestry, or a related forestry or natural sciences degree; or b) A bachelor's or master's degree in forest technology, forestry, forest management, forest ecosystem management, urban forestry, forest science, agroforestry, or a related forestry or natural sciences.

PROFESSIONAL OFFICE -- The office of a member of a recognized profession, including but not limited to doctors or physicians, dentists, optometrists, ministers, architects, landscape architects, professional engineers, lawyers, artists, authors, musicians, insurance sales, financial services, real estate office, business services, Personal Services and other recognized professional occupations. The issuance of a state or local license for regulation of any gainful occupation need not be deemed indicative of professional standing.

PROJECT INSTRUMENT -- One or more documents applicable to the whole project by whatever name denominated, containing restrictions or covenants regulating the use, occupancy or disposition of an entire project, including any amendments to the document, but excluding any law, ordinance or governmental regulation.

PROPERTY LINE CLEARANCE -- The distance measured along the pavement edge between the property frontage boundary line and the near edge of the driveway.

PUBLIC GROUNDS:

- A. Parks, playgrounds, trails, paths and other recreational areas and other public areas;
- B. Sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities; and
- C. Publicly owned or operated scenic and historic sites.

PUBLIC HEARING -- A formal meeting held pursuant to public notice by the Board of Supervisors or Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with this Code.

PUBLIC MEETING -- A forum held pursuant to notice under the Act of July 3, 1986, P.L. 388, No. 84, known as the "Sunshine Act," 65 P.S. § 271 et seq., as amended.

PUBLIC NOTICE:

- A. Land use MPC-related initial hearings. Notice published once each week for two successive weeks in a newspaper of general circulation in the Township of Paradise. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than seven days from the date of the hearing.
- B. Land use MPC-related hearings and non-land-use hearings. Notice published once in a newspaper of general circulation in the Township of Paradise. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The publication shall not be more than 30 days nor less than seven days from the date of the hearing.

PUBLIC UTILITY -- The definition of this term is the same as the definition of this term in the Pennsylvania Public Utility Code.²⁶

PUBLIC UTILITY TRANSMISSION TOWER -- A structure, owned and operated by a public utility electric company regulated by the Pennsylvania Public Utility Commission, designed and used to support overhead electricity transmission lines.

PUBLIC WATER SUPPLY WELL -- any well used or intended to be used as a groundwater supply well that is regulated by the Pennsylvania Department of Environmental Protection.

PURCHASER -- A person who acquires a time interval or time-share estate from the developer, regardless of whether the person acquires legal or equitable ownership of a project or unit. The term "purchaser" shall be synonymous with fee owner, lessee, licensee, joint tenant or other status as a holder of an interest in land.

QUALIFIED WETLAND PROFESSIONAL - Professional Soil Scientist with wetland delineation training and experience, Professional Wetland Scientist, or others of demonstrated qualifications sufficient for the determination/delineation of wetlands.

RACE TRACK - A road course, either oval, circuitous or straight, where motor vehicles including, but not limited to, automobiles, trucks, go-carts, motorcycles, motor scooters, dune buggies and the like, are driven for recreation, testing or competition; or, any course where animals are raced for competition (see Outdoor Arena).

²⁶Editor's Note: See 66 Pa.C.S.A. § 101 et seq.

RATIONAL FORMULA – A rainfall-runoff relation used to estimate peak flow.

REASONABLE ATTORNEY FEES – Reasonable attorney fees shall be deemed those fees which are paid at the same rate paid to the Municipal Solicitor at the time any action is commenced or raised thereafter.

RECEIPT, DATE OF -- The date of receipt of any application, certificate, report, recommendation or other documents submitted or forwarded to either the Commission or the Supervisors shall be the date the applicable Secretary receives and files said documents in proper form.

RECHARGE AREA – Undisturbed surface area or depression where stormwater collects, and a portion of which infiltrates and replenishes the underground and groundwater.

RECREATION, ACTIVE - Those recreational uses which require physical alteration to the area in which they are performed including, but not limited to play fields, playgrounds, courts, pastureland for horses, equestrian facilities, golf courses, bikeways, playgrounds, ball courts and swimming pools, excluding high impact outdoor recreation.

RECREATION, INDOOR – A type of “recreation” use that: a) does not meet the definition of Outdoor Recreation, and b) is used principally for active or passive recreation, such as a bowling alley, roller skating, ice skating, commercial batting practice use and similar uses. This term shall not include any use listed separately as a distinct use by 160-11.

RECREATION, INDOOR, LIGHT - A type of Indoor Recreation including Fraternal, Civic or Social club or Community Center with no building greater than two thousand (2000) square feet in area.

RECREATIONN, INDOOR, GENERAL – A type of “recreation” use that: a) does not meet the definition of Outdoor Recreation, and b) is used principally for active or passive recreation, such as a bowling alley, roller skating, ice skating, commercial batting practice, indoor amusement park, indoor water park, indoor archery range, Indoor Theatre, indoor Race Track and similar uses. This term shall not include any use listed separately as a distinct use by 160-11.

RECREATION, OUTDOOR – An activity open to the public which is operated or conducted for commercial purposes, engaged in partially or entirely outdoors at a facility or location designed or dedicated to that activity, which involves sports, entertainment or other amusements. This definition does not include Outdoor Arenas, Race Tracks, or Outdoor Shooting Ranges.

RECREATION, OUTDOOR, HIGH-IMPACT – High-impact outdoor recreation uses include, but are not limited to, race tracks, outdoor water parks, outdoor amusement parks, motorized recreational vehicle uses including off-road or track use of snowmobiles, motorcycles, all-terrain vehicles, motor scooters, and/or dune buggies. This definition

excludes golf carts associated with a golf course or any motorized vehicle designed to assist disabled persons.

RECREATION, PASSIVE - Recreational uses which can be carried out with little alteration or disruption to the area in which they are performed including, but not limited to hiking, biking, and picnicking provided no impervious surfaces or structures are constructed.

RECREATIONAL VEHICLE – A vehicle which is (i) built on a single chassis; (ii) not more than 400 square feet, measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light-duty truck; (iv) not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

RECYCLABLE COLLECTION PERMITTEE -- A person authorized by the township, through the issuance of a permit, to collect, transport and dispose of recyclables exclusively (and not municipal waste) for persons other than himself, his immediate family or persons for whom he is acting as an agent (as defined herein).

RECYCLABLES -- Materials designated as such or required by the terms of the Solid Waste Ordinance²⁷ to be kept separate from municipal waste and recycled.

RECYCLING -- The separation, collection, processing, recovery and sale or reuse of metals, glass, paper, plastics and other materials which would otherwise be disposed of as municipal waste.

RECYCLING COLLECTION CENTER - A center for the collection and/or separation of recyclable materials.

RECYCLING FACILITY -- A facility employing a technology that is a process that separates or classifies municipal waste and creates or recovers reusable materials that can be sold to or reused by a manufacturer as a substitute for or a supplement to virgin raw materials. The term "recycling facility" shall not mean transfer stations or landfills for solid waste nor composting facilities or resource recovery facilities. The term does not include the following:

- A. Any composting facility.
- B. Methane gas extraction from a municipal waste landfill.
- C. Any separation and collection center, dropoff point or collection center for recycling or any source separation or collection center for composting leaf waste.
- D. Any facility, including all units in the facility, with a total processing capacity of less than 50 tons per day.

²⁷Editor's Note: See Ch. 119, Solid Waste, Article I, Recycling.

REFUSE -- All putrescible and nonputrescible solid wastes, including garbage, rubbish, ashes, dead animals and market and industrial wastes.

REGULATED ACTIVITIES – Actions or proposed actions that have an impact on stormwater runoff quality and quantity and that are specified in Chapter 123.

REGULATED SUBSTANCES – Any nuclear or radioactive materials or wastes and all hazardous substances and hazardous wastes listed in the following federal regulations:

- A. Superfund Amendments and Reauthorization Act (SARA) of 1986, Section 302 Extremely Hazardous Substances List (40 C.F.R. 300, App. A and B);
- B. Comprehensive Environmental Response Compensation and Liability Act Superfund (CERCLA) of 1980, Hazardous Substance List (40 C.F.R. 302, Table 302.4);
- C. SARA of 1986, Section 313, Toxic Chemicals List (40 C.F.R. Section 372.45); and
- D. Resource Conservation and Recovery Act (RCRA) of 1976 and 1984 Amendments, Hazardous Waste Lists (P and U Categories)(40 C.F.R. 261.33(e) and (f)).
- E. Clean Water Act, Sections 311 and 307, Hazardous Substances and Toxic Materials.

REGULATORY FLOOD ELEVATION -- The base flood elevation (BFE) or estimated flood height as determined using simplified methods plus a freeboard safety factor of one and one half (1 1/2) feet.

RELEASE RATE -- The percentage of existing conditions peak rate of runoff from a site or subarea to which the post development peak rate of runoff must be reduced to protect downstream areas.

REPAIR SERVICE - A business to repair items such as watches, jewelry, small appliances, clocks, computers, shoes, etc. that is not a home occupation. This definition shall not include repair of large appliances, lawn mowers, or motor vehicles.

REPETITIVE LOSS – Flood related damages sustained by a structure on two separate occasions for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25 percent of the market value of the structure before the damages occurred.

REPLACEMENT – The replacement of existing wireless communications facilities on an existing wireless support structure or within an existing equipment compound due to maintenance, repair or technological advancement with equipment composed of the same wind loading and structural loading that is substantially similar in size, weight and height as the wireless communications facilities initially installed and that does not substantially change the physical dimensions of the existing wireless support structure.

REPORT -- Any letter, review, memorandum, compilation or similar writing made by any body, board, officer or consultant other than a solicitor to any other body, board, officer or consultant for the purpose of assisting the recipient of such report in the rendering of any decision or determination. All reports shall be deemed recommendatory and advisory only and shall not be binding upon the recipient, board, officer, body or agency, nor shall any appeal lie therefrom.

REQUIRED IMPROVEMENTS -- Required improvements are those which are mandated under ordinances of Paradise Township.

RESERVE STRIP -- A parcel of ground in separate ownership separating a road from other adjacent properties or from another road.

RESIDENCE -- Any house, mobile home, apartment or other dwelling unit designed for the use of one or more persons as a place of abode, excluding hotel rooms, motel units and other similar accommodations for transient persons.

RESIDENT -- A person, partnership, association or other entity domiciled in the township district.

RESIDENTIAL -- Of or pertaining to any dwelling unit used as a place of human habitation and which is not a commercial, municipal, institutional or community activity. Home occupations incidental to the residential use within a building are considered residential.

RESORT -- A business combining temporary lodging (not more than 30 days) to transients for compensation, eating and recreational facilities as a single enterprise offered to the public at large or any segment thereof.

RESTAURANT -- An establishment which furnishes prepared food and/or beverages to the public for consumption on or off the premises, including nightclubs and dance halls.

RESUBDIVISION -- A change of recorded subdivision plan if such change affects any road layout shown on such plat or area reserved thereon for public use or any change of a lot line or any such change if it affects any map or plan legally recorded prior to or after the effective date of these regulations.

RETAIL SALE -- The sale of goods to the general public, including Pawn Shops.

RETENTION POND -- A structure in which stormwater is stored and not released during the storm event. Retention basins do not have an outlet other than recharge and must infiltrate stored water in no more than 4 days.

RETIREMENT FACILITY -- A building or buildings used by the elderly who are lodged and may be furnished with meals, but without nursing care.

RETURN PERIOD -- The average interval in years over which an event of a given magnitude can be expected to recur; i.e., a twenty-five-year return period rainfall or runoff event would be expected to recur on the average once every 25 years.

RIDGELINE - The line of intersection at the top of opposite slopes or sides of increasing contour lines or the boundary between watershed drainage areas.

RIDING STABLE -- A principal use whereby equestrian instruction is offered and/or horses are kept, bred, trained and or exercised upon land not occupied by the owner of the horse or horses.

RIGHT-OF-WAY -- The total width of any land reserved or dedicated as a road, alley, crosswalk or for other public or private purposes.

RIPARIAN BUFFER -- The area included within the Riparian Buffer Overlay District as defined in Article XIV of Chapter 160 (Zoning).

RISER -- A vertical pipe extending from the bottom of a pond that is used to control the discharge rate from the pond for a specified design storm.

ROAD -- See "street."

ROAD LINE -- A road right-of-way line.

ROADMASTER -- The township's authorized representative assigned to inspect permit operations.

ROADWAY -- See "cartway."

ROOF EAVES - The projecting lower edges of a roof overhanging the wall of a building.

ROOFTOP DETENTION -- Temporary ponding and gradual release of stormwater falling directly onto flat roof surfaces by incorporating controlled-flow roof drains into buildings designs.

ROOMING/BOARDING HOUSE -- A dwelling in which the owner or tenant rents at least one but not more than six rooms, but does not furnish meals.

ROUTINE MAINTENANCE -- Repairing, painting or replacing of internal parts with respect to a sign or similar facility.

RUBBISH -- Solid waste exclusive of garbage (i.e., nonrecyclable glass, metal, paper or plastic) and noncompostable plant material, wood or nonputrescible solid waste.

RUNNING AT LARGE -- Being upon any public highway, street, alley, park or any other public land or upon property of another person other than the owner and not being accompanied by or under the control of the owner or any other person having custody of said dog.

RUNOFF -- That part of precipitation which flows over the land.

RUNWAY -- A defined area of an airport prepared for landing and takeoff of aircraft along its length.

SALVAGE YARD - See Junkyard or Salvage Yard.

SARA TITLE III OFF-SITE PLAN – A document required by the Federal Superfund Amendment and Reauthorization Act (SARA) which apply to employers who have extremely hazardous substances in the workplace. The document identifies the transportation routes of extremely hazardous substances, a description of the workplace and a risk analysis of the operation to the surrounding community.

SARA TITLE III TIER I AND TIER II REPORTS – Documents required by the Federal Superfund Amendments and Reauthorization Act (SARA) which apply to employers who have extremely hazardous substances in the workplace. The Tier I document lists the amounts and locations within the workplace of extremely hazardous substances by type of hazard (e.g. fire, explosion, acute health hazard). The Tier II document provides a listing of each specific extremely hazardous substance in the workplace and each specific hazardous substance exceeding 10,000 pounds on site at any one time.

SCHOOLS AND COLLEGES -- A principal use in which supervised education or instruction is offered within a vocational/trade school, a public school, a private school or a commercial school.

SCREENING – Screening is a technique used in a buffer, of predominantly evergreen perimeter landscape planting, intended to provide a visual separation between neighboring developments.

SCS -- The Soil Conservation Service, United States Department of Agriculture.

SEASONAL HIGH-WATER TABLE -- The saturated conditions of the soil during certain periods of the year. It can be caused by a slowly permeable layer or layers within the soil and is commonly indicated by the presence of soil mottling. The term does not refer to the seasonal high fluctuation of the regional groundwater table. Seasonal high-water tables are associated with hydric soils, which include the following soils:

Ad	Alden mucky silt loam
CmA	Chippewa and Norwich silt loams
CnB	Chippewa and Norwich extremely stony soils
Hy	Holly silt loam
Mp	Mucky peat, deep
Ms	Mucky peat, shallow

ReA	Rexford gravelly silt loam
ReB	Rexford gravelly silt loam
Sh	Sheffield silt loam
SmA	Shelmadine silt loam
SpB	Shelmadine very stony silt loam
Wb	Wayland silty clay loam

SEDIMENT -- Soils or other surficial materials transported by surface water as a product of erosion.

SEDIMENT BASIN -- A barrier, dam, retention or detention basin located and designed to retain rock, sand, gravel, silt, or other material transported by water during construction.

SEDIMENT POLLUTION -- The placement, discharge or any other introduction of sediment into the waters of the Commonwealth.

SEDIMENT TRAP -- A temporary sediment control device formed by excavation and/or embankments or hay bales to intercept sediment laden runoff and retain the sediment.

SEDIMENTATION -- The process by which mineral or organic matter is accumulated or deposited by the movement of water or air.

SEEPAGE PIT/SEEPAGE TRENCH -- An area of excavated earth filled with loose stone or similar coarse material, into which surface water is directed for infiltration into the underground water.

SELF-STORAGE FACILITY - A building or group of buildings containing separate, individual, and private storage spaces of varying sizes available for lease or rent for varying periods of time used for the storage of goods.

SEPTIC TANK -- A covered watertight settling tank in which raw sewage is changed into solid, liquid and gaseous states to facilitate further treatment and final disposal.

SERVICE STATION -- Buildings and lots where gasoline, oil, grease, batteries, tires and automobile accessories may be supplied and dispensed at retail. Uses permissible at a service station do not include major automotive and body work, straightening of body parts, painting, welding, storage of automobiles not in operating condition or other work involving noise,

glare, fumes, smoke or other characteristics to an extent greater than normally found in filling stations. A service station is not a major repair garage nor a body shop.

SERVICE USE, LIGHT - Service uses including, but not limited to, Pawn Shops, Retail Sales, Massage Parlor, Day Care Facility, Laundromat, Professional Office, tattoo parlor, Crematory, Medical Clinic, Repair Service (other than motor vehicle), Tavern, Dancehall/Nightclub, Eating/Drinking establishment and similar uses in buildings under two thousand (2000) square feet.

SERVICE USE, GENERAL - Service uses including, but not limited to, Auto Repair/Body Shop, Automobile Dealership, Cellular Tower, Community Sewage System, Funeral Home, Mortuary, Drive-In Facility, Bank, Flea Market, Fueling Station, Kennel, Veterinary or Animal Hospital, Adult Entertainment, Legal Gambling, or any Light Service Use in buildings over two thousand (2000) square feet.

SEWAGE FACILITIES – A system of sewage collection, conveyance, treatment and disposal which will prevent the discharge of untreated or inadequately treated sewage or other waste into waters of this commonwealth or otherwise provide for the safe and sanitary treatment and disposal of sewage or other waste. The term includes:

- A. **SEWAGE SYSTEM, INDIVIDUAL** - A system of piping, tanks or other facilities serving a single lot or equivalent dwelling unit and collecting and disposing of sewage in whole or in part into the soil or into waters of this Commonwealth or by means of conveyance to another site for final disposal. The term includes:
 - 1. Individual onlot sewage system – An individual sewage system which uses a system of piping, tanks or other facilities for collecting, treating or disposing of sewage into a soil absorption area or spray field or by retention in a retaining tank.
 - 2. Individual sewerage system – An individual sewage system which uses a method of sewage collection, conveyance, treatment and disposal other than renovation in a soil absorption area, or retention in a retaining tank.
- B. **SEWAGE SYSTEM, COMMUNITY** – A sewage facility, whether publicly or privately owned, for the collection of sewage from two or more lots, or two or more equivalent dwelling units and the treatment or disposal, or both, of the sewage on one or more of the lots or at another site. The term includes:
 - 1. Community onlot sewage system – A system of piping, tanks or other facilities serving two or more lots and collecting, treating and disposing of sewage into a soil absorption area or retaining tank located on one or more of the lots or at another site.
 - 2. Community sewerage system – A publicly or privately owned community sewerage system which uses a method of sewage collection, conveyance,

treatment and disposal other than renovation in a soil absorption area, or retention in a retaining tank.

SEWAGE DISPOSAL SYSTEM, CENTRAL LAND DISPOSAL OF SEWAGE EFFLUENT – A central sewage service system approved by the Pennsylvania Department of Environmental Protection (DEP) where domestic sewage effluent is applied to the land in accord with DEP regulations, and which includes an appropriate mechanism to ensure long-term professional operation and maintenance of the system which could include Public Sewage Service. Such systems may include a central system using drip irrigation, spray irrigation, disposal beds, or other method approved by the DEP.

SEWAGE FACILITY, PRIVATE – An individual or community sewage disposal system not owned and/or operated by a public utility.

SEWAGE FACILITY, PUBLIC – Community sewage system owned and/or operated by a public utility, Paradise Township, or a municipal authority of which Paradise Township is a member.

SEX SHOPS – Stores that carry a mix of “sexually-oriented materials” or merchandise, including but not limited to lingerie, leather goods, sexually-oriented media and/or sex toys.

SEXUALLY-ORIENTED MATERIALS – Materials characterized by their emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas.”

SHEETFLOW -- Runoff which flows over the ground surface as a thin, even layer, not concentrated in a channel.

SHORT-TERM RENTAL – Any Residential Dwelling Unit utilized as a single-family residence rented for the purpose of overnight lodging for a period of not less than one (1) day and not more than thirty (30) days, and which meets the definition of “Hotel” for the purpose of imposing an excise tax by the County of Monroe as defined in the County of Monroe Ordinance No. 2004-03, as amended.

SHORT-TERM RENTAL LICENSE – Permission granted by the Township to utilize a Dwelling Unit for Short-Term Rental use.

SHOULDER -- The portion of the roadway, contiguous to the traffic lanes, for accommodations of stopped vehicles, for emergency use and for lateral support of base and surface courses and pavements.

SHOULDER LINE -- The intersection of the shoulder slope with the side slope or side slope or ditch slope.

SIGHT DISTANCE -- The required length of roadway visible to the driver of a vehicle at any given point on the roadway when the view is unobstructed by traffic. Sight distance

measurement shall be made from a point 41/2 feet above the center line of the road surface to a point 1/2 inch above the center line of the road surface.

SIGN - Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

SIGNS ADVERSELY AFFECTING SAFETY - Signs which prevent free ingress or egress from any door, window, fire escape, or which prevent free access from one part of the roof to any other part, including signs attached to any stand-pipes or fire escapes, including obstructive signs as defined herein.

SIGN ALTERATION - Any change to any feature of a sign, including, but not necessarily limited to, location, area, height, sign type, manner of illumination or physical design features excluding, however:

- (1) changes in copy and/or the advertising message;
- (2) regular maintenance of the sign, including electrical, repainting, or cleaning of a sign;
or
- (3) the repair of a sign.

SIGN AREA - All faces of a sign measured as follows:

- (1) When such sign is on a surface or framed or outlined, all of the area of such plate of the area enclosed by such frame or outline shall be included, or when messages are printed on separate surfaces and composed to form a related unit, all such areas including the open spaces shall be included when measuring for the total area of such sign.
- (2) When such sign consists only of letters, designs or figures engraved, painted, projected or in any manner affixed on a structure, the total area of such sign shall be deemed the area within which all of the matter of which such sign consists may be enclosed.
- (3) Structural members and supports required by Building Codes or other regulations and not bearing any item of information shall be excluded from the sign area.

SIGN EMISSIONS - Signs which emit smoke, visible vapors, particles, liquid, pyrotechnics, sound or odor.

SIGNS, NUMBER OF - For the purpose of determining number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related and composed to form a unit.

SIGN TYPES -

(1) Animated Sign - Any sign that uses movement or change of lighting to depict action, except as otherwise defined herein.

(2) Auto Dealer Vehicle Sign - An incidental sign specific to new and used automobile dealerships which contains information specific to that particular vehicle (i.e. price, warranty, etc) and placed on that vehicle.

(3) Awning Sign - A sign with its copy on a shelter made of any non-rigid material, such as fabric or flexible plastic, that is supported by or stretched over a frame and attached to an exterior wall of a building or other structure.

(4) Banner Sign - A sign with its copy on non-rigid material such as cloth, plastic, fabric or paper with no supporting framework.

(5) Billboard - See "Off-Premise Sign"

(6) Blade Sign - A sign suspended from a structure (marquee, canopy, awning, or porch roof or ceiling), including another sign, that would exist without the sign.

(7) Building Marker - An individual sign indicating the name of a building and date and incidental information about it's construction, which sign is cut into a masonry surface or made of bronze or other permanent material and attached to the building.

(8) Bulletin Board - Permanent structure designed to provide information about services, events or activities associated with the use of the premises.

(9) Business Nameplate - An On-Premise Sign attached to the front facade of a non-residential building giving the name(s) of the individual occupants of the non-residential building such as nameplates denoting the names of professionals in a professional office building.

(10) Canopy Sign - A sign on a canopy.

(11) Changeable Sign - A variable message sign composed of individual letters mounted in or on a track system that can be manually changed. Such sign may be internally illuminated by a light source that is contained inside the sign.

(12) Charged Gas Tube Sign - A sign that uses charged-gas illumination within glass or plastic tubes bent to form letters, symbols, or other shapes (such as neon).

(13) Construction Sign - A temporary sign identifying individuals or companies involved in design, construction, wrecking, financing or development work

when placed upon the premises at commencement of construction until completion so long as there exists appreciable progress and no work stoppage occurs for more than three months.

(14) Decal - Signs and street graphics, affixed to windows or door glass panels, indicating membership in a business group or acceptance of credit cards, and not advertising any commercial activity.

(15) Decorative Flags – A personal use and information sign containing no commercial message or insignia and often used for holiday or seasonal decoration.

(16) Directional/Informational Sign – An on-premise sign giving directions, instructions, facility information or other assistance around a site for the convenience of the public, such as location of exits, entrances, parking lots, amenities, and housing units, to encourage proper circulation. It may contain the logo of an enterprise but no other advertising copy, except as otherwise defined herein.

(17) Door Sign - A sign visible on the exterior door of a building.

(18) Electronic Message Sign – A freestanding sign capable, regardless of power source, of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means including, but not limited to, light emitting diode signs and all types of digital signs, such as plasma display panels, liquid crystal displays, computer monitors, and televisions

(19) Farm Product Sign - A temporary individual sign used to advertise the sale of produce when used in conjunction with an approved temporary farm market or produce stand.

(20) Flag - Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols and used as a symbol of a government, political subdivision or other governmental entity.

(21) Flashing Sign - Any sign, except an electronic message sign, which is not kept constant in intensity of illumination at all times when in use and which exhibits marked changes in lighting effects. For the purposes of this chapter, flashing does not include any changes in illumination for an electronic message sign which meets the requirements of Section 160-84(C)(8) or which is illuminated at a constant level after dusk.

(22) Fluorescent Sign - Any sign containing fluorescent colors, other than white, in the text, graphic, or background.

(23) For Sale Sign - A personal use and identification sign, as defined herein, used to announce the sale of a used product personally owned by the seller.

(24) Freestanding Sign - The general term for any sign which is permanently affixed to the ground and which is not a monument sign as defined herein. It is supported by one or more uprights, poles or braces, and is not attached to a building or any other structure.

- (25) Glaring Sign – A sign that produces glare.
- (26) Government Sign – Any sign erected and maintained by a unit of government.
- (27) Garage Sale Sign - A personal use and information sign, as defined herein, advertising a Township approved garage or yard sale.
- (28) Historical Marker - An individual sign erected by a public agency and intended to mark or honor a historical site, structure, or event located on or near to the location of the sign.
- (29) Holiday Decorations - Any combination of lights; posters, or other material temporarily displayed on traditionally or legally accepted civic, patriotic, or religious holidays related to observance of that civic, patriotic, or religious holiday, and which does not contain commercial messages..
- (30) Home Occupation Sign - A sign advertising a permitted home occupation.
- (31) Illuminated Sign - A sign illuminated in any manner by an artificial light source, whether internally or externally lit, including but not limited to any sign which has characters, letters, figures, designs or outlines illuminated by artificial lighting, as well as charged gas tube signs such as neon.
- (32) Incidental Sign - An informational or advertising sign directed primarily to persons on the lot, such as a gas pump sign, credit card sign, pricing sign placed in a window, vending machine sign, “no parking” sign, “entrance” sign, “loading area” sign, “telephone” sign or other sign offering similar directives.
- (33) Inflatable Signs - Signs and other objects which are inflated, including, but not limited to balloons.
- (34) Interior Sign - A sign which is fully located within the interior of any building or stadium or within an enclosed structure and which can only be read from inside the building.
- (35) Marquee Sign - Any sign attached to a covered structure projecting from and supported by a building with independent roof and drainage provisions and which is erected over a doorway or doorways as protection against the weather.
- (36) Memorial Sign - Memorial plaques or tablets, grave markers, statutory, or other remembrances of persons or events that are non-commercial in nature.
- (37) Monument Sign - A sign with a permanent base constructed as an architectural feature affixed to the ground, where the length of the base shall not be less than the horizontal length of the monument and the height of the sign is not more than twice the length of the base. Permanent bases for Monument Signs are constructed of brick, natural or synthetic stone, stucco and/or wood timbers.

(38) Moving Sign - A sign or other display which moves, powered by natural, manual, mechanical, electrical or other means, including but not limited to flags having commercial messages, and all pennants, banners, streamers, propellers, and discs, except for changeable message signs as defined herein.

(39) Multi-Family Complex Sign - See Subdivision Identification Sign.

(40) Multiple Message Sign - A sign that uses mechanical movement to allow for the display of more than one static image at intervals without physically altering the permanent physical dimensions of the sign.

(41) Mural – Commercial graphics painted or applied directly onto a building wall or other structure.

(42) Name Plate – A small sign which identifies a resident's or home's name and address or the name of a farm or ranch. Such signs may be shingle, building wall or archway-mounted signs.

(43) Nonconforming Sign – Any pre-existing sign not currently allowed under this Ordinance, but which, when first constructed was legally permitted by the Township.

(44) Nuisance Sign - Any sign or sign structure that has been damaged and which has not been repaired within forty-five (45) calendar days.

(45) Obstructive Sign – Signs or other advertising devices erected or maintained in any street right-of-way or at any road intersection in a manner as to obstruct free and clear vision of the intersection.

(46) Off-Premises Sign - Sign, graphics or a display for commercial, industrial, institutional, service or entertainment purposes, products, or services conducted, sold or offered somewhere other than upon the same premises where the sign is located, the purpose of which is to sell or identify a product, service or activity.

(47) On-Premises Sign - Sign, graphics or a display for commercial, industrial, institutional, service or entertainment purposes, products, uses or services conducted, sold or offered upon the same premises where the sign is located, the purpose of which is to sell or identify a product, service or activity.

(48) Pedestrian Information Sign - An On-Premises Sign that is not attached to the exterior of a building that lists the tenants or occupants of a group of non-residential buildings which may indicate the tenant's or occupant's business activities, profession, or use within any of said buildings which is used to direct pedestrians to the location of the tenant's or occupant's place of business in the group of non-residential buildings in question. A Pedestrian Information Sign may also include a map depicting

various locations within the group of nonresidential buildings and appurtenant Premises in question.

(49) Pennant - Any lightweight plastic, fabric, or otherwise flexible or reflective material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

(50) Personal Use and Information Sign - An individual sign installed on a personal and private residential property by the owner of that property for informational purposes. Personal use and information signs and street graphics include but are not limited to street addresses, nameplates, private street signs, property names, and alarm company signs.

(51) Pole Sign – A freestanding sign with a base which is supported from the ground by a pole or a similar support structure of narrow width.

(52) Political Sign - Any and all political signs and graphics used or intended to be used for the display of any announcement, advertisement, or notice of any individual candidate or slate of candidates for any public office. Political signs are not Personal Use and Information Signs.

(53) Portable or Wheeled Sign - Any sign, magnetic or otherwise, not permanently attached to the ground or other permanent structure; a sign designed to be transported, including but not limited to: signs designed to be transported by means of wheels, signs converted to A or T -frames, menu and sandwich board signs, balloons used as signs, and umbrellas used for advertising. Sign, graphics or displays for commercial, industrial, institutional, service, entertainment or informational purposes which can be readily moved from place to place, and which are not affixed to a building, to another permanent structure or to the ground.

(54) Posters and Handbills - Any signs temporarily affixed to any structures, trees or other natural vegetation, rocks or poles, or written material distributed in handouts to pedestrians or attached to vehicle windshields.

(55) Private Drive Sign - A personal use and identification sign located at the entrance of a private drive and denoting that access as private.

(56) Projecting Sign - A sign which is supported by an exterior wall of a building or other structure and which is constructed and displayed perpendicular to the face of the building or other structure in such manner that both sides of the sign are visible.

(57) Public Notification Sign - A temporary public use and information sign installed at the direction of a government entity that provides public notice of a government event.

(58) Public Use and Notification Sign - Signs and street graphics installed by a public entity (i.e. Township, Commonwealth, School District, Federal Government). Public use and information signs include, but are not limited to, street signs, traffic control signs, public notification signs, and any other sign required by the Township to provide services to its

residents. Public Use and Information Signs also include, but are not limited to, off premises signs located in the public right-of-way that are constructed and erected by a governmental agency at the request of the advertiser to direct motorists or pedestrians to a specific location, and any signage required by state or federal agencies providing financial support or matching funds for public improvements such as parks.

(56) Real Estate Sign - A temporary sign which is used to offer for sale, lease or rent the premises upon which the sign is placed.

(57) Roof Sign - A sign which is erected, constructed, and maintained on or above the roof of a building.

(58) Security Sign - Signs and street graphics (pertaining to a private residential use) listed in Title 18 of the Pennsylvania Crimes Code and Title 75 of the Pennsylvania Vehicle Code including No Trespassing, No Soliciting, Beware of Dog, No Parking, No Dumping, No Hunting, No Fishing, etc. All security signs are personal use and information signs but not all personal use and information signs are security signs.

(59) Shopping Cart Corral Sign - A sign fastened to a shopping cart corral structure designating the structure for the return of shopping carts. The message portion of a Shopping Cart Corral Sign may contain copy such as the name of the retailer and other copy incidental to the use of the corral; however, in no case shall the copy contain any other advertising message.

(60) Simulated Traffic Signs and Obstructions - Any sign which may be confused with or obstruct the view of any authorized traffic sign or signal, obstruct the sight distance triangle at any road intersection or extend into the public right-of-way.

(61) Special Event Sign - Individual signs and street graphics announcing special events, including but not limited to, auctions, grand openings, new management, and going out of business, as well as events sponsored by nonprofit organizations.

(62) Sports Patron Sign – An advertising sign placed on the perimeter of a sports facility or similarly situated so as to direct the message at sports event patrons within the sports facilities and limited to that area within the field or facility involved (playing field side of perimeter fences).

(63) Street Sign - A Public Use and Information Sign identifying the name of a street or road.

(64) Subdivision Identification Sign - A sign identifying the name of a subdivision or multiple-family complex.

(65) Temporary Sign - A sign that is displayed for a fixed, terminable length of time. Temporary signs are intended for removal after the temporary purpose has been served. Including for sale, lease or rent signs, political signs, service signs, special event signs, construction signs, directional signs to special or temporary events and signs of a similar nature.

(66) Traffic Control Sign - A public use and information sign used to direct traffic, control direction or speed, or warn pedestrians and motorists of hazards or unusual road conditions.

(67) Vehicle Signs - Any sign displayed on a parked trailer or other vehicle where the primary purpose of the vehicle is to advertise a product, service business, or other activity. This definition excludes the use of business logos, identification or advertising on vehicles primarily and actively used for business purposes.

(68) Vending Machine Sign - An individual sign that was incorporated into the design of a vending machine and can not be removed from the machine. These signs advertise either the distributor that stocks the machine or the major supplier of the machine's contents. The major supplier is one who supplies the majority of products sold in the vending machine.

(69) Wall Sign - A sign painted on or attached to a wall of a building or other structure and which is made parallel to the surface so that only one side is visible to the public, including murals of a commercial, advertising nature.

(70) Warning Sign - See Security Sign.

(71) Window Sign - A sign painted or attached to a window pane which can be read from outside the building and which advertises or provides information to any person standing outside the building.

(73) Yard Sale Sign - See Garage Sale Sign.

SITE DISTURBANCE -- Any activity which involves removal of vegetation or which causes land on a given site to be exposed to the danger of erosion, including clearing, grading, filling, plowing and other types of earthmoving.

SKATING RINK - See Indoor or Outdoor Recreation.

SKID ROAD – Those roads, trails, or other openings upon which trees, logs, equipment, or vehicles are moved within the site of a forestry/timber harvest operations. Skid roads and skid trails are exempt from the provision of Chapter 160-20.G, Traffic impact analysis for haul roads.

SKIDDING – Dragging trees on the ground from the stump to the landing by any means.

SLASH – Woody debris left in the woods after logging, including logs, chunks, bark, branches, uprooted stumps, and broken or uprooted trees or shrubs.

SLOPE – The face of an embankment or cut section; any ground whose surface makes an angle with the plane of the horizon. Slope is expressed as a percentage based upon vertical difference in feet per one hundred (100) feet of horizontal distance.

SLOPE, MODERATE – Areas in excess of 2000 square feet with fifteen (15) to twenty-five (25) percent slope as measured over a minimum vertical distance of six (6) feet, or three contiguous contour segments at two (2) foot contour intervals (i.e., sloping fifteen (15) to twenty-five (25) feet vertical over an average distance of one-hundred (100) feet horizontal).

SLOPE, STEEP – Areas in excess of 2000 square feet with twenty-five (25) percent slope or greater as measured over a minimum vertical distance of six (6) feet, or three contiguous contour segments at two (2) foot contour intervals (i.e., sloping twenty-five (25) feet vertical or more over an average distance of one-hundred (100) feet horizontal).

SKATING RINK - See Indoor or Outdoor Recreation.

SMALL WIRELESS COMMUNICATIONS FACILITY – A wireless communications facility that meets the following criteria:

- (1) The structure on which antenna facilities are mounted –
 - (i) is 50 feet or less in height, or
 - (ii) is no more the 10 percent taller than other adjacent structures, or
 - (iii) is not extended to a height of more than 50 feet or by more than 10 percent above its preexisting height as a result of the collocation of new antenna facilities; and
- (2) Each antenna associated with the deployment (excluding the associated equipment) is no more than three cubic feet in volume; and
- (3) All antenna equipment associated with the facility (excluding antennas) are cumulatively no more than 28 cubic feet in volume.
- (4) The facilities do not require antenna structure registration under 47 CFR Part 17;
- (5) The facilities are not located on Tribal lands, as defined und 36 CFR 800.16(x); and
- (6) The facilities do not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in 47 CFR 1.1307(b).

SOCIAL CLUB – See Fraternal, Civic or Social Club.

SOIL-COVER COMPLEX METHOD – A method of runoff computation developed by the NRCS that is based on relating soil type and land use/cover to a runoff parameter called Curve Number (CN).

SOIL GROUP, HYDROLOGIC -- A classification of soils by the Soil Conservation Service into four runoff potential groups. The groups range from A soils, which are very permeable and produce little runoff, to D soils, which are not very permeable and produce much more runoff.

SOIL MOTTLING -- Irregularly marked spots in a soil profile that vary in color, size and number.

SOIL PERCOLATION TEST -- A field test conducted to determine the suitability of soil for on-site sewage disposal facilities by measuring the absorptive capacity of the soil at a given location and depth.

SOLAR ENERGY SYSTEM – A complete design or assembly consisting of a solar energy

collector, an energy storage facility (where used), and components for the distribution of transformed energy.

SOLICITING -- The seeking or taking of contracts or orders for any goods, wares, services or merchandise for future delivery or for subscriptions or contributions, upon any of the streets or sidewalks, from house to house, by visitation to private residences or by entering in or upon private property within the township. The words "soliciting" and "peddling" shall not apply to:

- A. Farmers seeking or taking orders for the sale of their own products;
- B. The seeking or taking of orders by any manufacturer or producer for the sale of bread and bakery products, meat and meat products or milk and milk products;
- C. The sale of goods, wares and merchandise donated by the owners thereof, the proceeds whereof are to be applied to any charitable or philanthropic purpose;
- D. The seeking or taking of orders by insurance agents or brokers licensed under the insurance laws of the Commonwealth of Pennsylvania for insurance;
- E. Persons, corporations, partnerships and associations, their agents or employees, who have complied with the provisions of the Act of Assembly of the Commonwealth of Pennsylvania of 1935, P.L. 644, as amended,²⁸ governing solicitations for charitable, benevolent, patriotic or other purposes; or
- F. Any person taking orders for merchandise from dealers or merchants, for resale to an ultimate consumer.

SOLICITOR -- Any person who shall engage in soliciting, as herein defined.

SOLID WASTE - Any garbage, refuse, industrial, lunchroom or office waste or other material including solid, liquid, semi-solid or contained gaseous material, resulting from the operation of residential, municipal, commercial or institutional establishments and from community activities. The term shall also include any garbage, refuse, other discarded material or other waste including solid, liquid, semi-solid or containing gaseous materials resulting from industrial, mining, agricultural operations, local facilities or any other by-product or effluent from an industrial, mining or agricultural water supply treatment facility, waste water treatment facility or air pollution control facility or any other material defined by the PA DEP as solid, liquid, residual, municipal, medical, industrial, toxic or hazardous waste. The term does not include source-separated recyclable materials.

SOLID WASTE FACILITY - Any facility or operation pursuant to the laws of the Commonwealth of Pennsylvania governing the management and disposal of solid waste including, but not limited to liquid, solid, toxic, hazardous and/or medical waste and including, but not limited to, transfer stations, solid waste landfills, incinerators, medical waste disposal facilities, hazardous waste storage, treatment or disposal facilities and radioactive waste disposal facilities.

SOURCE WATER PROTECTION AREAS (SWPA) – The zone through which

contaminants, if present, are likely to migrate and reach a drinking water well or surface water intake.

SPECIAL EVENT, COMMERCIAL -- A temporary event or function, seven consecutive continuous days or less, held at a business, property or other suitable facility for profit, requiring a temporary zoning permit. An event such as a grand opening, tent sale, sidewalk sale, auction, outdoor festival/fair or concert, outdoor reenactment, open market, yard sale, craft show, jamboree, carnival, flea market or other similar type of event are special events.

²⁸Editor's Note: See now the Solicitation of Funds for Charitable Purposes Act, 10 P.S. § 162.1 et seq.

SPECIAL EXCEPTION -- A use permitted in a particular zoning district pursuant to the provisions of the Zoning Ordinance²⁹ and Articles VI and IX of the Pennsylvania Municipalities Planning Code, 53 P.S. §§ 10601 et seq. and 10901 et seq.

SPECIAL FLOOD HAZARD AREA (SFHA) - The area in the floodplain subject to a one percent (1%) or greater chance of flooding in any given year. The SFHA is shown on the FIRM as Zone A, AO, A1-A30, AE, A99, or AH.

SPECIAL PROTECTION SUBWATERSHEDS – Watersheds for which the receiving waters are exceptional value (EV) or high quality (HQ) waters.

SPECIFIED ANATOMICAL AREAS –

- A. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breast below a point immediately above the top of the areola.
- B. Human male genitals in a discernable turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES –

- A. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts.
- B. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy.
- C. Masturbation, actual or simulated.
- D. Excretory functions as part of or in connection with any of the activities set forth in subsections a, b, and, c of this definition.

SPILL PREVENTION CONTROL AND COUNTERMEASURE (SPCC) PLAN – An environmental emergency response document required by the Federal Clean Water Act for facilities which handle hazardous substances as defined in the Clean Water Act. The plan requirements are virtually the same as for a PIP Plan.

SPILL PREVENTION RESPONSE (SPR) PLAN – An environmental emergency response document required by the Pennsylvania Storage Tank and Spill Prevention Act

²⁹Editor's Note: See Ch. 160, Zoning.

(STSPA) for facilities with an aboveground storage tank exceeding a volume of 21,000 gallons. The plan requirements are specified in Sections 902 and 903 of the STSPA. A downstream notification requirement applies to regulated tanks adjacent to surface waters.

SPILLWAY -- A conveyance that is used to pass the peak discharge of the maximum design storm controlled by the stormwater facility.

STABILIZED MATERIAL -- Any aggregate, such as aggregate cement, aggregate bituminous or lime pozzolan, placed in such a manner as to provide a smooth, stable, all-weather surface not subject to undue raveling.

STACK/CHIMNEY -- Any vertical structure enclosing a flue or flues that carry off smoke or exhaust from a solid fuel fired heating device or structure, including that part of the structure extending above a roof.

STAND -- Any area of forest vegetation whose site conditions, past history, and current species composition are sufficiently uniform to be managed as a unit.

STEEL CANS -- Empty food or beverage containers made of steel, tin-coated steel or other ferrous metal food or beverage containers.

STOPPING SIGHT DISTANCE -- The distance required by a driver traveling at a given speed to stop the vehicle after an object on the roadway becomes visible to the driver.

STORM FREQUENCY -- The number of times that a given storm event occurs or is exceeded on the average in a stated period of years; see "return period."

STORAGE INDICATION METHOD -- A reservoir routing procedure based on solution of the continuity equation (inflow minus outflow equals the change in storage) with outflow defined as a function of storage volume and depth.

STORAGE WELL -- A well used for and in connection with the underground storage of natural gas, including injection into or withdrawal from an underground storage reservoir for monitoring or observation of reservoir pressure.

STORM SEWER -- A system of pipes or other conduits which carries intercepted surface runoff, street water and other wash waters or drainage, but excludes domestic sewage and industrial wastes.

STORMWATER -- The surface runoff generated by precipitation reaching the ground surface.

STORMWATER MANAGEMENT FACILITY -- Any structure, natural or man-made, that, due to its condition, design, or construction, conveys, stores, or otherwise affects stormwater runoff quality and quantity. Typical stormwater management facilities include,

but are not limited to, detention and retention basins, open channels, storm sewers, pipes, and infiltration structures.

STORMWATER MANAGEMENT PLAN – The plan for managing those land use activities that will influence stormwater runoff quality and quantity and that would impact the Brodhead/McMichaels Watershed adopted by Monroe and Pike county as required by the Act of October 4, 1978, P.L. 864, (Act 167), and known as the “Brodhead/McMichaels Watershed Act 167 Stormwater Management Plan” and according to Chapter 123.

STORMWATER RUNOFF -- That part of precipitation which flows over the land (surface runoff), excluding that portion which infiltrates or is evapotranspired.

STREAM – A natural watercourse.

STREAM ENCLOSURE – A bridge, culvert or other structure in excess of 100 feet in length upstream to downstream which encloses a regulated water of this Commonwealth.

STREET -- A strip of land, including the entire right-of-way, intended primarily as a means of vehicular and pedestrian travel. Streets are further classified as follows:

- A. **ARTERIAL STREET** -- Arterial streets are designed primarily to carry traffic and generally should not provide access to land which would interfere with their primary traffic functions. They are designated as "limited," "controlled" or "partial" access streets. Arterial streets serve an unlimited number of dwelling units and unlimited average daily traffic. A street serving a large volume of comparatively high speed and long distance traffic. Arterial Streets generally provide for the efficient movement within and through a geographic area and provide a limited amount of access to abutting properties.
- B. **COLLECTOR STREET** – A street which, in addition to providing access to abutting properties, intersects local streets to provide a route giving access to community facilities, other collector streets and arterial streets. Streets in industrial and commercial subdivisions are generally also considered to be Collector Streets.
- C. **LOCAL STREET** -- Local streets are used primarily to provide access to abutting residential properties.
 - (1) **CUL-DE-SAC STREET** -- A cul-de-sac street is permanently terminated at one end by a vehicular turnaround and intersects another street at the other end. Cul-de-sac streets shall not ultimately furnish access to more than 25 dwelling units or ultimately have an average daily traffic count in excess of 200 vehicles.
 - (2) **MARGINAL STREET** – A Local Street, parallel and adjacent to an arterial street (but separated from it by a reserve strip) which provides access to abutting properties and control of intersections with the arterial street.

- (3) **PRIVATE STREET** – A strip of land, within a private development or private property, providing access to abutting properties and not offered for dedication or accepted for Township ownership.
- (4) **STUB STREET** – A street constructed to the boundary of a subdivision or land development to provide for the future extension of that street into the adjacent tract for efficient traffic circulation throughout the area.

STREET ACCESS - Access to a publicly owned road by a permitted driveway.

STREET GRADE, MAXIMUM – The maximum longitudinal centerline grade/slope of a street, expressed in percent. The horizontal length of “maximum street grade” is limited to the requirements in Chapter 131.

STREET GRADE, SUSTAINED – The maximum longitudinal centerline grade/slope of a street, expressed in percent, for an unlimited horizontal distance.

STREET GRAPHIC – A lettered, numbered, symbolic, pictorial, or illuminated visual display that is visible from a public right-of-way.

STRINGS OF LIGHTS – Any devices including lights that outline property lines, sales areas or any portion of a structure and are intended to advertise or draw attention to a business or commercial activity, except lights used temporarily as holiday decorations or on parcels on which carnivals, fairs or other similar temporary, permitted activities are held.

STRUCTURAL ALTERATION -- Any change in the supporting members of a building or structure, such as beams, columns, girders or load bearing wall.

STRUCTURE -- Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

STRUCTURE, PERMANENT - A structure having a foundation, concrete pad or footer which is used to stabilize the structure regardless of size or use, or a temporary structure which is larger than two hundred square feet (200 sf) in floor area.

STRUCTURE, TEMPORARY - A structure which has no foundation, concrete pad or footer, which is capable of being moved, and which is less than two hundred square feet (200 sf) in floor area.

SUBAREA -- The smallest drainage unit of a watershed for which stormwater management criteria have been established in the Stormwater Management Plan.

SUBDIVIDER -- See "developer."

SUBDIVISION -- The division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development: provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

SUBDIVISION, CONSERVATION -- Any subdivision which does not fall within the category of minor subdivision, as defined within these regulations.

SUBDIVISION, MINOR -- A subdivision which contains no more than five lots and no more than one private street and involves no installation, extension or improvement of public or centralized water and sewer facilities.

SUBDIVISION ORDINANCE -- "The Paradise Township Subdivision and Land Development Ordinance," designated as Ordinance No. 22, adopted by the Paradise Township Supervisors on the 27th day of August 1969, as amended from time to time.³⁰

SUBSTANTIALLY CHANGE or SUBSTANTIAL CHANGE -- A modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria;

- (1) For towers other than towers in the public rights-of-way, it increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10% or more than ten feet, whichever is greater;
 - (i) Changes in height should be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act.
- (2) For towers other than towers in the public-rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;
- (3) For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground

cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;

- (4) It entails any excavation or deployment outside the current site;
- (5) It would defeat the concealment elements of the eligible support structure; or
- (6) It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, provided however that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified in (1) through (4) above.

SUBSTANTIAL DAMAGE – Damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50) percent or more of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT – Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the “start of construction” of the improvement. This term includes structure which have incurred “substantial damage” [or “repetitive loss” when repetitive loss language is used] regardless of the actual repair work performed. The term does not, however, include either:

- A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or;
- B. Repair or rehabilitation of historic structures that would otherwise constitute a substantial improvement as defined in this ordinance, but only to the extent compliance with the ordinance requirements would not preclude the structure's continued designation as a historic structure. Documentation that a specific ordinance requirement will cause removal of the structure from the National Register of Historic Places or the State Inventory of Historic Places must be obtained from the Secretary of the Interior or the State Historic Preservation Officer. Any exemption from ordinance requirements will be the minimum necessary to preserve the historic character and design of the structure.

³⁰ Editor's Note: See Ch. 131, Subdivision and Land Development.

SUCCEEDING YEAR -- The calendar year following the current year.

SUPERVISORS -- The Paradise Township Board of Supervisors.

SURFACE MINING -- The extraction of minerals from the earth, from waste and/or stockpiles originating on the site or from pits or from banks by removing the strata or material that overlies or is above or between them or otherwise exposing and retrieving them from the surface. The term includes strip mining, auger mining, dredging, quarrying and the surface activity connected with surface or underground mining, including but not limited to exploration, site preparation, entry, drift, slope and borehole drilling and construction and activities related thereto. This term does not include mining operations carried out beneath the surface by means of shafts, tunnels or other underground mine openings.

SURVEYOR -- A licensed professional land surveyor registered by the Commonwealth of Pennsylvania.

SWALE -- A low lying stretch of land which gathers or carries surface water runoff.

TAXI SERVICE - See Bus, Limousine or Taxi Terminal.

TAVERN -- A building or outside area where alcoholic beverages for on-premises or off-premises consumption are sold and which is licensed by the Pennsylvania Liquor Control Board and may include the sale of food as an accessory use to the public.

TAX COLLECTOR -- The person elected to collect taxes in Paradise Township and his Deputy or Assistant Deputies.

TAXING DISTRICT or TAXING JURISDICTION -- The Township of Paradise, Monroe County, Pennsylvania.

TAXPAYER -- A person, partnership, association or any other entity required hereunder to file a return of earned income or net profits or to pay a tax thereon.

TEMPORARY BUILDING -- A construction trailer or similar building which may be erected on site for a maximum of one year permitted by the zoning officer and is considered an accessory structure.

TEMPORARY USE -- Any activity/use which shall not exceed one year in operation and is determined by the Board of Supervisors that such a use is needed based upon an emergency or some other public good. A temporary zoning permit shall only be decided by the Board of Supervisors and issued by the Zoning Officer.

TEMPORARY WIRELESS COMMUNICATION FACILITY -- Any tower, pole, antenna, etc., designed for use while a permanent wireless communication facility is under

construction or for a special event or conference where a majority of people attending are wireless users.

TENT -- A collapsible shelter of canvas or other material.

TERRACE -- An embankment or combination of an embankment and channel across a slope to control erosion by diverting or storing surface runoff instead of permitting it to flow uninterrupted down the slope.

TIMBER HARVESTING, TREE HARVESTING or LOGGING -- Means that part of forestry involving cutting down trees and removing logs from the forest for the primary purpose of sale or commercial processing into wood products. This definition excludes cutting of trees by landowners and/or agents working on behalf of landowners for use solely by the landowner for non-commercial purposes; the cutting of dead, diseased, invasive or dangerous vegetation; pre-commercial timber stand improvement; removal of trees from an orchard, Christmas tree farm or tree nursery; and the clearing of land for approved development, approved building, or farming.

TIME OF CONCENTRATION (T_c) -- The time for surface runoff to travel from the hydraulically most distant point of the watershed to a point of interest within the watershed. This time is the combined total of outward flow time and flow time in pipes or channels, if any.

TIME-SHARE CONVERSION -- Conversion or building conversion shall include a change in the use or tenancy of a structure for occupancy by time-share purchasers.

TIME-SHARE ESTATE -- An ownership or leasehold estate in property devoted to a time-share fee (tenants in common, time-span ownership, interval ownership) and a time-share lease.

TIME-SHARE INTERVAL -- A time-share estate or a time-share use.

TIME-SHARE PROGRAM -- Any arrangement for time-share intervals whereby the use, occupancy or possession of real property has been made subject to either a time-share estate or time-share use whereby such use, occupancy or possession circulates among purchasers of the time-share intervals according to a fixed or floating time schedule on a periodic basis occurring annually over a period of time in excess of three years duration.

TIME-SHARE PROJECT -- Any real property that is subject to a time-share program.

TIME-SHARE UNIT -- A portion of the time-share project designated for occupancy by time-share purchasers, regardless of whether the purchaser acquires ownership thereof.

TIME-SHARE USE -- Any contractual right of exclusive occupancy under a time-share program which does not fall within the definition of a "time-share estate," including, without

limitation, a vacation license, prepaid hotel reservation, club membership, limited partnership or vacation bond.

TOP – The upper portion of a felled tree that is un-merchantable because of small size, taper, or defect.

TOURIST HOME -- A dwelling in which the owner or tenant rents at least one but not more than six rooms and offers overnight accommodations to transient guests for compensation.

TOWER-BASED WIRELESS COMMUNICATIONS Facility (Tower-Based WCF)—any structure that is used for the primary purpose of supporting one or more antennae, including, but not limited to, self-supporting lattice towers, guy towers and monopoles.

TOWNSHIP -- Paradise Township, Monroe County, Pennsylvania.

TRACK (GO-KART/ATV/SNOWMOBILE) - See Race Track.

TRACT - One or more contiguous lots assembled for the purpose of a conservation subdivision or land development. However, lots may be assembled as a single tract even if separated by a road right-of-way or other easement or right-of-way.

TRACT ACREAGE, ADJUSTED – The area remaining of a tract proposed for a conservation subdivision or master development plan after acreage associated with constrained lands has been subtracted, as described in Section 160-21-C of the Paradise Township Zoning Ordinance.

TRACT COVERAGE - The percentage of an entire tract covered by any and all impervious cover.

TRACT PERIMETER SETBACK – Natural or landscaped buffer area required along the perimeter of a tract proposed for a conservation subdivision or a master development plan abutting a residential area.

TRAIL – A marked or beaten path, either paved or unpaved, for pedestrians, equestrian or bicycle use.

TRAILER CAMP -- See "campground."

TRANSFER -- Any transaction whereby any lands, tenements or hereditaments or any real property, within the township or any interest therein, shall be quitclaimed, bargained, sold or otherwise conveyed to the grantee, purchaser or transferee, regardless of where the instrument making such transfer is made, executed or delivered or where the actual settlement on such transfer takes place, but does not include wills, mortgages, transfers between corporations operating housing projects pursuant to the Housing and Redevelopment Assistance Law³¹ and the shareholders thereof, transfers between nonprofit industrial development agencies and industrial corporation purchasing from them, any transfers to nonprofit industrial development agencies and transfers between husband and wife, transfers between persons who were previously husband and wife but who have since been divorced, provided that such transfer is made within three months of the date of the granting of the final decree of divorce and the property of interest therein subject to such transfer was acquired by the husband and wife or husband or wife prior to the granting of the final decree in divorce, transfers between parent and child or the spouse of such a child or between parent and trustee for the benefit of a child or the spouse of such child, transfers between a grandparent and grandchild or the spouse of such grandchild, by and between a principal and straw party for the purpose of placing a mortgage or ground rent upon the premises, correctional deeds without consideration, transfers to the United States, the Commonwealth of Pennsylvania or to any of their instrumentalities, agencies or political subdivisions, by gift, dedication or deed in lieu or condemnation or deed of confirmation in connection with condemnation proceedings or reconveyance by the condemning body of the property condemned to the owner of record at the time of condemnation which reconveyance may include property line adjustments, provided that said reconveyance is made within one year from the date of condemnation, leases, a conveyance to a trustee under a recorded trust agreement for the express purpose of holding title in trust as security for a debt contracted at the time of the conveyance under which the trustee is not the lender and requiring the trustee to make reconveyance to the grantor-borrower upon the repayment of the debt or a transfer by the owner of previously occupied residential premises to a builder of new residential premises when such previously occupied residential premises is taken in trade by such builder as part of the consideration from the purchaser of a money mortgagor to the vendor holding the purchase money mortgage whether pursuant to a foreclosure or in lieu thereof or conveyances to municipalities, townships, school districts and counties of tax delinquent properties at Sheriff sale or Tax Claim Bureau or any transfer between religious organizations or other bodies or persons holding title to real estate for a religious organization if such real estate is not being or has not been used by such transferor for commercial purposes.

³¹Editor's Note: See 35 P.S. § 1661 et seq.

TRANSPORTATION USE, LIGHT - Transportation uses including, but not limited to, Bus Station, Taxi Service, Park-and-Ride, and Parking Garage.

TRANSPORTATION USE, GENERAL - Transportation uses including Airport and Heliport.

TRANSITION - A visual effect used on an Electronic Message Sign to change from one message to another, such as fade or dissolve.

TRANSITIONAL SURFACES -- These surfaces extend outward at ninety-degree angles to the runway center line and the runway center line extended at a slope of seven feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at ninety-degree angles to the extended runway center line.

TRAVEL - A mode of message transition on an Electronic Message Sign where the message appears to move horizontally across the display surface.

TRAVEL TRAILER -- See "camping trailer."

TRAVELWAY -- The improved portion of a road right-of-way, between the shoulders, designed, constructed and used for the through movement of vehicles.

TREE -- Any object of natural growth.

TRUCK WASH - Any building or premises or portions thereof used for commercial purposes for washing any vehicle with more than two (2) axles, or more than four (4) tires, or with a trailer.

TURNING RADIUS -- The radius which approximates the turning path of the exterior corner of a vehicle.

UNDERGROUND INJECTION WELL – A bored, drilled, driven or dug well for the emplacement of fluids into the ground (except drilling muds and similar materials used in well construction).

UNIFORM CONSTRUCTION CODE – 35 P.S. § 7210.101 et seq. and 34 Pa. Code, Chapters 401-405, as amended from time to time.

UNIFORM CONSTRUCTION CODE CERTIFICATE OF OCCUPANCY – One of two Certificates required for a Certificate of Habitability issued by the Building Code Official after all requirements of the Uniform Construction Code are met. The other Certificate required before a Certificate of Habitability will be issued is a Zoning Certificate of Occupancy. Once issued, the Building Code Official and/or the applicant shall provide proof of issuance of the Uniform Construction Code Certificate of Occupancy to the Zoning Officer prior to the issuance of a Certificate of Habitability.

USE -- The purpose for which a lot or structure may be designed, arranged, intended, maintained or occupied or any activity, occupation, business or operation carried on in a structure on a lot.

UTILITY RUNWAY -- A runway that is constructed for and intended to be used by propeller-driven aircraft of 12,500 pounds maximum gross weight or less.

VALUE -- The amount of the actual consideration for a transfer, including liens or other encumbrances thereon and ground rents, or a commensurate part of the liens or other encumbrances thereon and ground rents, where such liens or other encumbrances and ground rents also encumber or are charged against other lands, tenements or hereditaments or other real property, provided that where the document shall set forth a small or nominal consideration, the "value" thereof shall be determined from the price set forth in or actual consideration for the contract of sale or, in the case of a gift or any other document without

consideration, from the actual monetary worth of the property granted, bargained, sold or otherwise conveyed which, in either event, shall not be less than the amount of the highest assessment of such lands, tenements or hereditaments or other real property, for local tax purposes.

VARIANCE -- Relief granted pursuant to the provisions of the Zoning Ordinance³² and Articles VI and IX of the Pennsylvania Municipalities Planning Code.³³

VERNAL POOL – An isolated, contained basin depression that holds water for at least two (2) months in the spring and summer, critical to several amphibian, reptile and invertebrate species. It also provides storage for stormwater runoff and spring snowmelt that would otherwise contribute to downstream flooding. A vernal pool is typically no bigger than three hundred (300) feet long and one hundred and twenty (120) feet wide and is often smaller.

VETERINARIAN'S OFFICE -- A building used primarily for the treatment by a veterinarian of small domestic animals such as dogs, cats, rabbits and birds or fowl, including animal hospitals.

VIEWSHED – Characteristic landscape elements when viewed from public streets or rights-of-way, including but not limited to historic rural roads identified in the Barrett-Mt. Pocono-Paradise Open Space Recreation Plan, including:

- ridge lines of prominent topographical relief.
- valley floors hemmed in by ridge or upland areas.
- visually prominent wetlands and watercourses.
- historic buildings.
- landscape rooms wherein vegetation, treelines, hills and ridge lines produce a narrow visual focus.

VISUAL RUNWAY -- A runway intended solely for the operation of aircraft using visual approach procedures.

WAREHOUSE -- A building used primarily for the storage of goods and materials, distinct from ordinary on-site storage connected with retail enterprise.

WAREHOUSING - See warehouse.

WASTE -- A material whose original purpose has been completed and which is directed to a disposal or processing facility or is otherwise disposed of. The term does not include source-separated recyclable materials or material approved by the Commonwealth of Pennsylvania Department of Environmental Protection for beneficial use.

WASTE COLLECTOR -- Any person who collects municipal waste or recyclables.

³²Editor's Note: See Ch. 160, Zoning.

³³Editor's Note: See 53 P.S. § 10101 et seq.

WATERCOURSE – A channel or conveyance of surface water having defined bed and banks, whether natural or artificial, with perennial or intermittent flow. .

WATER PARK/AMUSEMENT PARK -- A commercially operated park having various devices or water features for entertainment (e.g., a merry-go-round, roller coaster, water slide or other rides), with or without the sale of food and drink.

WATERS OF THE COMMONWEALTH -- Any and all rivers, streams, creeks, rivulets, ditches, watercourses, storm sewers, lakes, dammed water, wetlands, ponds, springs and all other bodies or channels of conveyance of surface water and underground water or parts thereof, whether natural or artificial, within or on the boundaries of this commonwealth.

WATER SUPPLY SYSTEM, ON-SITE -- A system for supplying and distributing water to a dwelling or other building from a source located on the same lot.

WATER SURVEY -- An inventory of the source, quantity, yield and use of groundwater and surface water resources within the Township of Paradise.

WATER SYSTEM, CENTRAL -- A public or private utility system designed to supply and transmit water from a common source to customers, in compliance with regulations of the Pennsylvania Department of Environmental Protection.

WATERSHED – The specific land area that drains water into a river system or other body of water.

WBCA—Pennsylvania Wireless Broadband Collocation Act (53P.S. §11702.1 *et. Seq.*)

WELLHEAD – The point at which a groundwater well bore hole meets the surface of the ground.

WELLHEAD PROTECTION AREA – The surface and subsurface area surrounding a water supply well, well field, spring or infiltration gallery supplying a public water system, through which contaminants are reasonably likely to move toward and reach the water source.

WELLHEAD PROTECTION ZONE 1 – That area of land within a 400 ft. radius of any public water supply well.

WELLHEAD PROTECTION ZONE 2 – That area of land with a half mile radius of any public water supply well, or within 50 feet of any 100-year floodplain, wetland or natural water body.

WELLHEAD PROTECTION ZONE 3 – All land within the borders of Paradise Township.

WETLAND -- Areas inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and which under normal circumstances do support, a

prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands include swamps, marshes, bogs and similar areas.

WETLAND MARGIN -- The transmittal area extending from the outer limit of the wetland. For the purposes of this Code, the wetland margin shall extend 50 feet from the wetland boundary.

WILD GAME HUNTING AREA OR PRESERVE - Open space for wildlife, flora and/or fauna reserved and managed for commercial hunting or other commercial purpose.

WIND ENERGY FACILITY - A facility where one or more wind turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities are located and are used for the generation of electricity which is used on-site for commercial purposes or which is sold on the open market. A wind turbine accessory to a principal structure which is sized and intended to be used to generate electricity primarily for the principal structure to which it is accessory shall not be considered a wind energy facility.

WIRELESS – Transmissions through the airwaves including, but not limited to, infrared line of sight, cellular, PCS, microwave, satellite, or radio signals.

WIRELESS COMMUNICATIONS FACILITY (WCF) – An antenna facility or a wireless support structure that is used for the provision of wireless service, whether such service is provided on a stand-alone basis or commingled with other wireless communications services.

WIRELESS COMMUNICATIONS FACILITY APPLICANT (WCF Applicant) – Any person that applies for a wireless communications facility building, zoning approval and/or permission to use the public right-of-way or other Township owned land or property.

WIRELESS SUPPORT STRUCTURE – A pole, tower, base station, or other building, whether or not it has an existing antenna facility, that is used or to be used for the provision of wireless service (whether on its own or comingled with other types of services).

WOODLANDS – An area of land covered primarily with trees that includes mature timber stands, unusual species, and/or special habitats worth saving.

YARD -- Any open space on the same lot with a building and for the most part unobstructed from the ground up.

YARD, FRONT -- The required unoccupied space between the building line and the road line, extending the full width of the lot.

YARD, REAR -- The required unoccupied space between the rear building line and the rear line of the lot and extending the full width of the lot.

YARD, SIDE -- The required unoccupied space situated between the side building line and the side line of the lot and extending from the front yard to the rear yard or to a side yard.

ZONING CERTIFICATE OF OCCUPANCY – One of two Certificates required for a Certificate of Habitability issued by the Paradise Township Zoning Officer after all Zoning requirements are met and the Sewage Enforcement Officer confirms sewage compliance. The other Certificate required before a Certificate of Habitability will be issued is a Uniform Construction Code Certificate of Occupancy.

ZONING HEARING BOARD -- The Zoning Hearing Board of Paradise Township.

ZONING OFFICER -- The person designated by the Board of Supervisors to administer the Code of Ordinances.

ZOOLOGICAL PARK – A collection of animals maintained in a park or garden by an educational non-profit or governmental entity under the supervision of at least one professional zoologist.

ARTICLE III

Legislation Adopted During Codification

During the process of codification, the Township Board authorized readoption of the Zoning Regulations and the Subdivision and Land Development Regulations, with certain substantive changes, to ensure that all desired provisions are in effect according to standard adoption procedures. The revised and renumbered Zoning and Subdivision and Land Development Chapters were enacted 2/13/01 and reenacted 6/5/07.