

CODIFIED ORDINANCES

THE CITY OF HARRISBURG

TITLE ONE - LEGISLATIVE CODE

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CHAPTER 1-101

COUNCIL

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CROSS REFERENCES

City budget: see Optional Charter Law §418 (53 P.S. §41418)
Codification of ordinances: see Optional Charter Law §609
(53 P.S. 41609); 3rd Class Code §3103 (53 P.S. §36308)
Compensation: see Optional Charter Law §607 (53 P.S.
§41607)
Councilman's required oath: see 3rd Class Code §1004
(53 P.S. §36004)
Election and term: see Optional Charter Law §404 (53 P.S.
§41404)
Legislative power: see Optional Charter Law §407 (53 P.S.
§41407)
Meetings: see Optional Charter Law §§408, 606 (53 P.S.
§§41408, 41606)
Ordinances, resolutions or bills: see Optional Charter Law
§413, 607(b), 608 (53 P.S. §§41413, 41607(b), 41608)
Organization and president: see Optional Charter Law §408
(53 P.S. §41408)
Powers and duties: see Optional Charter Law §§409, 410,
418-421 (53 P.S. §§41409, 41410, 41418-41421)
Qualifications of councilmembers: see 3rd Class Code §1001
(53 P.S. §36001)
Quorum: see Optional Charter Law §607 (53 P.S. §41607)
Rules of council: see Optional Charter Law §607 (53 P.S.
§41607)
Subpoena powers: see 3rd Class Code §1015 (53 P.S. §36015)
Vacancies: see Optional Charter Law §406 (53 P.S. §41406)

1-101.1 COMPOSITION, MEETINGS AND PROCEEDINGS

(a) The City Council shall consist of seven (7) members elected at large.

(b) The Council shall meet at least twice a month in regular meetings, at such times and places as fixed by resolution of Council, and at such additional special meetings as may be called according to law. All regular and special meetings of Council shall be open to the public, and the public notices of such meetings shall be given as required by the Sunshine Act, Act of July 3, 1986, P.L. 388, as amended, 65 P.S. §271 et seq. Council may meet in executive sessions, but official business must be transacted at regular or special meetings only.

(c) The proceedings of Council shall be governed by rules and regulations fixed by resolution of Council. (Ord. 10-1971.)

1-101.2 NOTICE OF CIVIL SERVICE PROPOSED RULE MAKING

(a) The Police and Fire Civil Service Boards are herein required to give written notice to Council of those proposals which the Boards have adopted. Such notice shall be given upon adoption of a rule making but prior to the implementation of such rule making. Notice should be given thirty days prior to the effective date of such new policy implementation.

(b) Such notice shall be written and shall document the letter, spirit and effect of the rule making. (Ord. 20-1979.)

1-101.3 COUNCIL ENDORSEMENT

(a) All building and construction projects requiring the approval of City Council shall recognize Council's endorsement by displaying a project sign which shall state that the project was financed in part by one of the City's rehabilitation programs and shall contain the following language:

"Stephen R. Reed, Mayor
Harrisburg City Council
Equal Housing Opportunity".

(b) This project sign requirement shall be retroactive for five (5) years to include projects commencing January 1, 1985. Projects requiring the replacement of existing signs shall finance said signs via the project's general operating fund or its equivalent. (Ord. 39-1990.)

1-101.4 PUBLICATIONS

All newsletters, fliers and other publications drafted, distributed or published by those entities which are created through Councilmanic Ordinance, or will receive any funding through Councilmanic action, shall include the name of Harrisburg City Council whenever the Mayor's name is placed upon those publications. (Ord. 56-1990.)

1-101.5 AFFIRMATIVE ACTION

The City Council hereby adopts and renews the Affirmative Action Cooperation Agreement, a copy of which is registered in the City Clerk's Office. (See Chapter 2-903.)

1-101.6 ANNUAL AUDIT

All accounts of the City shall be audited following the close of each year by an independent certified public accountant selected by resolution of Council. (Ord. 10-1971.)

CHAPTER 1-201

ORDINANCES AND RESOLUTIONS

Section 1-201.1 Legislative Process

CROSS REFERENCES

Adoption of codes by reference: see Optional Charter Law §608(a) (53 P.S. §41608(a)); 3rd Class Code §2403(67) (53 P.S. §37403(67))

Codification: see Optional Charter Law §609 (53 P.S. §41609); 3rd Class Code §1014.1 (53 P.S. §36014.1)

Effective date: see Optional Charter Law §608(b) (53 P.S. §41608(b))

Enforcement: see Optional Charter Law §412 (53 P.S. §41412); 3rd Class Code §1017 (53 P.S. §36017)

Fines: see Optional Charter Law §303(2) (53 P.S. §41303(2))

Form, introduction and reading: see Optional Charter Law §607(b) (53 P.S. §41607(b)); 3rd Class Code §§1011, 1012 (53 P.S. §§36011, 36012)

Legislative power vested in Council: see Optional Charter Law §470 (53 P.S. §41407)

Veto; passage over veto: see Optional Charter Law §413(a) (53 P.S. §41413(a))

Publication: see Optional Charter Law §608(a) (53 P.S. §41608); 3rd Class Code §1014 (53 P.S. §36014)

Voting procedure and passage: see Optional Charter Law §607 (53 P.S. §41607)

1-201.1 LEGISLATIVE PROCESS

(a) A separate bill must be presented for each subject of legislation, although different chapters of these Codified Ordinances may be amended by one bill if the same deals with one subject.

(b) The summary of the bill which precedes the text is descriptive only for the convenience of the City Clerk who shall read such summary upon each consideration by Council. It is not a title and is not part of any legislation.

(c) Amendments to existing legislation are to be underlined; deletions are to be indicated by [bracketing].

Additions to proposed legislation which amends existing legislation shall be CAPITALIZED; deletions shall be indicated by ~~striking~~.

(d) All proposed bills or resolutions shall be presented to the City Solicitor for approval as to form and legality prior to introduction. (Ord. 9-1996.)

CHAPTER 1-301

CODIFIED ORDINANCES

Section	1-301.1	Component Codes; Short Title; Citations
Section	1-301.2	Amendments and Supplements; Numbering
Section	1-301.3	Statutory Construction
Section	1-301.4	Severability of Provisions
Section	1-301.5	Penalty for Tax or Charge Delinquency; Exceptions
Section	1-301.6	Actions in Assumpsit Authorized
Section	1-301.99	General Penalty

CROSS REFERENCE

See also Statutory Construction Act of 1972, Act of December 6, 1972, P.L. 1339, as amended, 1 Pa.C.S.A. §§1901-1991 (1995 Supp.)

1-301.1 COMPONENT CODES; SHORT TITLE; CITATIONS

(a) The Codified Ordinances of Harrisburg, Pennsylvania, 1995, shall be comprised of the following component codes:

Title One	-	Legislative
Title Two	-	Administrative
Title Three	-	Public Safety
Title Four	-	Human Relations and Discrimination
Title Five	-	Licensing and Taxation
Title Six	-	Public Health
Title Seven	-	Planning and Zoning
Title Eight	-	Building and Housing Development
Title Nine	-	Public Works
Title Ten	-	Parks and Recreation

(b) Each Code shall be subdivided into parts; each part shall be subdivided into chapters; and each chapter shall be subdivided into sections which shall be numbered in accordance with the decimal numbering system. The numbering of all sections except the penalty sections shall be consecutive within each chapter, commencing with the first section of Title One, which shall be numbered 1-101.1, the first "1" signifying Title 1; the

next three figures, "101", before the decimal signifying the part and chapter within the title; and the figure after the decimal signifying the section of the chapter. Penalty sections shall be designated "99" after the decimal and shall be the last section of the chapter.

(c) Copies of the Codified Ordinances are on file for public examination during regular business hours in the offices of the City Clerk at City Hall, 10 North Market Square, Harrisburg. (Ord. 9-1996.)

1-301.2 AMENDMENTS AND SUPPLEMENTS; NUMBERING

(a) These Codified Ordinances may be amended or supplemented at any time and, when any amendment or supplement is adopted in such form as to indicate the intention of Council to make the same a part thereof, such amendment or supplement shall be incorporated in and deemed a part of the Codified Ordinances so that a reference to the Codified Ordinances shall be understood and construed as including the Codified Ordinances of the City of Harrisburg, Pennsylvania, 1996, and any and all such amendments and supplements.

(b) All amendments and supplements enacted as a part of the Codified Ordinances shall be integrated therewith by following the form of arrangement and plan set forth in subsection 1-301.1(b). (Ord. 9-1996.)

1-301.3 STATUTORY CONSTRUCTION

In the construction of the Codified Ordinances and any amendment thereto, the following rules shall control, except those inconsistent with the manifest intent of Council as disclosed in a particular title, chapter or section:

(1) Whenever in the Codified Ordinances authority is given to an officer or an act is required to be performed, such authority may be exercised and such act may be performed, at the instance of such officer, by a deputy or subordinate unless contrary to law or to the clear intent of any such provision.

(2) Words giving authority to a board, commission, authority, or to three or more officers or employees or other persons shall be construed as giving authority to a majority thereof unless otherwise specifically provided.

(3) The terms "month" and "year" shall be deemed the calendar month or year unless otherwise clearly stated. The time expressed in days within which an act is to be done, or a period to expire, shall be computed by excluding the first and including

the last day, unless the last day is Sunday or a legal holiday, in which event the next day shall be included. If time is expressed in hours, the whole of Sunday shall be excluded. (Ord. 10-1971.)

(4) "And" includes "or" and "or" includes "and", if the sense so requires.

(5) Words importing the masculine shall extend and be applied to the feminine and neuter genders.

(6) Except as otherwise provided, words and phrases shall be construed according to the common usage of language; provided, however, that technical words and phrases and others which may have acquired a special meaning shall be construed according to such technical or special meaning. Ordinance references denoting the legislative history will generally appear at the end of each section or more frequently, if amendments have been made to subsections. Wherever an ordinance reference appears at the end of a section or subsection, it may be presumed that all of the text since the last ordinance referenced was taken from the cited ordinance.

(7) Words in the plural shall include the singular and in the singular shall include the plural number.

(8) When an oath is required or authorized by law, an affirmation, in lieu thereof, may be taken by a person having conscientious scruples to taking an oath. An affirmation shall have the same force and effect as an oath.

(9) In all cases where provision is made for an act to be done or notice to be given within a reasonable time, it shall be deemed to mean such time only as may be necessary for the prompt performance of such act or giving of such notice.

(10) A resolution is an expression of opinion of Council. It does not have the force and effect of law, and violation of a resolution does not subject the violator to penalties.

(11) When used in an ordinance, "street" includes alleys, avenues, boulevards, lanes, roads, streets, and other public ways in the City.

(12) The use of any verb in the present tense shall include the future tense.

(13) The preamble to legislation, i.e., the "Whereas Clauses," shall not be considered part of the body of any bill, ordinance or resolution. (Ord. 80-1960.)

1-301.4**SEVERABILITY OF PROVISIONS**

Each section and each part of each section of the Codified Ordinances is hereby declared to be an independent section or part of a section and, notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that, if any such section or part of a section, or any provisions thereof, or the application thereof to any person or circumstances, is held to be invalid, the remaining sections or parts of sections and the application of such provision to any other person or circumstances, other than those as to which it is held invalid, shall not be affected thereby, and it is hereby declared to be the legislative intent that the Codified Ordinances would have been adopted independently of such sections or parts of a section so held to be invalid. (Ord. 80-1960.)

1-301.5**PENALTY FOR TAX OR CHARGE DELINQUENCY;
EXCEPTIONS**

There is hereby imposed, unless otherwise provided, a penalty of ten percent (10%) of the amount of any taxes or any charges for sewer, water, refuse and garbage collection and disposal, incineration, or other like charges, including ready-to-serve charges, assessed or charged by the City, except real estate, earned income and other taxes for which penalties are imposed by statute, such as unlawful and overtime parking charges, housing clean-up and board-up charges, charges for weed cutting, and similar charges which do not accrue on regular and periodic bases, upon failure of any person against whom such taxes or charges are duly assessed or charged to pay the same within thirty (30) days of the day upon which the same taxes or charges are due and payable. Such penalties, thus incurred, shall accrue quarterly on the unpaid balance until the amount due is paid in full to the City Treasurer. (Ord. 28-1994.)

1-301.6**ACTIONS IN ASSUMPSIT AUTHORIZED**

Charges imposed for utilities furnished or improvements made to properties, including demolition thereof, by the City shall be a lien on the properties served from the date the charge first becomes due and payable. In addition to all other rights of the City, if such charges are not paid, the City may file such liens and collect the same in the manner provided by the law for the filing and collection of municipal liens and claims and may proceed to collect such charges by an action in assumpsit in the name of the City against the owner of the property charged. (Ord. 25-1979.)

1-301.99**GENERAL PENALTY**

Whenever in the Codified Ordinances or in any ordinance of the City any act is prohibited or is made or declared to be unlawful or an offense, or whenever in the Codified Ordinances or in any ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty or fine is provided therefore, the violator of any such provision or any ordinance pertaining to building, housing, property maintenance, health, fire or public safety shall be fined not more than one thousand dollars (\$1,000.00), plus all costs, or imprisoned for not more than ninety (90) days, or both. The violator of water, air and noise pollution or any other ordinance or provision or part thereof shall be fined no more than six hundred dollars (\$600.00), plus all costs, or imprisoned for not more than ninety (90) days, or both. Each day that a violation continues shall be deemed a separate offense. This penalty shall in no way be construed to negate or preclude any additional liability, punishment, enforcement action, or remedy and shall apply in addition to any other fines or penalties. (Ord. 4-1995.)

CHAPTER 1-302

GLOSSARY OF TERMS

Capitalization designates words and/or phrases found elsewhere in the Glossary.

"ACCESSORY BUILDING STRUCTURE" means a subordinate structure detached from, but located on, the same lot as the principal structure, the use of which is customarily incidental to that of the main building and is located on the same lot. (Ord. 23-1990.)

"ACCESSORY OFF-STREET PARKING" means the parking of vehicles, on property exclusive of public right-of-way and free of charge, as incidental to the principal use of a building, either on a parking lot or in a parking structure. (Ord. 19-1985.)

"ACCESSORY STRUCTURE" means a detached structure which is not used or not intended to be used for living or sleeping by human occupants and which is located on or partially on any premises. (Ord. 22-1985.)

"ACCESSORY USE" means a use, not otherwise contrary to law, customarily incidental to the principal use of a building, structure or lot, and as further regulated by the Planning and Zoning Code. Accessory uses include, but are not limited to: permitted home occupations; a private parking lot or parking structure when accessory to a principal use; and a coffee shop located inside an office building for the sole use of the occupants thereof. (Ord. 19-1985.)

"ADULT BOOK STORE" means an establishment having a substantial or significant portion of its stock-in-trade, books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matters depicting, describing or related to "Specified Sexual Activities," or "Specified Anatomical Areas", or an establishment with a segment or section devoted to the sale or display of such material. (Ord. 4-1981.)

"ADULT ENTERTAINMENT USE" means including, but not limited to: Adult Book Stores, Adult Mini-Motion Picture Theaters, Adult Motion Picture Theaters and Massage Businesses. (Ord. 4-1981.)

"ADULT MINI-MOTION PICTURE THEATER" means an enclosed building with a capacity for less than fifty (50) persons used for

presenting material distinguished or characterized by an emphasis on matter depicting, describing or related to "Specified Sexual Activities" or "Specified Anatomical Areas" for observation by patrons therein. (Ord. 4-1981.)

"ADULT MOTION PICTURE THEATER" means an enclosed building with a capacity of fifty (50) or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "Specified Sexual Activities." (Ord. 4-1981.)

"AGREEMENT OF SALE" means any agreement, or written instrument, which provides that title to any real property shall thereafter be transferred from one owner to another owner and includes, inter alia, written leases which contain options to purchase leased property and leases which provide that the lessee of the property shall acquire title thereto after the payment of a stipulated number of regular rent payments or after a stipulated period of time. (Ord. 51-1979.)

"ALLEY" means a minor right-of-way or service roadway providing a secondary means of public access, primarily for service access to the back or sides of properties or abutting property, and not intended for general traffic circulation. (Ord. 112-1964.)

"ALTERATION" means any change or rearrangement in the supporting member of an existing building, such as bearing walls, columns, beams, girders, or interior partitions, as well as any change in doors, windows, means of ingress or egress, or any enlargement or diminution of a building or structure, whether horizontally or vertically, or the moving of a building or structure from one location to another. This definition excludes normal repairs and maintenance, such as painting or roof replacement. (Ord. 9-1996.)

"APARTMENT" means a dwelling unit within a multi-family dwelling unit structure with a minimum floor area of four hundred (400) square feet. (Ord. 112-1964.)

"APPROVED" means approved pursuant to or in accordance with any applicable statute, ordinance or regulations governing the subject matter. (Ord. 9-1996.)

"APPURTENANCES" means the visible, functional or ornamental objects accessory to and part of buildings, or real property. (Ord. 9-1996.)

"ARCHITECT" means a Registered Professional Architect licensed as such by the Commonwealth of Pennsylvania. (Ord. 9-1996.)

"AUTHORITY" means that, whenever in these Codified Ordinances, authority is given to an officer or an act is required to be performed, such authority may be exercised and such act may be performed, at the instance of such officer, by a deputy or subordinate unless contrary to law or to the clear intent of any such particular provision. (Ord. 80-1960.)

"BASEMENT" or "CELLAR" means a portion of a building or story partly or wholly below the ground or grade level. It shall be considered a story if the average height from the first floor above grade measured at each of two corners farthest above grade is greater than five (5) feet or half of its clear height is below the average grade of the adjoining ground. (See also "CELLAR"). (Ord. 9-1996.)

"BILL" means a draft or drafts of a proposed ordinance from its introduction before Council through final vote thereon. (Ord. 9-1996.)

"BILLBOARD" means a vertical flat surface, either free standing, attached to, or painted on, a wall or fence, advertising services or products offered or distributed at another place. (Ord. 112-1996.)

"BLOCK" means a unit of land bounded by streets or by a combination of streets and public land, railroad right-of-way, waterways, or other barriers to the continuity of development. (Ord. 9-1996.)

"BOARDER, ROOMER" or "LODGER" means a person who pays consideration for residence in a dwelling, which residence is not a condition of employment in such dwelling.

"BOARDING HOUSE" means any residential building containing space which is let by the owner or operator to three (3) or more persons for the purpose of living and sleeping only, where meals are prepared and served in a common dining room by the owner or operator. (Ord. 14-1994.)

"BREEDING AREA" means any condition which provides the necessary environment for the birth or hatching of vectors. (Ord. 22-1995.)

"BUILDING" means a structure which is completely enclosed by a roof and solid exterior walls, along whose outside faces can be traced an unbroken line for the complete circumference of the structure, which is permanently affixed to a lot or lots and used or intended to be used for the shelter, support, or enclosure of persons, animals or property of any kind. (Ord. 32-1994.)

"BUILDING CODE" means the Harrisburg Building Code as amended, which is codified in Chapter 8-101. (Ord. 9-1996.)

"BUILDING ENVELOPE" means the three-dimensional space within which a structure is permitted to be built on a lot and which is defined by maximum height regulations, minimum yard setbacks, and sky exposure plane regulations when applicable. (Ord. 9-1996.)

"BUILDING HEIGHT" means the vertical distance from the grade to the top of the highest roof beams of a flat roof, or to the mean level of the highest gable or slope of a hip roof. When a building faces on more than one street, the height shall be measured from the average of the grades at the center of each street front. For the purposes of the Zoning Code, "Building Height" shall not include the following, subject to the restrictions attached thereto:

- (1) Roof-mounted appurtenant structures such as mechanical installations, utility penthouses or elevator overruns, provided that:
 - (A) such roof-mounted appurtenant structures cover no more than thirty-three and one-third percent (33 1/3%) of the total roof area; and
 - (B) such roof-mounted appurtenant structures are screened on all sides by parapet walls or other architectural devices up to the height equaling the maximum elevation of the roof-mounted appurtenant structures.
- (2) Roof-mounted appurtenant structures which expressly and exclusively intended to function as solar energy collection devices; provided that such solar energy collection devices are enclosed and screened on all non-functional sides by architectural devices up to a height equaling their maximum elevation.
- (3) Any portion of a level or story of a building, including, but not limited to, a basement or cellar which is elevated above grade and which is designed and intended for automobile parking; provided that:
 - (A) the average elevation of the finished floor of such level or story is equal to or less than the grade or the lot upon which the building is situated; and
 - (B) such level or story of a building is used for automobile parking or building utility or maintenance purposes only.

"BUSINESS" means an enterprise, activity, profession or any other undertaking of any unincorporated nature conducted for profit or

ordinarily conducted for profit whether by person, partnership association or any other entity, or any activity carried on or exercised for gain or profit in the City of Harrisburg, including, but not limited to, the sale of merchandise or other tangible personalty or the performance of services. As to those taxpayers having their principal place of business within the City of Harrisburg, business shall include all activities carried on within the City of Harrisburg and those carried on outside the City attributable to the place of business within the City. (Ord. 31-1982.)

"BUSINESS ADMINISTRATOR" means the Business Administrator of the City of Harrisburg. (Ord. 20-1985.)

"B.Y.O.B. CLUB" or "BRING YOUR OWN BOTTLE CLUB" means any business facility such as a dance hall, club, or association not licensed by the Pennsylvania Liquor Control Board, wherein patrons twenty-one (21) years of age and older may, after payment of an entry fee, cover charge or membership fee, consume alcoholic beverages which said patrons have carried onto the premises. A facility rented for a limited period of time, not to exceed twelve (12) hours, by individual(s) or an organization for the purpose of a private party in which alcoholic beverages are carried onto the premises shall not be considered a B.Y.O.B. Club under the terms of these Codified Ordinances. (Ord. 15-1990.)

"CABARET" means an adult club, restaurant, theater, hall or similar place which features topless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators or similar entertainers exhibiting "Specified Anatomical Areas" or performing specified activities. (Ord. 4-1981.)

"CALENDAR" means the terms "month" and "year" which shall mean the calendar month or year. The time expressed in days within which an act is to be done or a period is to expire shall be computed by excluding the first and including the last day. If the last day is a Sunday, it shall be excluded. If time is expressed in hours, the whole of Sunday shall be excluded. (Ord. 80-1960.)

"CARNIVOROUS" means any meat-eating, predatory animals, wild by nature, as distinguished from the common domestic animals, whether or not such animal was bred or reared in captivity. (Ord. 11-1992.)

"CART" means a mobile unit intended to be serviced from another location. Carts are propelled by the operator to the serving location (pushed, pulled or pedaled) and may be motorized to assist movement. Goods are sold from the interior or exterior of these units. (Ord. 38-1994.)

"CARTWAY" means that portion of a highway between the curb lines thereof. (Ord. 128-1948/49.)

"CELLAR" means a story or portion of a building fifty percent (50%) or more below the ground or grade level which shall not be considered to be a story in determining the number of stories of a building. (See also "BASEMENT"). (Ord. 9-1996.)

"CENTER LINE OF STREET" means a line formed by the points equally distant from and between the right-of-way lines of a Street. (Ord. 9-1996.)

"CENTRAL BUSINESS DISTRICT" means that area in downtown Harrisburg bounded by Chestnut Street on the south, Front Street on the west, Forster Street on the north, and North Seventh to North Fourth Street on the east. (Ord. 37-1990.)

"CENTRAL HEATING SYSTEM" means a heating system permanently installed and adjusted so as to provide the distribution of heat to all habitable rooms, bathrooms and water closet compartments from a source outside said rooms. (Ord. 37-1990.)

"CHILD CARE CENTER" means any child care facility licensed by the Commonwealth of Pennsylvania Department of Public Welfare where a child care provider assumes care of thirteen (13) or more children, including those of the provider, for less than twenty-four (24) hours per day. (Ord. 37-1994.)

"CHILD CARE FACILITY" means any person or business entity which provides care and supervision to children for less than twenty-four (24) hours per day, with or without charge, in lieu of care and supervision normally provided by parents. This term does not include a foster care home or any institutional use including but not limited to a drug and alcohol treatment or rehabilitation center, a halfway house, a criminal justice center, or any other rehabilitation or treatment center for juveniles. (Ord. 37-1994.)

"CITY", when capitalized, means the City of Harrisburg, Pennsylvania. (Ord. 20-1985.)

"CLUBHOUSE" means a building housing a club or social organization, not conducted for private profit and which is not an adjunct to or operated by or in connection with a public tavern, cafe, or other public place. (Ord. 112-1964.)

"CODE" means any Title of this Codification, as amended, as well as rules or regulations promulgated thereunder. (Ord. 16-1994.)

"COLLECTION OF WATER" means water contained in ditches, pools, ponds, streams, excavations, holes, depressions, open cesspools, privy vaults, fountains, cisterns, tanks, shallow wells, barrels, troughs, urns, cans, boxes, bottles, tubs, buckets, roof gutters, tanks of flush closets, reservoirs, vessels or any other containers, receptacles or devices which may hold such liquid. (Ord. 22-1995.)

"COLLECTOR" means the Tax Enforcement Administration of the City of Harrisburg or any other person or entity designated by the Mayor or City Council to collect a tax. (Ord. 52-1982.)

"COMMERCIAL PROPERTY" means any building, structure or other facility, or any portion thereof, which is used, occupied or is intended, arranged, designed or designated to be used or occupied for the purpose of operating a business, an office, a manufacturing concern or a public accommodation; and any vacant land which is offered for sale or lease or is held, intended or designated for the purpose of constructing or location thereon of any such building, facility, business or public accommodation. (Ord. 9-1996.)

"COMMERCIAL SCHOOL" means any non-residential school which is to prepare an individual to pursue a recognized profitable occupation in commercial pursuits and business phases of other occupations. (Ord. 5-1981.)

"COMMON OPEN SPACE" means a parcel or parcels of land or an area of water, or a combination of land and water, within a development site designed and intended for the use and enjoyment of residents of a development, not including streets, off-street parking areas or areas for public facilities. Common open space shall be substantially free of structures but may contain such improvements as are contained in the development plan as finally approved and as are appropriate for the recreation of residents. (Ord. 23-1990.)

"COMMONWEALTH" means the Commonwealth of Pennsylvania. (Ord. 9-1996.)

"COMMUNICATION CABLE LICENSE" means the license issued by the Bureau of Codes Administration to a person installing telecommunications equipment including telephone systems, signaling systems, computer systems, communication links, fiber optics, alarm systems or any system designed to carry information rather than electricity for the purposes of heat, power or light, and to provide for the designation of those companies which are allowed to perform this work in the City of Harrisburg. Every applicant shall furnish such information as the Electrical Code

Advisory and License Board may require prior to issuance of a license. No test is required. (Ord. 4-1994.)

"CONDOMINIUM" means ownership in common with others of a parcel of land and certain parts of a building thereon which could normally be used by all the occupants, together with individual ownership in fee of a particular unit or apartment in such building or on such parcel of land, and may include dwellings, offices and other types of space in which commercial buildings or on property. (Ord. 23-1990.)

"CONTRACT" means the ordinary and usual meaning but shall not include agreements made with other governmental agencies, associates of governmental agencies or officials, or particular officers or employees of such agencies for services related to their official positions of employment. (Ord. 7-1983.)

"CONTRACT COMPLIANCE OFFICER" means the Contract Compliance Officer in the Mayor's Office of Economic Development of the City of Harrisburg. (Ord. 7-1983.)

"CONTROLLED SUBSTANCE" means a drug, substance, or immediate precursor, as defined in the Pennsylvania Controlled Substance, Drug, Device and Cosmetic Act, Act of April 14, 1972. P.L. 233, 35 P.S. §780 - 101, et seq., as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania. (Ord. 37-1992.)

"COOPERATIVE" means ownership in common with others of a parcel of land and of a building or buildings thereon which would normally be used by all the occupants, together with individual rights of occupancy of a particular unit or apartment in such building or buildings or on such parcel of land, and may include dwellings, office and other types of space in commercial buildings or on property and where the lease, sale or exchange of a unit is subject to the agreement of the group of persons having common ownership. (Ord. 23-1990.)

"CORPORATE COUNSEL" means the Harrisburg City Solicitor.

"CORPORATION" means 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. (Ord. 108-1966.)

"COUNCIL" means the Council of the City of Harrisburg, Pennsylvania. (Ord. 80-1960.)

"COUNTY" means the County of Dauphin, Pennsylvania. (Ord. 80-1960.)

"CRIMINAL ACT" means any act or acts which constitute a violation of any laws of the United States or violation of the penal laws or ordinances of the Commonwealth of Pennsylvania or the City of Harrisburg, including moving traffic violations. (Ord. 30-1970.)

"CURVE NUMBER" - Runoff curve number from SCS TR-55 which reflects amounts of runoff based on land use and hydrological soil group. (Ord. 25-1994.)

"CUT" means an excavation, the difference between a point on the original ground and a designated point of lower elevation on the final grade, or the material removed in excavation. (Ord. 23-1990.)

"DAY CARE INSTITUTIONS" - Day care facilities providing care for more than six (6) adults. (Ord. 37-1994.)

"DETACHED BUILDING" means a building having no party wall in common with an adjacent building. (Ord. 112-1964.)

"DILAPIDATED" means fallen into partial ruin or decay. (Ord. 22-1995.)

"DIRECT ILLUMINATION" means light which shines upon a face of a sign or other structure from any source which is plainly visible from a public way. (Ord. 26-1977.)

"DISPOSAL" means and includes the storage, collection, disposal or handling of refuse. (Ord. 22-1985.)

"DISTRICT" means any jurisdictional area of a zone as set forth in the Planning and Zoning Code, Title Seven of the Codified Ordinances of the City of Harrisburg. (Ord. 9-1996.)

"DOMICILE" means the place where one lives and has a permanent home and to which he or she has the intention of returning whenever he or she is absent. Actual residence is not necessarily domicile, for domicile is the fixed place of abode which, in the intention of the individual, is permanent rather than transitory. Domicile is the place in which a person has voluntarily fixed the habitation of himself or herself and his or her 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 or her to adopt some other permanent home. In the case of business or association, the domicile is that place considered as the center of business affairs and the place where its functions are discharged. (Ord. 108-1966.)

"DORMITORY" means:

- (1) a rooming house as defined by this Code;
- (2) a building used as group living quarters for a student body, religious order, or other groups as an associated use to a college, university, boarding school, orphanage, convent, monastery, farm labor camp, or other similar use. Dormitories do not include kitchen facilities, except a group kitchen facility to serve all residents;
- (3) a building that is owned or operated by an educational institution whose primary purpose is to provide living accommodations for individuals associated with the institution.

(Ord. 15-1994.)

"DRAINAGE" means:

- (1) surface water runoff;
- (2) the removal of surface water or groundwater from land by drains, grading or other means which include runoff controls to minimize erosion and sedimentation during and after construction or development, and the means for preserving the water supply and the prevention or alleviation of flooding. (Ord. 9-1996.)

"DRAINAGE FACILITY" means any ditch, gutter, culvert, storm sewer, or other structure designed, intended, or constructed for the purpose of diverting surface water from or carrying surface water off streets, public rights-of-way, parks, recreational areas, or any part of any subdivision or contiguous land areas. (Ord. 9-1996.)

"DRAINAGE SYSTEM" means pipes, swales, natural features and man-made improvements designed to carry drainage. (Ord. 9-1996.)

"DWELLING" means any building, structure or single unit intended to provide complete independent living facilities for one (1) or more persons which has permanent provisions for living, sleeping, eating, cooking, and sanitation by human occupants, but does not include hotels, boarding and rooming houses. (Ord. 15-1994.)

"DWELLING, GARDEN APARTMENT" means one (1) or more two or three-story, multi-family structures, generally built at a gross density of ten (10) to fifteen (15) dwelling units per acre, with each structure containing eight (8) to twenty (20) dwelling units per acre, and including related off-street parking, open space, and recreation. (See "DWELLING, MULTI-FAMILY"). (Ord. 9-1996.)

"DWELLING, MOBILE HOME" means a transportable, single-family dwelling intended for permanent occupancy, contained in one (1) unit, or in two (2) or more units designed to be joined into one

(1) 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. (Ord. 9-1996.)

"DWELLING, MULTI-FAMILY" means a building used by three (3) or more families living independently of each other in dwelling units and doing their own cooking; an apartment house. (Ord. 9-1996.)

"DWELLING, SINGLE FAMILY, ATTACHED (ROW TOWN HOUSE)" means a building used by one (1) family dwelling, having one (1) or two (2) party walls in common with other buildings which, in turn, have party walls in common with other buildings to form a row. (Ord. 9-1996.)

"DWELLING, SINGLE FAMILY DETACHED" means a building used by one (1) family which has one (1) dwelling unit and two (2) side yards. (Ord. 9-1996.)

"DWELLING, SINGLE FAMILY, SEMI-DETACHED" means a building used by one (1) family, having one (1) side yard and one (1) party wall in common with another building. (Ord. 9-1996.)

"DWELLING, TWO-FAMILY DETACHED" means a building used by two (2) families, with one (1) dwelling unit arranged over the other, having two (2) side yards. (Ord. 9-1996.)

"DWELLING, TWO-FAMILY, SEMI-DETACHED" means a building used by two (2) families with one (1) dwelling unit arranged over the other which has one (1) side yard and one (1) party wall in common with another building. (Ord. 9-1996.)

"DWELLING UNIT" means a room or group of rooms within a building, which forms one (1) habitable unit with facilities used or intended to be used for living, sleeping, sanitation, and preparation of meals, and arranged for occupancy by one family. (Ord. 9-1996.)

"EMERGENCY WORK" means any work made necessary to restore property to a safe condition following a public calamity, work to restore public utilities or work required to protect persons or property from an imminent exposure to danger. (Ord. 10-1975.)

"EMPLOYER" means one who employs another and includes the City or any Board, Department, Commission, Authority or School District thereof, any person or any entity or organization employing four (4) or more persons within the City. Contractors, subcontractors and independent contractors performing services within the City

are also included under this definition. Any religious, fraternal, charitable or sectarian corporation or association employing four (4) or more persons and supported in whole or in part by government appropriations shall also be included under this definition. "Employer" does not include parents, spouse or children or any number of them. "Employer" does not include religious, fraternal, charitable or sectarian corporations or associations not supported by government appropriations. "Employment" does not include the employment of individuals in domestic services. (Ord. 17-1992.)

"ENGINEER" means a professional engineer licensed and registered by the Commonwealth of Pennsylvania. (Ord. 23-1990.)

"ENGINEER, CITY" means a registered professional engineer, designated by the City of Harrisburg to perform the duties of engineer as specified by these Codified Ordinances. (Ord. 23-1990.)

"ENGINEERING SPECIFICATIONS" means the engineering specifications of the City of Harrisburg regulating the installation of any required improvement or any facility installed or constructed by an owner, developer or agent or subject to public or private use. (Ord. 23-1990.)

"ESTABLISHMENT" means any privately-owned place of business carried on for a profit, or any place of amusement or entertainment to which the public is invited. (Ord. 81-1969.)

"EXTERMINATION" means the control and elimination of insects, rodents and other vectors by destroying their harborage; by removing or making inaccessible materials that may serve as their food; by spraying, poisoning, fumigating, fogging, larviciding, trapping, or by any other recognized and lawful vector control elimination method(s) approved by the local or state entity having such administrative authority. (Ord. 22-1985.)

"FAMILY" means: (1) a single individual doing his or her own cooking and living upon the premises as a separate housekeeping unit; (2) a non-profit collective body of persons doing their own cooking and living together upon the premises as a separate housekeeping unit having a domestic relationship based upon birth, legal marriage or other domestic bond; (3) a group of physically handicapped individuals, as defined in Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Act of 1988, living together with a resident support staff, not to exceed eight (8) persons including resident staff. The definition shall not include those living in boarding houses, rooming houses, fraternity houses, sorority houses, dormitories, or institutional uses as defined herein, and "FAMILY" may not

include more than two (2) boarders as part of the family. The term shall not include groups of persons in personal care homes or any type of institutional home, or any type of home that is operated for profit. A person shall be considered to be related for purposes of these Codified Ordinances if he or she is in a dwelling for the purpose of adoption or under a foster care program. (Ord. 15-1994.)

"FAMILY CHILD-CARE HOME" means any child-care facility operated as an accessory use to a primary residential use of the property where a child-care provider assumes care for six (6) or less children, including those of the provider, for less than twenty-four (24) hours per day. (Ord. 37-1994.)

"FENCE" means a barrier constructed of materials or planted vegetation erected for the purpose of protection, confinement, enclosure or privacy. The term "fence" shall include screening walls and shall also include hedges exceeding thirty (30) inches in height. (Ord. 9-1996.)

"FENCE, PRIVACY" means a fence erected or constructed to block the view of the enclosed property. (Ord. 9-1996.)

"FENCE, SECURITY" means a fence erected or constructed to serve as a barrier to keep persons, animals or vehicles from entering the property. (Ord. 9-1996.)

"FILL" means any act by which earth, sand, gravel, rock or any other material is placed, pushed, dumped, pulled, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface. It shall include the conditions resulting therefrom, and the difference in elevation between a point on the original ground and a designated point of higher elevation of the final grade. (Ord. 23-1990.)

"FINISHED GRADE" means the proposed elevation of the land surface of a site after completion of all site preparation work. (Ord. 23-1990.)

"FIRE BUREAU" means the Bureau of Fire of the Department of Public Safety City of Harrisburg, Pennsylvania. (Ord. 80-1960.)

"FIRE CHIEF" means the Chief of the Bureau of Fire of the City of Harrisburg. (Ord. 23-1990.)

"FIRE INSPECTOR" means the person(s) appointed by the Fire Chief to administer and enforce the provisions of the Fire Prevention Code of the City of Harrisburg. (Ord. 9-1996.)

"FLOOD PLAIN" means:

- (a) A relatively flat or low land area adjoining a river, stream, or watercourse which is subject to partial or complete inundation;
- (b) An area subject to the unusual and rapid accumulation or runoff of surface waters from any source. (Ord. 9-1996.)

"FLOOD-PRONE AREA" means a relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse. This term also means an area subject to the unusual and rapid accumulation of surface waters from any source. (Ord. 9-1996.)

"FLOODPROOFING" means any combination of structural and non-structural additions, changes, or adjustments to proposed or existing structures which reduce or eliminate flood damage to real estate or improve real property, water and sanitary facilities, structures and their contents. (Ord. 9-1996.)

"FLOOD PROTECTION ELEVATION, REGULATORY" means that elevation which is two feet (2'-0") above the height of the one hundred (100) year flood at a given point or location. (Ord. 9-1996.)

"FLOODWAY" means the designated area of floodplain required to carry and discharge flood waters of a given magnitude. For the purposes of this Codification, the floodway shall be capable of accommodating a flood of the one-hundred (100) year magnitude. (Ord. 9-1996.)

"FLOOR AREA" means the sum of the gross area of all floors of a building measured from the face of exterior walls. The term "NET FLOOR AREA" shall mean the sum of the net floor area of all floors of a building, using interior dimensions less all spaces used for hallways, mechanical equipment, loft spaces and other such spaces not generally occupied for customary uses. (Ord. 9-1996.)

"FLOOR AREA RATIO" means the ratio formed by the relationship of the total enclosed gross floor area of a structure, measured in square feet, to the gross area of the site upon which the structure is situated, measured in square feet. For the purpose of the Codified Ordinances, calculation of the enclosed gross floor area of a structure shall exclude the gross floor area of basement(s) or cellar(s), provided:

- (1) at least fifty percent (50%) of the clear height of such basement or cellar is below the average grade of the lot upon which the structure is situated; and
- (2) such basement or cellar is used for automobile parking or building utility or maintenance purposes only.

"FOOD PRODUCTS" mean sandwiches, ice cream, soft drinks, candy and all other articles of food or drink intended or prepared by the vendors thereof for human consumption. (Ord. 38-1994.)

"FREE-STANDING SIGN" means a sign which is mounted on the top of poles or other supports, standing free from and being structurally independent of any structure or other building. (Ord. 26-1977.)

"FRONT YARD". (See "YARD")

"GARBAGE" means the animal and vegetable waste resulting from the handling, preparation, cooking or consumption of food. (Ord. 22-1995.)

"GOVERNING BODY" means the City Council of the City of Harrisburg in Dauphin County, Pennsylvania. (Ord. 23-1990.)

"GOVERNMENTAL BUILDINGS" means those buildings owned and principally used by one or more municipality, county, state or federal governments, school districts, or any authority established by a unit of government. Buildings leased or used by but not owned by a unit of government shall not be considered governmental buildings for the purpose of these Codified Ordinances. The area of the governmental buildings which is not used by the government shall be considered a separate use and shall conform to the zoning requirements for the zone in which the building is situated. (Ord. 35-1985.)

"GRADE" means:

- (1) for buildings adjoining one street only, the elevation of the established curb at the center of the wall adjoining the street;
- (2) for buildings adjoining more than one (1) street, the average of the elevations of the established curbs at the center of all walls adjoining streets;
- (3) for buildings having no wall adjoining the street, the average level of the ground adjacent to the exterior walls of the building. All walls approximately parallel to and not more than fifteen (15) feet from a street line area to be considered as adjoining a street. (Ord. 29-1975.)

"GRADE, NEW" or "FINISHED GRADE" means the resulting level of the ground after the final grading, where there is a cut, and after normal settlement where there is fill. (Ord. 29-1975.)

"GROUP CHILD CARE HOME" means any child care facility licensed by the Commonwealth of Pennsylvania Department of Public Welfare operated as an accessory use to a primary residential use of the

property where a child care provider assumes care of not less than seven (7) or more than twelve (12) children, including those of the provider, for less than twenty-four (24) hours per day. (Ord. 37-1994.)

"GROUP DWELLINGS" means a group of two (2) or more dwellings occupying one (1) lot or parcel of land in one (1) ownership and sharing the same yard, compound, service or access facility in common. (Ord. 15-1994.)

"HABITABLE ROOM" means a room or enclosed floor space used or intended to be used for living, sleeping or eating purposes, excluding bathrooms, water closet compartments, laundries, pantries, foyers, hallways, stairways, closets, basement recreation rooms and storage spaces. (Ord. 9-1996.)

"HARBORAGE" means any place where vectors can live, nest or seek shelter. (Ord. 22-1985.)

"HEDGE" means a row of deciduous bushes or small deciduous trees planted closely together for the purpose of protection, confinement, enclosure or privacy. (Ord. 9-1996.)

"HEIGHT OF BUILDING" means the vertical distance measured from the average elevation of the proposed finished grades immediately adjacent to the front of the building to the highest point of the roof for flat roofs; the deck line of mansard roofs; and the mean height between eaves and ridge for gable, hip and gambrel roofs. If there are two (2) or more separate roofs on a single building, the height of such building shall be calculated from the highest roof. (See "BUILDING HEIGHT"). (Ord. 9-1996.)

"HEIGHT OF SIGN" means the vertical distance measured from ground level to the highest point on the sign and its supporting structure. (Ord. 9-1996.)

"HOME BEVERAGE AND BEER VENDOR" means a vendor who sells or delivers beer and/or other beverages to consumers at their dwellings or who sells said beverages at his or her place of business on a cash and carry basis. (Ord. 112-1964.)

"HOME OCCUPATION" means an accessory use of a dwelling unit for gainful employment involving the manufacture, provision, or sale of goods and/or services, and as further regulated by the provisions specified hereinafter under Planning and Zoning, Title Seven. (Ord. 26-1977.)

"HOME OFFICE" means that portion of a dwelling unit used by the owner or resident as an office for a home occupation. (Ord. 9-1996.)

"HOTEL" means a building, or a portion thereof, arranged for and adapted to the purpose of containing guest rooms or lodgings, without individual kitchen facilities, available to transient guests for sleeping purposes in return for compensation, and in which there are provided such services as are incidental to the domestic, public, or social functions of the use thereof as a temporary accommodation for guests or for the public in general. (Ord. 9-1996.)

"HOUSING ACCOMMODATION" means;

- (1) any building, structure, dwelling, living quarters or other facility or portion thereof which is used or occupied, or is intended, arranged, designated or designed to be used or occupied, as a residence or sleeping place by a person, a family or a group of persons living together;
- (2) any parcel of real property, lot or vacant land available for the construction or location thereon of one or more dwelling units;
- (3) the term "housing accommodation" does not include a building or structure containing living quarters occupied or intended to be occupied by two (2) or less individuals, two (2) or less groups or two (2) or less families living independently of each other and used by the owner thereof as a bona fide residence for himself and as many members of his family which form his household. (Ord. 17-1992.)

"IMPORT BEER OR BEVERAGE DISTRIBUTOR" means a distributor of imported beer and other beverages who sells products to vendors for resale to a consumer. (Ord. 112-1964.)

"IMPROVED PROPERTY" means any property upon which is located a building, mobile trailer unit, or other structure, whether or not attached to the land. Parking lots with surface material construction, including crushed stone, concrete and asphalt for the purpose of providing an area for the off-street parking of vehicles, shall be considered to be an improved property; provided, however, that land upon which no structures are located other than surface materials, and which is not used for any purpose, shall not be deemed to be "IMPROVED PROPERTY." This term shall include any property within the City upon which there shall be erected a structure from which sanitary sewage and/or industrial waste shall be discharged into the sewer system. (Ord. 21-1992.)

"IMPROVEMENT" means any man-made, immovable item which has become part of, placed upon, or is affixed to, real estate, such as those physical additions, installations and changes required to

render land suitable for the use intended, including but not limited to grading, paving, curbing, street lights and signs, fire hydrants, water mains, electric service, gas service, sanitary sewers, storm drains, sidewalks, crosswalks, driveways, culverts, street shade trees and improvements to existing water courses. (Ord. 23-1990.)

"INCIDENTAL INDIRECT ILLUMINATION" means light of a minor, casual or subordinate nature which shines upon a face of a sign or other structure from any source which is shielded from view from a public way. (See "INDIRECT ILLUMINATION"). (Ord. 26-1977.)

"INDIRECT ILLUMINATION" means light which shines upon a face of a sign or other structure from any source which is shielded from view from a public way. (Ord. 26-1977.)

"INFESTATION" means the presence, within or around a dwelling, of any insects, rodents or other pests. (Ord. 9-1996.)

"INSTITUTIONAL USE" means an established organization or foundation dedicated to public care and/or service falling into the following classifications:

- (1) "Residential Institutions"[:] includes but is not limited to dormitories, homeless shelters, orphanages, and community care facilities for handicapped individuals as defined in Title VIII of the Civil Right Act of 1968 as amended by the Fair Housing Act of 1988, housing more than eight (8) individuals including resident staff.
- (2) "Health Care Institutions": includes but is not limited to hospitals, nursing homes, convalescent homes, health clinics, and treatment facilities.
- (3) "Religious Institutions": includes but not limited to churches, synagogues, temples, rectories, and convents.
- (4) "Primary and Secondary Educational Institutions": includes but is not limited to public, parochial or private schools for primary and secondary education.
- (5) "Post-Secondary Educational Institutions": includes but is not limited to colleges and universities.
- (6) "Day Care Institutions": day care facilities for adults and nursery schools providing care for more than six (6) adults or children.
- (7) "Child Care Facility": any person or business entity which provides care and supervision to children for less than twenty-four (24) hours per day, with or without charge, in lieu of care and supervision normally provided by parents. This term does not include a foster care home or any institutional use, including but not limited to a drug and alcohol treatment or rehabilitation center, a halfway house, a

criminal justice center, or any other rehabilitation or treatment center for juveniles.

- (8) "Child Care Provider": the owner, operator or manager of a child care facility.
- (9) "Family Child Care Home": any child care facility operated as an accessory use to a primary residential use of the property where a child care provider assumes care for six (6) or less children, including those of the provider, for less than twenty-four (24) hours per day.
- (10) "Group Child Care Home": any child care facility licensed by the Commonwealth of Pennsylvania Department of Public Welfare operated as an accessory use to a primary residential use of the property where a child care provider assumes care of not less than seven (7) or more than twelve (12) children, including those of the provider, for less than twenty-four (24) hours per day.
- (11) "Child Care Center": any child care facility licensed by the Commonwealth of Pennsylvania Department of Public Welfare where a child care provider assumes care of thirteen (13) or more children, including those of the provider, for less than twenty-four (24) hours per day. (Ord. 37-1994.)

"INDUSTRIAL ENTERPRISE" means an enterprise other than a commercial or service enterprise which by its nature or size requires substantial capital and which by its nature or size has created or offers a reasonable likelihood of creating substantial employment opportunities. The term "industrial enterprise" may include manufacturing activities and research and development as well as warehouse facilities, distribution facilities, and international, national and regional headquarter facilities. (Ord. 11-1987.)

"LAND" means real property. (Ord. 9-1996.)

"LAND DEVELOPMENT" means, as defined in Article I of the Pennsylvania Municipalities Planning Code, any of the following activities:

- (1) The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:
 - (A) A group of two (2) 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 (2) 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.

The term shall not include development which involves the conversion of an existing single family detached dwelling into not more than three (3) residential units, unless such units are intended to be condominiums.

"LANDOWNER" means the legal or beneficial owner or owners of real property, including but not limited to the holder of an option or contract to purchase (whether or not such option or contract is subject to any conditions), a lessee having a remaining term of not less than forty years, or other person having a proprietary interest in land. (Ord. 9-1996.)

"LANDSCAPE ARCHITECT" means a registered professional architect licensed as such by the Commonwealth of Pennsylvania dealing with the contour and vegetation of the land. (Ord. 9-1996.)

"LENDING INSTITUTION" means any bank, insurance company, savings and loan association or any organization engaged in making loans, or any person or organization regularly engaged in the business of lending money, granting or extending credit or guaranteeing loans. This term includes credit rating bureaus which supply information used to determine the eligibility for such loans or credit, including but not limited to real estate mortgages and financing, or financing involving, using or otherwise relying upon real estate. (Ord. 9-1996.)

"LICENSE YEAR" means the calendar year beginning January 1. (Ord. 25-1982.)

"LICENSEE" means any person to whom a license is issued pursuant to the provisions of these Codified Ordinances. (Ord. 9-1996.)

"LIQUID FUEL" means any product derived from petroleum, coal, coal tar, vegetable ferments and other oils, either alone or when blended and compounded, which are practically and commercially suitable as fuel oil for industrial, commercial or residential heating purposes and which are sold by liquid or metered measurement. (Ord. 6-1960.)

"LOT" means:

- (1) A contiguous tract or parcel of land held in single or separate ownership not traversed by any street, the perimeter of which is in common with the boundaries of

one (1) or more properties as set forth in the valid and current deed(s) thereof, which is designated by its owner or developer as a lot; provided, however, that when applied to any nonconforming building, structure or use, "lot" shall mean only the contiguous parcel(s) of land principally occupied by said nonconforming building, structure or use when it became nonconforming.

- (2) A contiguous tract or parcel of land which is or may be occupied by a main building and its accessory uses or building, if any, together with the open space required. No part of a lot which is also a part of a public street, or way, alley or lane shall be included in determining the area of the lot. A lot shall front on a public street dedicated for public use and improved to municipal standards.

"LUMINOUS" means light shining from any source which is contained within the body of a sign or other structure. (Ord. 9-1996.)

"MAINTENANCE" means the work involved in keeping the conditions of grounds, structures and equipment from falling below the standards established by these Codified Ordinances or other applicable statutes, codes and ordinances. (Ord. 15-1994.)

"MAJOR STREET" means a street with a cartway not less than thirty-three (33) feet in width. (Ord. 112-1964.)

"MASSAGE" means a method of treating the external parts of the human body by rubbing, stroking, kneading, pounding, or vibrating with the hands or any instrument for pay or gratuity. (Ord. 4-1981.)

"MASSAGE BUSINESS" means an establishment having a fixed place of business where massages are administered for pay or gratuity. This term shall not be construed to include a hospital, nursing home, medical clinic, or the office of a physician. (Ord. 4-1981.)

"MAYOR" means the Mayor of the City of Harrisburg. (Ord. 9-1996.)

"MINOR CHILD" means any person under the age of eighteen (18) years. (Ord. 31-1984.)

"MINORITY" means any person who is a member of one of the following classes:

- (1) "African American": all persons having origins in any of the black racial groups of Africa, the West Indies or the Caribbean Basin;
- (2) "Hispanic American": all persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish cultures or origin regardless of race;
- (3) "Asian American": all persons having origins in any of the original peoples of Asia or North America and who maintain cultural identification through tribal affiliation or community recognition;
- (4) "American Indian": all persons having origins in any of the original peoples of North American and who maintain cultural identification through tribal affiliation or community recognition;
- (5) "American Aleut": all persons having origins in any of the original peoples of the Pacific Islands. (Ord. 11-1987.)

"MOBILE HOME" means manufactured housing built on a chassis, whether or not wheels, axles, hitches or other appurtenances of mobility are removed, and regardless of the nature of the foundation required. (Ord. 9-1996.)

"MOBILE HOME LOT" means 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, which is leased by the park owner to the occupants of the mobile home erected on the lot, or owned by the mobile home owner. (Ord. 9-1996.)

"MOBILE HOME PARK" means a parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more mobile home lots for the placement thereon of mobile homes. (Ord. 9-1996.)

"MONTH" means a calendar month. (Ord. 20-1985.)

"MOTEL" means a building or group of buildings, either detached or in connected units, used as individual sleeping or dwelling units designed primarily for transient vehicle travelers. This term also includes, but is not limited to, buildings designated as motor hotels, tourist homes or motor lodges, and similar structures. (Ord. 15-1994.)

"MOTOR VEHICLE" means a motor vehicle as defined in the Pennsylvania Motor Vehicle Code. (Ord. 10-1975.)

"MULTIPLE DWELLINGS" means a single building containing dwelling space for three (3) or more family units, not including row houses, groups of attached dwellings or manor-group dwellings, hotels, lodging or boarding houses, hospitals or other similar institutions. (Ord. 15-1994.)

"MULTI-FAMILY DWELLING" means any building containing three (3) or more dwelling units. (See "DWELLING, MULTI-FAMILY"). (Ord. 9-1996.)

"MUNICIPAL CLAIM" means all monetary obligations recorded or unrecorded due the City of Harrisburg as city property taxes or for services rendered or utilities delivered to the property. (Ord. 51-1979.)

"NIGHTCLUB" means a use which is a place of amusement, similar to such uses as a bar, cocktail lounge, or restaurant, in the serving of food or drink, but distinguished from such uses by the provision of live entertainment and/or dancing facilities. Nightclubs include, but are not limited to, discotheques and bars with live entertainment. (Ord. 26-1977.)

"NONCONFORMING LOT" means a lot, the area, dimensions, or location of which was lawful prior to the adoption, revision or amendment of the Zoning Code or any amendment thereto, but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district. (Ord. 9-1996.)

"NONCONFORMING SIGN" means any sign lawfully existing on the effective date of any ordinance, or amendment thereto, that renders such sign nonconforming because it does not conform to

all the standards and regulations of the adopted or amended ordinance. (Ord. 9-1996.)

"NONCONFORMING STRUCTURE" means a structure or portion thereof manifestly not designed to comply with the applicable building envelope provisions of the Zoning Code or any amendment thereto, where such structure lawfully existed prior to the enactment of the Zoning Code or its amendment. Nonconforming structures include, but are not limited to, those with nonconforming signs. (Ord. 26-1977.)

"NONCONFORMING USE" means a use of land or of a structure which does not comply in whole or in part with the applicable use provisions of the Zoning Code or any amendment thereto, where such use lawfully existed prior to the enactment of the Zoning Code or any amendment thereto. (Ord. 26-1997.)

"OATH" means a solemn, formal declaration or promise to fulfill a pledge, often calling upon God to witness affirmation. When an oath is required or authorized by law, an affirmation in lieu thereof may be taken by a person having conscientious scruples to taking an oath. An affirmation shall have the same force and effect as an oath. (Ord. 16-1972.)

"OPTIONAL CHARTER LAW" means the Optional Third Class City Charter Law, Act of July 15, 1957, P.L. 901, as amended, 53 P.S. §§41101-41625 (1996 Supp.). (Ord. 9-1996.)

"ORDINANCE" means a law of the City duly enacted by the City Council which prescribes general, uniform and permanent rules of conduct relating to the corporate affairs of the City or prohibiting certain conduct. (Ord. 9-1996.)

"PARK" means a park, reservation, playground, recreation center or any other area in the City owned or used by the City and devoted to active or passive recreation or leisure activity. (Ord. 22-1973.)

"PARKING LOT" means the use of a lot or portion thereof for the purpose of temporary or permanent storage of vehicles. The term includes any land used principally for storage of automobiles which does not qualify as a "parking structure" as defined herein, regardless of the manner of improvements to the property. As used in the Planning and Zoning Code, the term shall be further defined.

- (1) "Private Parking Lot": means a parking lot used exclusively and free of charge as an "accessory parking lot".

- (2) "Commercial Parking Lot": means one used in whole or part for a stated consideration and includes any land leased directly or indirectly by the owner of record to one (1) or more others for use as, or conversion to, a parking lot, except where such lease is between the owner of record and the City, a public authority of the City, the Harrisburg Parking Authority, or the Harrisburg Redevelopment Authority, in which case said lot shall be termed a "Public Parking Lot" as defined herein.
- (3) "Public Parking Lot": means a parking lot owned or leased or operated by the City or a public authority of the City, the Harrisburg Parking Authority or the Harrisburg Redevelopment Authority for the purpose of providing automobile parking facilities, with or without stated consideration, for the use of the general public. (Ord. 19-1985.)

"PARKING STRUCTURE" means a building which encloses a space used for the principal purpose of temporary or permanent storage of automobiles and which is further subject to the regulations specified hereinafter. The term "PARKING STRUCTURE" shall be interpreted as one and the same as the term "PARKING GARAGE," and the two terms may be used interchangeably. As used in the Planning and Zoning Code, the term "Parking Structure" shall be further defined as one of the following:

- (1) "Private Parking Structure": a parking structure used exclusively and free of charge, as an "Accessory Parking Structure."
- (2) "Commercial Parking Structure": a parking structure used in whole or in part for a stated consideration and includes any building leased by the owner of record, directly or indirectly, to one (1) or more others for use as, or conversion to, a parking structure, except where such a lease is between the owner of record and the City, a public authority of the City the Harrisburg Parking Authority or Harrisburg Redevelopment Authority, in which case said structure shall be termed as a "Public Parking Structure."
- (3) "Public Parking Structure": a parking structure owned, leased, or operated by the City or a public authority of the City, the Harrisburg Parking Authority or the Harrisburg Redevelopment Authority for the purpose of providing automobile parking facilities with or without stated consideration for the use of the general public. (Ord. 20-1985.)

"PARTY LINE SEWER" means a sewer line in used by more than one (1) property. (Ord. 9-1996.)

"PARTY WALL" means a common shared wall between two (2) separate structures, buildings or dwelling units. (Ord. 9-1996.)

"PERSON" or "PERSONS" means any individual, firm, partnership, corporation, unincorporated organization, association, vendor, contractor, subcontractor, independent contractor, bidder, or prospective contractor or vendor, labor organization, the City and its legal authorities, or any organization, association, governmental entity or group, including those acting in a fiduciary, representative or trustee capacity, whether appointed by a court or otherwise. As applied to partnerships or other organizations or associations, the term includes their members, and as applied to corporations, the term includes their officers. (Ord. 6-1990.)

"PLAN, COMPREHENSIVE" means the Comprehensive Plan of the City of Harrisburg, and as further defined in the Pennsylvania Municipal Planning Code. (Ord. 9-1996.)

"PLANNING COMMISSION" means the City Planning Commission of the City of Harrisburg. (Ord. 9-1996.)

"POLICE BUREAU" means the Bureau of Police, Department of Public Safety of the City of Harrisburg, Pennsylvania. (Ord. 80-1960.)

"POLICE CHIEF" means the Chief of the Bureau of Police, Department of Public Safety City of Harrisburg. (Ord. 9-1996.)

"PREMISES", when used as applicable to property, shall extend to and include land and buildings. (Ord. 80-1960.)

"PROJECTING SIGN" means a sign mounted on or hung from a support which projects at an angle from the face of a wall, and includes any sign which extends more than six (6) inches from the face of a wall. (Ord. 26-1977.)

"PROPERTY" includes property real and personal and any mixed and lesser estates or interests therein; the words "personal property" shall include every kind of property except real property; and the words "real property" shall include lands, tenements, hereditaments, and rights and easements of incorporeal nature. (Ord. 80-1960.)

"PROPERTY BOUNDARY" means an imaginary line exterior to any enclosed structure, at the ground surface, which separates the

real property owned by one person from that owned by another person, and its vertical extension. (Ord. 10-1975.)

"PUBLIC HEARING" means a meeting announced and advertised in advance and open to the public, with the public given an opportunity to talk and participate. Public hearings must give notice per the requirements of the Pennsylvania Municipalities Planning Code. (Ord. 9-1996.)

"PUBLIC MEETINGS" means a forum held pursuant to notice under the Act of July 3, 1986, P.L. 388 known as the "Sunshine Act." (Ord. 9-1996.)

"PUBLIC NOTICE" means a public advertisement published in a newspaper of general circulation to announce a public hearing. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. (Ord. 7-1971.)

"PUBLIC PLACE" means any public street, highway, sidewalk, road, alley, park, playground, wharf, dock, public building or vacant lot. (Ord. 81-1969.)

"PUBLICLY OPERATED GARAGES" means the parking garages owned or operated by the Harrisburg Parking Authority and located within the corporate limits of the City of Harrisburg. (Ord. 37-1990.)

"PUBLICLY OPERATED PARKING LOTS" means those parking lots owned or operated by the Harrisburg Parking Authority and located within the corporate limits of the City of Harrisburg. (Ord. 37-1990.)

"REAL ESTATE" means real property. (Ord. 9-1996.)

"REASONABLE TIME" means, in all cases where provision is made for an act to be done or notice to be given, such time only as may be necessary for the prompt performance of such act or giving of such notice. (Ord. 80-1960.)

"REFRESHMENT STAND", "SNACK BAR" or "COFFEE SHOP" means an establishment offering countertop service, serving coffee, soft drinks and sandwiches heated by infra-red process, serving no cooked food. (Ord. 112-1964.)

"REFUSE" means all non-hazardous solid wastes, except body wastes, and shall include garbage, ashes and rubbish. (Ord. 22-1985.)

"REGISTRAR OF REAL ESTATE" means an employee within the City of Harrisburg, Bureau of Engineering, who shall assign street

addresses for parcels contained in subdivisions or land developments. (Ord. 9-1996.)

"REHABILITATION" means the physical upgrading of a building previously in a dilapidated or substandard condition for human habitation or use. (Ord. 9-1996.)

"REMODEL" means to construct an addition to, alter the design or layout of or make substantial repairs or alterations to a building. (Ord. 9-1996.)

"RENOVATION" means an act undertaken to bring a structure and its facilities into conformance with present day minimum standards of sanitation, fire and life safety. (Ord. 15-1994.)

"RENT" means a periodic payment, made by a tenant, to a landlord for the use of land, buildings, structures, or other property, or portions thereof. (Ord. 9-1996.)

"RENTAL HOUSING" means housing occupied by a tenant paying rent to any owner, where no part of the rent is used to acquire equity in the property. (Ord. 9-1996.)

"RESIDENCE" means a building or structure wholly or partially used for living, sleeping, eating, cooking and sanitation by human occupants. (Ord. 15-1990.)

"RESIDENT" means:

- (1) A person who owns or leases real property within a residential area and who maintains either a voting residence or bona fide occupancy, or both, at that address.
- (2) A person, partnership, association or other entity domiciled in the City of Harrisburg. (Ord. 14-1978.)

"RESIDENTIAL AREA" means a contiguous area containing public highways or parts thereof primarily abutted by residential property or residential and related non-business property (such as schools, parks, churches, hospitals, and nursing homes.) (Ord. 14-1978.)

"RESIDENTIAL DENSITY" means the number of dwelling units per acre of residential land. (Ord. 9-1996.)

"RESIDENTIAL HEALTH CARE FACILITY (RHCF)" means residences usually occupied by the frail elderly that provide rooms, meals, personal care, and health monitoring services under the supervision of a professional nurse and that may provide other

services, such as recreational, social, and cultural activities, financial services, and transportation. (Ord. 9-1996.)

"RESTAURANT" means an establishment where food and drink are prepared, served and consumed primarily within the principal building; a public eating place. (Ord. 9-1996.)

"RIGHT-OF-WAY" means

- (1) A strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation and intended to be occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer, and other similar uses; or
- (2) The right one acquires to pass over the property of another. (Ord. 9-1996.)

"ROOF SIGN" means a sign or sign attachment which at any point projects above the eaves line of building or structure, regardless of the manner of attachment or mounting. (Ord. 26-1977.)

"ROOMING HOUSE" means any residential building containing space which is let by the owner or operator to three (3) or more persons for the purpose of living and sleeping, but not for cooking or eating purposes. (Ord. 14-1994.)

"ROOMING UNIT" means any room or group of rooms in a rooming house which form a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes. (Ord. 9-1996.)

"RUBBISH" means any and all waste materials which result from the ordinary conduct of housekeeping, except garbage as defined in these Codified Ordinances and except ashes in those cases where specific provision is made relating to ashes which are the waste products of coal and other fuels used for heating or cooking purposes and shall include, but not be limited to, glass, metal, paper, plant growth, wood or non-putrescible solid wastes. (See "REFUSE"). (Ord. 22-1985.)

"SCREENING" means a wall, fence, or continuous row of hedges or planted evergreen shrubs intended to and capable of visually obscuring the view of parked vehicles on an off-street parking lot from an adjoining property or a public right-of-way, or intended to and capable of visually separating lots or uses from one another or from a public right-of-way, and which is further subject to the regulations under Planning and Zoning Code. (Ord. 26-1977.)

"SEMI-DETACHED BUILDING" means a building having one (1) party wall in common with an adjacent building. (Ord. 112-1964.)

"SERVICE ESTABLISHMENTS" means businesses primarily engaged in providing assistance, as opposed to products, to individuals, business, industry, government, and other enterprises, including hotels and other lodging places; personal, business, repair, and amusement services; health, legal, engineering, and other professional services; educational services; membership organizations; and other miscellaneous services. This term includes establishments which provide tarot card readings, horoscopes, palm readings, spiritual guidance, advice or other non-tangible services. (Ord. 38-1994.)

"SET-ASIDE" means the number of percentage of housing units devoted to low and moderate-income households within an inclusionary scheme. (Ord. 9-1996.)

"SETBACK" means the distance between the building and any lot line. (See "YARD"). (Ord. 9-1996.)

"SIDEWALK" means any portion of a street between the curb line and the adjacent property line intended for the use of pedestrians, excluding parkways. (Ord. 80-1960.)

"SIDEWALK AREA" means that portion of the right-of-way that lies between the right-of-way and curb line, regardless of whether the sidewalk exists. (Ord. 9-1996.)

"SIGHT DISTANCE" means the length of roadway visible to the driver of a passenger vehicle at any given point on the roadway. (Ord. 9-1996.)

"SIGN" means a structure, consisting of a lettered board or other conspicuous notice, placed on or about a building, room, shop, lot or office to advertise or communicate information regarding the business therein transacted, the name of the person or firm conducting it thereon, or other information intended for general public dissemination. (Ord. 26-1977.)

"SIGN, FREE-STANDING" means any sign supported by upright structural members on or by supports on or in the ground, not attached to any building. (Ord. 9-1996.)

"SIGN, HOME OCCUPATION" means a sign containing only the name and occupation of a permitted home occupation. (Ord. 9-1996.)

"SIGN, IDENTIFICATION" means a sign giving the nature, logo, trademark, or other identifying symbol, address, or any combination of the name, symbol, and address of a building,

business, development, or establishment on the premises where it is located. (Ord. 9-1996.)

"SIGN, INCIDENTAL" means any sign, banner, pennant, valance, or advertising display or sign constructed of fabric, cardboard, wallboard or other light materials with or without a frame, intended to be displayed for a limited period or time. Such signs include, but are not limited to, the following:

- (1) "Banner": an incidental sign advertising a public entertainment or event which is supported by a frame, ropes, cables, wires or other anchorage;
- (2) "Flag": any display of fabric without frame which moves with the movement of the wind and which advertises no product, service or entertainment. This shall not be deemed to include a flag or insignia of the United States, the Commonwealth of Pennsylvania, Dauphin County, or the Municipality of City of Harrisburg;
- (3) "Pennant": any display of fabric which moves with the movement of the wind and which advertises a product, a service or an entertainment;
- (4) "Temporary Exterior Sign": a sign which offers premises for sale, rent or development, or advertises the services of professionals or building trades during promotional sales or events, construction or alteration of the premises upon which the sign is located; and
- (5) "Temporary Sign": any sign not permanently attached to a structure or the ground which can be easily transported to any location. (See "SIGN, TEMPORARY"). (Ord. 9-1996.)

"SIGN, ON-SITE INFORMATIONAL" means a sign commonly associated with, and not limited to, information and directions necessary or convenient for visitors to the property, including signs marking entrances and exits, parking areas, circulation direction, rest rooms, and pick-up and delivery areas. (Ord. 9-1996.)

"SIGN, REAL ESTATE" means a sign pertaining to the sale or lease of the premises, or a portion of the premises, on which the sign is located. (Ord. 9-1996.)

"SLOPE" means the face of an embankment or cut section or any ground whose surface makes an angle with the plane of the horizon. This term is expressed in percentage based upon vertical difference in feet per one hundred (100) feet of horizontal distance. (Ord. 9-1996.)

"SNACK SHOP". (See "REFRESHMENT STAND"). (Ord. 9-1996.)

"SOLID FUEL" means any anthracite, semi-anthracite, bituminous, semi-bituminous, or lignite coal, briquettes, boulets, coke, gas

house coke, petroleum coke, petroleum carbon, or any other manufactured or patented fuel not sold by liquid or metered measure. (Ord. 6-1960.)

"SPECIAL EXCEPTION" means a special permit for a building, structure, use or other action regulated by the Zoning Code which is not specifically permitted by the regulations of the zone in which located, but which may be authorized by the Zoning Hearing Board only if the action satisfies all applicable standards and criteria for the granting thereof. (Ord. 26-1977.)

"SPECIALTY BOUTIQUE" means a retail use specializing in a certain line or class of merchandise which is distinguished from other, similar retail uses by characteristically limited sales volume, patronage of the premises or scale of operation, and which is further distinguished by a least one of the following additional characteristics:

- (1) a high degree of specialization of merchandise with respect to type, design, applicability of use, or scope or inventory; or
- (2) handcrafted, designer-created, or similar quality merchandise use. (Ord. 4-1981.)

"SPECIFIED ANATOMICAL AREAS" means less than completely and opaquely covered human genitals, pubic region, buttocks, and female breasts below a point immediately above the top of the aureole and human male genitals in a discernibly turgid state, even if completely and opaquely covered. (Ord. 4-1981.)

"SPECIFIED SEXUAL ACTIVITIES" means human genitalia in a state of sexual stimulation or arousal, acts of human masturbation, sexual intercourse, or sodomy; fondling or other erotic touching of human genitals, pubic region, buttocks or female breasts. (Ord. 4-1981.)

"STAFF" means the technical staff of the various Departments and Bureaus of the City of Harrisburg. (Ord. 9-1996.)

"STORM SEWER" means a system of pipes or other conduits which carries intercepted surface runoff, street water and drainage, but not including domestic sewage and industrial wastes. (Ord. 25-1994.)

"STORMWATER MANAGEMENT PLAN" means the plan for managing storm water runoff adopted by Dauphin County for the Paxton Creek and Spring Creek Watersheds as required by the Storm Water Management Act, Act of October 4, 1978, P.L. 864, as amended. (Ord. 25-1994.)

"STORY" means that portion of any building included within the surface of any floor and the surface of the floor next above it

or, if there is no floor above, then the portion within the floor and the ceiling next above it. It shall not include a basement if the basement is not designed for living quarters. (Ord. 112-1964.)

"STREET, CARTWAY" means the paved portion of a street or alley which is used by motor vehicles. (Ord. 9-1996.)

"STREET, GRADE" means the officially established grade of the street upon which a lot fronts or, in its absence, the established grade of the other streets upon which the lot abuts at the midpoint of the frontage of the lot thereon. If there is not an officially established grade, the existing grade of the street at such midpoint shall be taken as the street grade. (Ord. 9-1996.)

"STREET, OR HIGHWAY" means alleys, avenues, boulevards, lanes, roads, streets, other public ways in the City, and every way or place of whatever nature, open to the use of the public as a matter of right, for the purpose of vehicular travel. The term shall not be deemed to include a roadway or driveway upon grounds owned by private persons, colleges, universities, or other institutions. (Ord. 80-1960.)

"STREET, IMPROVED PUBLIC" means any street for which the City of Harrisburg or Commonwealth of Pennsylvania has maintenance responsibility and which is paved with an approved hardtop surface. (Ord. 9-1996.)

"STREET, PRIVATE" means a legally established right-of-way, other than a public street, which provides the primary pedestrian and vehicular access to one (1) or more lots and is constructed to the design standards contained in the Planning and Zoning Code. (Ord. 9-1996.)

"STREET SHOULDER" means the portion of the street, contiguous to the cartway, for the accommodation of stopped vehicles, for emergency parking, and for lateral support of base and surface courses of the pavement. (Ord. 9-1996.)

"STREET TYPES" include the following:

- (a) "Arterial Street": a major street or highway with fast or heavy traffic of considerable continuity used primarily as a traffic connector among or between large areas;
- (b) "Collector Street": a major street or highway with fast or heavy traffic from minor streets to arterial streets including the principal entrance streets of a residential development and streets for circulation within such a development;

- (c) "Cul-de-sac"[:] means a minor street open at one end for vehicular and pedestrian access with the opposite end terminating in a vehicular turn-around;
- (d) "Limited Access Highway": a major street or highway which carries large volumes of traffic at comparatively high speed with access at designated points and not from abutting properties;
- (e) "Marginal Access Street": a minor street which is parallel and adjacent to a limited access highway or arterial street, which provides access to abutting properties and protection from through traffic; and
- (f) "Minor Street": a street used primarily for access to abutting properties.

"STREET VENDOR" or "VENDOR" means any individual, partnership, association, or corporation selling or offering for sale any food products, non-food products or services, in or about the streets of the City from means of distribution, which may include but are not limited to carts, baskets or containers, as appropriate. (Ord. 38-1994.)

"STRUCTURE" means any man-made object constructed or erected, including but not limited to buildings, walls, poles and platforms including partial and incomplete buildings; provided, however, it shall not include utility poles or traffic signs. (Ord. 32-1994.)

"STRUCTURAL ALTERATION" means any change in either the supporting members of a building, such as bearing walls, columns, beams, and girders, or in the dimensions or configurations of the roof or exterior walls. (Ord. 9-1996.)

"STUDIO" means:

- (1) the workshop of an artist, sculptor, photographer, or craftsmen; or
- (2) a place for radio or television production; or
- (3) a place where movies are produced. (Ord. 9-1996.)

"SUBDIVISION" means the division or re-division of a lot, tract or parcel of land by any means into two (2) 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 of 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 ten (1) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted. (Ord. 9-1996.)

"SUBSTANTIAL REHABILITATION" means and shall include:

- (1) the conversion of any structure from one use to another (i.e., commercial to residential); or
- (2) the rehabilitation of a building to such an extent that the density is increased by more than fifty percent (50%); or
- (3) the rehabilitation of a building that has been vacant for not less than eighteen (18) consecutive months. (Ord. 9-1996.)

"SUNSHINE ACT" means the Act of July 3, 1986, P.L. 388, as amended, 65 P.S. §271 et seq. (Ord. 9-1996.)

"SUPPLIED" means installed, furnished or provided for, by or under the control of, the owner or operator. (Ord. 9-1996.)

"SURVEYOR, PROFESSIONAL LAND" means an individual licensed and registered under the laws of this Commonwealth to engage in the practice of land surveying. A professional land surveyor may perform engineering land surveys, but may not practice any other branch of engineering. (Ord. 9-1996.)

"TAVERN" means a business selling food and alcoholic beverages for consumption on the premises and duly licensed by the Commonwealth of Pennsylvania. (Ord. 9-1996.)

"TAXPAYER" means a person, partnership, association or any entity, required to fill a return or subject to the payment of any tax imposed by law. (Ord. 31-1982.)

"TENANT" means, as applied to a building or land, any person holding a written or oral lease or who occupies the whole or any part of a building or land, alone or with others. (Ord. 80-1960.)

"THIRD CLASS CODE" means the Third Class City Code, Act of June 28, 1951, P.L. §662, as amended, 53 P.S. §35101 et seq. (Ord. 80-1960.)

"TRAFFIC CONTROL DEVICE" means any sign, signal, markings and other instruments, not inconsistent with the Traffic Code, placed or erected as provided, or any temporary warning signs placed by authority of recognized agencies, for the purpose of guiding, directing, safeguarding, warning or regulating traffic. (Ord. 138-1959.)

"TREASURER" means the Treasurer of the City of Harrisburg. (Ord. 31-1982.)

"USE" means any purpose for which a building or other structure or a tract of land may be designed, arranged, intended,

maintained or occupied, or any activity, occupation, business or operation carried on in a building or other structure on a tract of land. (Ord. 9-1996.)

"USE, ACCESSORY" means a subordinate use of land, buildings and structures customarily incidental to and located on the same lot occupied by the main use. Accessory uses shall include, but are not limited to, a private garage, greenhouse, home office, home occupation, storage shed, and air-inflated structure. This term does not include a swimming pool or a private recreation facility, except where specifically authorized within a zoning district. (Ord. 9-1996.)

"USE, AUTHORIZED" means a use authorized as a use by right, and accessory use, conditional use or use by special exception within a zoning district. (Ord. 9-1996.)

"USE, CONDITIONAL" means a use authorized by City Council subject to conditions as set forth within the Planning and Zoning Code. (Ord. 9-1996.)

"USE, BY RIGHT" means a use authorized within the zoning district. (Ord. 9-1996.)

"USE, SPECIAL EXCEPTION" means the authorization granted by the Zoning Hearing Board with respect to certain specific uses designated in the Planning and Zoning Code. (Ord. 9-1996.)

"UTILITY, PUBLIC OR PRIVATE" means:

- (1) any agency which under public franchise or ownership, or under certificate of convenience and necessity, provides the public with electricity, gas, heat, steam, communication, rail transportation, water, sewage collection or other similar service;
- (2) a closely regulated private enterprise with an exclusive franchise for providing a public service. (Ord. 9-1996.)

"VARIANCE" means the authorization which may be granted by the Zoning Hearing Board for certain deviations from the requirements of the Planning and Zoning Code. (Ord. 9-1996.)

"VECTOR" means a rodent arthropod or insect capable of transmitting disease or infection. Vectors include, but are not limited to, rats, mosquitoes, cockroaches, flies and ticks. (Ord. 22-1985.)

"VECTOR-PROOFING" means a form of construction to prevent the ingress or egress of vectors to or from a given space or building or to prevent the gaining of access to food, water or harborage.

This term shall include, but is not limited to rat-proofing, fly-proofing, and mosquito-proofing. (Ord. 22-1985.)

"VEHICLE CODE" means the Vehicle Code of the Commonwealth of Pennsylvania, Act of June 17, 1976, P.L. 62, as amended, 75 P.S. §101 et seq. (Ord. 138-1959.)

"VETERINARIAN" means a doctor of veterinary medicine who has graduated from an accredited and recognized school of veterinary medicine and possesses a license from the Commonwealth to practice veterinary medicine. (Ord. 11-1992.)

"VICIOUS OR DANGEROUS ANIMAL" means any animal that constitutes a physical threat to human beings, animals or livestock; any animal which has a disposition or propensity to cause injury to human beings, animals, or livestock, regardless of whether or not such behavior is hostile; any animal which has, without provocation, bitten, attacked or inflicted injury on any human being on public or private property; or any animal which has been used in the commission of a crime. (Ord. 11-1992.)

"VOCATIONAL SCHOOL" means any non-residential school, the purpose of which is to prepare an individual to pursue a recognized profitable occupation in the skilled trades or industries or to give occupational training. (Ord. 5-1981.)

"WAREHOUSE" means buildings used primarily for the storage of goods and materials. (Ord. 9-1996.)

"WILD ANIMAL" means any poisonous animal and any reptile in excess of five (5) feet in length, any bird, or any non-human primate (monkey, etc.), raccoon, skunk, fox, leopard, panther, tiger, lion, lynx, or any other warm-blooded animal which can normally be found in the wild state. (Ord. 11-1992.)

"WINDOW OR DOOR SIGN" means a sign consisting only of individual lettering or symbols which are painted on or attached to the surface of a glass pane of any window or door and which are not luminous or illuminated. (Ord. 26-1977.)

"WRITTEN" or "IN WRITING" means and includes any representation of words, letters, or figures, by printing or otherwise. (Ord. 80-1960.)

"YARD" means an open space between a lot line or street line and the facing wall of a building on the same lot, unoccupied except for driveways, landscaping or fences. (Ord. 32-1994.)

"YARD, REQUIRED" means a yard between lot line and the building line of the dimensions required by the Planning and Zoning Code. (Ord. 9-1996.)

"YARD, REQUIRED FRONT" means a yard across the full width of the lot extending from the front lot line to the front building line, required by the Planning and Zoning Code. (Ord. 9-1996.)

"YARD, REQUIRED REAR" means a yard across the full width of the lot extending from the rear lot line to the rear building line, as required by the Planning and Zoning Code. (Ord. 9-1996.)

"YARD, REQUIRED SIDE" means a yard between the required front and rear yards, extending from the side line of the lot to the side building lines, as required by the Planning and Zoning Code. (Ord. 9-1996.)