

Legal—

AN ORDINANCE

Regulating the location, construction and use of buildings, the size and width of lots and streets, and the use of land in the Borough of Dallas; providing for the enforcement of said regulations; and prescribing penalties for violation of the same.

BE IT ENACTED AND ORDAINED by the borough of Dallas in council assembled, and it is hereby enacted and ordained by authority of the same, that in pursuance of an Act of the General Assembly of the Commonwealth of Pennsylvania approved the 10th day of July 1947 empowering Boroughs to regulate and restrict the height, number of stories, and size of buildings and other structures, their construction, alteration, extension, repair, maintenance, and all facilities and services in or about such buildings and structures and percentage of lot that may be occupied, the size of yards, courts and other such open spaces, the density of population, and the location and use of buildings, structures and land for trade, industry, residence or other purposes, and to establish and maintain building lines upon public streets, the Borough of Dallas is divided into districts as hereinafter described; and no building shall hereafter be erected, reconstructed, altered or used, or any land used in either of said districts except in conformity with the regulations herein contained; PROVIDED, however, that no regulation herein contained shall be construed as applying to any building which is now erected or used, or is in the course of erection at the time of the approval of this ordinance, unless otherwise specifically provided herein.

SECTION 1. SHORT TITLE. This ordinance shall be known as the ZONING ORDINANCE.

SECTION 2. DEFINITIONS. Certain words and terms used in this ordinance are defined for the purpose thereof as follows:

A building or structure is anything erected or constructed, the use of which demands a location on the soil or attachment to something located on the soil.

A dwelling is any house or building or portion thereof which is occupied in whole or in part as the home, residence or sleeping place of one or more human beings, either permanently or transiently.

A garage is any structure or part thereof in which one or more motor vehicles are housed, kept or repaired, not including exhibition or show rooms or storage of new cars for sale. A private garage is a garage not designed for the use of transients or for the accommodation of the traveling public and not containing power-driven machinery for repair work. A community garage is a group of garages, not more than one story in height, divided into stalls for single motor vehicles, arranged in rows or surrounding a common means of access and erected for the use of tenants. A public garage is any garage not a private or community garage. A detached garage is one not attached to any building or dwelling and erected at a distance therefrom.

The word street includes all lands established by dedication, ordinance, or council, user, or laid out upon the Borough plan of highways, or upon plots or plans of existing or proposed developments, and shall be synonymous with 'roads,' 'avenues,' 'highways,' 'parkways,' or other terms commonly applied to public highways.

An 'alley' is a highway for pedestrians or vehicular traffic of a width of twenty (20) feet or less.

The term 'street line' means the line dividing the street from private property. The term 'street width' or 'width of street' means the distance between the street lines measured at right angles to the center line of the street. The 'building line' is the line beyond which no enclosed building or enclosed portion of any building may extend.

CLASSIFICATION
SECTION 3. USE DISTRICT CLASSIFICATION AND REGULATIONS. For the purpose of regulating the location and use of buildings, structures and land for residence, trade industry and other purposes, the Borough is hereby divided into two (2) districts, which shall be known as

RESIDENTIAL DISTRICTS
RESIDENTIAL AND COMMERCIAL DISTRICTS.

SECTION 4. In RESIDENTIAL DISTRICTS no structure shall be erected or used and no land shall be used, except as otherwise herein provided, for other than one or

more of the following uses or for purposes necessarily or ordinarily accessory to such uses:

Dwellings (either one or two) family; Clubs; Social, Recreational and Community Center buildings (except those the chief activity of which is carried on as a business); Churches; Schools, Libraries and Museums; Private and community garages.

SECTION 5. In RESIDENTIAL AND COMMERCIAL DISTRICTS no structure shall be erected or used and no land shall be used for other than one or more of the following uses or for purposes necessarily or ordinarily accessory to such uses:

All uses permitted in RESIDENTIAL DISTRICTS. Farming, Gardening, Green Houses; Nurseries, Railroad Passenger Stations; Freight Stations; Bus Terminals; Garages, Service Stations, Grist Mills, Wholesale and Retail Stores and Markets; Warehouses, Milk Dairies, Theatres; Motion Picture Houses, Multiple Dwellings.

SECTION 6. PROHIBITED USES. In RESIDENTIAL DISTRICTS and RESIDENTIAL AND COMMERCIAL DISTRICTS, structures and land may be used for the purposes set forth in Sections 4 and 5 hereof, and the following uses are prohibited:

The manufacture of chemicals or substances of any sort which may cause or emit odor, dust, smoke, gas, vibration or noise; abattoirs; slaughter houses; blast furnaces; rolling mills; smelters; coke ovens; fish smoking or curing; storing or baling of junk, scrap, metal, rags, waste paper, rubber or waste; the manufacture or storage of gunpowder, fire works or other explosives or explosive substances; the incineration, reduction or storage of garbage, offal, dead animals or refuse; the refining of petroleum and manufacture of petroleum products in excess of an amount necessary for use on the premises; the manufacture rendering or refining of fats, soap, tallow, greases or lard; the manufacture or refining of asphalt; iron or steel factory; the tanning, curing or storing of raw hides, skins, leather or hair; the refining of potash; the manufacture of disinfectants or insecticides; the manufacture of gasoline or its storage in excess of an amount necessary for use on the premises or for supplying retail trade at service stations; automobile wrecking yards; blacksmith or horseshoeing shops; carpet or bag-cleaning establishment; contractor's plant; dyeing or cleaning establishment; lumber yards; stone or monument works; storage warehouses.

SECTION 7. GENERAL USE REGULATIONS AND EXCEPTIONS. Any lawful use of a building or land existing in any district at the time of the adoption of these regulations, although such use does not conform to the provisions hereof, may be continued therein or thereon; provided, that no building or premises shall be extended or enlarged unless the use to which it is to be put shall conform to the use permitted in the district. Any building vacant at the time of the adoption of these regulations shall be used only as permitted in the district in which the same is located.

In the district where the same are permitted, gasoline service stations may be established or extended and enlarged; provided that no portion of the same or any of the equipment for service is placed nearer than twenty (20) feet to the street line nor closer to other buildings than permitted by the fire laws of the Borough.

In the districts where the same are permitted, public garages may be established, erected or enlarged; provided, that no repair facilities are maintained in the front portion of the building within twenty (20) feet of the street line; that no portion of the building is within twenty (20) feet of the street line and the selling facilities and equipment are kept within the walls of the building; that the said building is within the area bounded by two streets within which there is, at the time, no public or parochial school, playground, hospital, church or public library.

No permit for the establishment, extension or enlargement of any public garage or gasoline station shall be granted unless there is filed with the application for such permit the written consent of not less than seventy-five per cent. (75%) of the owners of occupied property within two hundred (200) feet of the proposed structure.

Billboards or signs, or structures intended for advertising purposes, shall not be permitted in any district of the Borough, either as accessory use or otherwise, except that "for rent" and "for sale" signs

not exceeding eight (8) feet square in area, and signs indicating the name and occupation of the tenant and not exceeding one (1) square foot in area may be permitted as accessories.

No solid fence exceeding three (3) feet in height shall be permitted in either district, nor between buildings or lots used for dwelling purposes. Open or ornamental fences may be erected to a height not exceeding eight (8) feet provided that the rate of the solid portion to the open portion shall not exceed one to four.

SECTION 8. AREA REGULATIONS. IN RESIDENTIAL DISTRICTS no dwelling or structure shall hereafter be erected on any lot with a frontage of less than fifty (50) feet. (This provision applies to those sections of the Borough which are already laid out into building lots and wherein dwellings have been erected on the lots as plotted). Whenever new plots or developments are to be made or laid out, the size of the lots for building purposes shall be not less than sixty (60) feet, and no dwelling or structure shall hereafter be erected on any lot having a frontage on any street of less than sixty (60) feet.

No building shall be erected nearer than ten (10) feet to the line dividing the lot whereon the same is erected and the adjoining lot; and no detached garage shall be erected nearer than sixty (60) feet to the street line. On corner lots buildings and garages shall not be erected nearer than ten (10) feet to the cross street, the building line hereinafter stipulated to prevail.

In RESIDENTIAL DISTRICTS no dwelling shall be erected on any lot nearer than thirty (30) feet to the street line, except that on streets where dwellings and structures have already been erected, the present buildings line shall be maintained in the erection of new dwellings of structure or additions and extensions to existing buildings.

SECTION 9. GENERAL RESTRICTIONS AND REGULATIONS. No dwelling or other structure shall hereafter be erected, altered or extended unless a septic tank or sump shall be installed for the disposal of sewage therefrom. The character of the septic tank or sump, and the location thereof, shall first be approved by the President of the Board of Health of the Borough, who shall examine the premises and shall, by permit, issued to the owner or builder, signify his approvals of the same.

No excavation for building purposes shall hereafter be made, nor shall any building or structure of any kind be commenced, erected, altered or changed, unless there shall have first been obtained from the Building Inspector a permit in accordance with the provisions of an Ordinance of the Borough duly adopted on February 11th., 1930, which said Ordinance is hereby referred to and thereby, for such purpose, made a part of this Ordinance.

In all districts of the Borough the fire laws, as defined by the Ordinance of February 11, 1930, shall be observed and maintained, and violation thereof shall be punished as provided in said Ordinance.

SECTION 10. AMENDMENTS AND CHANGES. The Council may, on its own initiative or on petition, amend, supplement, change, modify or repeal any of the regulations, restrictions or district boundaries herein or hereinafter established. In case, however, of a protest against such change, signed by the owners of twenty per cent, or more, either of the area of the lots included in such proposed change or of those immediately adjacent to the rear thereof extending one hundred feet therefrom, or of those directly opposite thereto, extending one hundred feet from the street frontage of such opposite lots, such amendment shall not become effective except by the favorable vote of three-fourths of all of the members of the Council. No action for the change, amendment, modification or repeal of any of the provisions of this ordinance, and the regulations and restrictions herein contained, shall be taken until after hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard, and no such hearing shall be held except after at least fifteen (15) days' notice of the time and place of such hearing shall have been given in a paper of general circulation in the Borough.

SECTION 11. ZONES. The following streets and parts of streets, lane and alleys shall be included in RESIDENTIAL DISTRICTS:

Center Hill road; all streets in the Friedman and Dattner Plot, known as "Fairview"; Machell Avenue; Lehman Avenue; Spring Street; Pinecrest Avenue; North Terrace Street; East Terrace Street; all streets in what is known as "Parrish Heights"; all streets in the "Wallo Plot," Huntsville St.; Franklin St.; Baldwin St.; Par-

sonage St.; Cemetery St.; Pioneer ave.; all streets in the plot of "Dale Realty Co.," known as "Birndale"; all streets in the plot of Sterling Machell; Lake Street from the Richardson Garage to Center Hill Road.

The following streets and parts of streets, lanes and alleys shall be included in RESIDENTIAL AND COMMERCIAL DISTRICTS:

Main Street; Lake Street from the State Highway to Richardson's Garage; Church Street to the Brown Residence; Mill Street; and the State Highway leading from Dallas to Harvey's Lake.

SECTION 12. BOARD OF ADJUSTMENT: A Board of Adjustment is hereby established. The board shall consist of three members, one of whom shall be designated to serve until the first day of January following the adoption of this ordinance, one until the first day of the second January thereafter, and one until the first day of the third January thereafter. Their successors shall be appointed on the expiration of their respective terms, to serve three years. The members of the board shall be removable for cause by the appointing authority upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.

The board shall have such duties, rights and powers as are specifically outlined in the Act of Assembly of July 10, 1947 above referred to, and shall, in the performance of its duties and powers, proceed under the provisions of said act and any supplements thereto.

SECTION 13. REMEDIES. In case any building or structure is erected, constructed or reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of the provisions of this Ordinance or amendments thereto, or in violation of any of the regulations made under authority of this ordinance, the Borough may institute appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to prevent, restrict and restrain, correct or abate such violation, to prevent the occupancy of said building, structure or land, or to prevent any illegal act or use in or about the said premises.

SECTION 14. PENALTIES FOR VIOLATION. Any person, firm or corporation violating any of the provisions of his Ordinance shall, upon conviction thereof, be fined not to exceed One Hundred (\$100.00) Dollars for any one offense, recoverable with costs, together

with judgment, or imprisonment not exceeding thirty (30) days if the amount of said judgment and costs be not paid. Each day such a violation is permitted shall constitute a separate offense.

ENACTED AND ORDAINED at a regular meeting of the Borough Council of the Borough of Dallas, held on the 7th day of April, 1948.

JOSEPH H. MACVEIGH,
President of Council

ATTEST:
J. F. BESECKER,
Secretary of Council.

APPROVED this 30th day of October, 1948.

GEORGE W. WILLIAMS,
Burgess

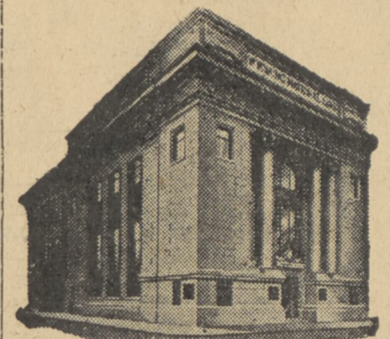
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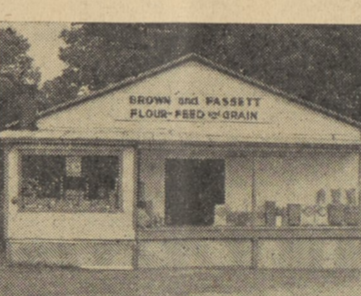
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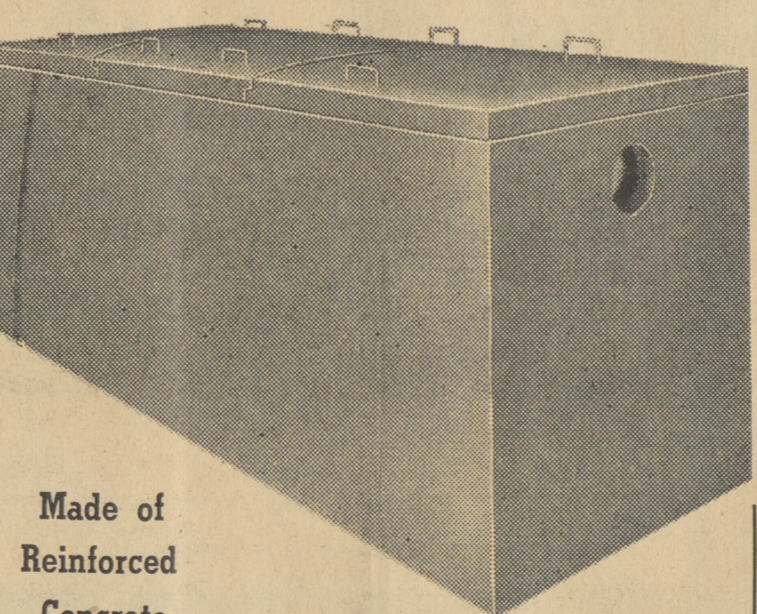
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