

City of Johnstown, Pennsylvania

Ordinance No. 5173

Bill No. 8

Introduced in Council

May 21, 2015

AN ORDINANCE OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AMENDING ORDINANCE 5161 WHICH INCLUDE AMENDING THE FY 2014 CDBG PROGRAM TITLED "SEWER LATERAL REPLACEMENT" TO INCLUDE THE FOLLOWING CITY OF JOHNSTOWN FUND SECTIONS:

<b>BUDGET AMENDMENTS</b>				
<b>Account Number</b>	<b>Account Description</b>	<b>Adopted</b>	<b>Amended</b>	<b>Net Change</b>
<b>Department: Redevelopment</b>				
<b>Grant Expenses:</b>				
04.676.00.478.00	Sewer Lateral Replacement	133,302.56	-	(133,302.56)
<b>Department Total Sewer Lateral</b>		<b>133,302.56</b>	<b>-</b>	<b>(133,302.56)</b>
<b>Department: Demolition</b>				
<b>Grant Expenses:</b>				
04.609.29.290.13	Demolition Clearance Grant Expenses-2013	6,601.00	6,601.00	-
04.609.29.290.14	Demolition Clearance Grant Expenses-2014	125,000.00	258,302.56	133,302.56
04.609.29.290.15	Demolition Clearance Grant Expenses-2015	200,000.00	200,000.00	-
<b>Department Total Sewer Lateral</b>		<b>331,601.00</b>	<b>464,903.56</b>	<b>133,302.56</b>

PASSED FINALLY IN COUNCIL:

June 10, 2015

By the following vote:

Yeas: Mayor Janakovic, Mr. Johncola, Mr. Mickel, Mrs. Mock, Mr. Vitovich, Mr. Vizza, Mr. Gentile. (7)

Nays: None (0)



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Frank J. Janakovic, Mayor  
Peter Vizza, Deputy Mayor

ATTEST:

I do hereby certify that the foregoing is a true and correct copy of Ordinance No. **5173** as the same adopted by the City Council of the City of Johnstown, Pennsylvania.



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Carlos Gunby, City Manager

City of Johnstown, Pennsylvania

Ordinance No. 5174

Bill No. 9

Introduced in Council

May 21, 2015

AN ORDINANCE OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AMENDING ORDINANCE 5161 WHICH INCLUDE AMENDING THE FY 2013 AND FY 2014 CDBG PROGRAM TITLED "ECONOMIC DEVELOPMENT ASSISTANCE GRANT EXPENSES," "CODE ENFORCEMENT GRANT EXPENSES," "REHAB DELIVERY GRANT EXPENSES," "PUBLIC IMPROVEMENTS GRANT EXPENSES," AND "PUBLIC SERVICE" TO INCLUDE THE FOLLOWING CITY OF JOHNSTOWN FUND SECTIONS:

<b>BUDGET AMENDMENTS</b>				
<b>Account Number</b>	<b>Account Description</b>	<b>Adopted</b>	<b>Amended</b>	<b>Net Change</b>
<b>Department: Rehab Delivery</b>				
<b>Grant Expenses:</b>				
04.606.29.287.14	Rehab Delivery Grant Expenses-2014	36,222.00	59,222.00	23,000.00
04.606.29.287.15	Rehab Delivery Grant Expenses-2015	70,000.00	70,000.00	-
	<b>Department Total Rehab Delivery</b>	<b>106,222.00</b>	<b>129,222.00</b>	<b>23,000.00</b>
<b>Department: Public Improvements</b>				
<b>Grant Expenses:</b>				
04.608.29.288.13	Public Improvements Grant Expenses-2013	239,234.00	239,234.00	-
04.608.29.288.14	Public Improvements Grant Expenses-2014	100,000.00	-	(100,000.00)
04.608.29.288.15	Public Improvements Grant Expenses-2015	139,053.00	139,053.00	-
04.676.00.484.00	Roxbury School Acquisition	50,000.00	50,000.00	
	<b>Department Total Public Improvements</b>	<b>528,287.00</b>	<b>428,287.00</b>	<b>(100,000.00)</b>

<b>Department: Code Enforcement</b>				
<b>Grant Expenses:</b>				
04.616.29.297.14	Code Enforcement Grant Expenses- 2014	38,487.00	40,487.00	2,000.00
04.616.29.297.15	Code Enforcement Grant Expenses- 2015	80,000.00	80,000.00	-
	<b>Department Total Code Enforcement</b>	<b>118,487.00</b>	<b>120,487.00</b>	<b>2,000.00</b>
<b>Department: Economic Development Assistance</b>				
<b>Grant Expenses:</b>				
04.630.29.311.14	Economic Development Assistance Grant Expenses-2014	2,726.00	42,726.00	40,000.00
04.630.29.311.15	Economic Development Assistance Grant Expenses-2015	40,000.00	40,000.00	-
	<b>Department Total Economic Development Assistance</b>	<b>42,726.00</b>	<b>82,726.00</b>	<b>40,000.00</b>
<b>Department: Public Service</b>				
<b>Grant Expenses:</b>				
04.686.00.000.13	2013 Public Service	7,500.00	7,500.00	-
04.686.00.000.14	2014 Public Service	18,750.00	53,750.00	35,000.00
04.686.00.000.15	2015 Public Service	30,000.00	30,000.00	-
	<b>Department Total Public Service</b>	<b>56,250.00</b>	<b>91,250.00</b>	<b>35,000.00</b>

PASSED FINALLY IN COUNCIL:

June 10, 2015

By the following vote:

Yeas: Mr. Johncola, Mr. Mickel, Mrs. Mock, Mr. Vitovich, Mr. Vizza, Mr. Gentile, Mayor Janakovic (7)


Nays: None (0)



Frank J. Janakovic, Mayor  
Peter Vizza, Deputy Mayor

ATTEST:

I do hereby certify that the foregoing is a true and correct copy of Ordinance No. 5174 as the same adopted by the City Council of the City of Johnstown, Pennsylvania.



Carlos Gunby, City Manager

CITY OF JOHNSTOWN, PENNSYLVANIA

ORDINANCE NO. 5175

Bill 10 of 2015

Introduced in Council

May 21, 2015

AN ORDINANCE OF THE CITY OF JOHNSTOWN, PENNSYLVANIA AMENDING ORDINANCE NO. 5165 PASSED JANUARY 14, 2015, AUTHORIZING THE ESTABLISHMENT OF A PROPERTY TAX EXEMPTION FOR CERTAIN UNDERUTILIZED, BLIGHTED, OR DETERIORATED INDUSTRIAL, COMMERCIAL, OR OTHER BUSINESS PROPERTY; DEFINING ELIGIBLE AREAS; SETTING A MAXIMUM EXEMPTION AMOUNT; AND AN EXEMPTION SCHEDULE; AND PROVIDING A PROCEDURE FOR SECURING AN EXEMPTION

**WHEREAS**, the general assembly of the Commonwealth of Pennsylvania has enacted legislation known as the Local Economic Revitalization Tax Assistance Act (LERTA), (Act 76 of 1977, 72 P.S. §4722 st seq.) amended July 11, 1998 (P.L. 518 90) which authorizes local taxing authorities to provide for tax exception for certain deteriorated industrial, commercial, and other business property.

**WHEREAS**, the Department of Community and Economic Development for the City of Johnstown is ambitious to instrument said LERTA to direct revitalization activity to identified areas within the City of Johnstown.

**NOW THEREFORE, BE IT IS HEREBY ORDAINED AND ENACTED** by the City Council of the City of Johnstown, Pennsylvania, as follows:

SECTION 1            DEFINITIONS:

As used in this Ordinance, the following words and phrases shall have the meaning set forth below:

- a. Act and/or Program: the Local Economic Revitalization Tax Assessment (LERTA) Act of the Commonwealth of Pennsylvania.
- b. Designated Area: the area, as designated herein, and contained within the municipal boundaries of the City of Johnstown.
- c. Applicable Property: any industrial, commercial, or other business property owned by an individual, association, or corporation, and located in a underutilized, blighted, or deteriorating area, as designated herein, or any such property which has been the subject of an order by the City of Johnstown, the County of Cambria, and/or the Greater Johnstown School District requiring the

unit to the vacated, condemned, or demolished by reason of noncompliance with laws, ordinances, or regulations.

- d. Qualified Improvement: the construction of new building structures, repair or substantial renovations to existing structures, having the effect of rehabilitating an underutilized, blighted, or deteriorated property so that it becomes habitable or attains higher standards of safety, health, economic use or amenity, or is brought into compliance with the laws, ordinances, or regulations governing said standards. The qualified improvement shall be such which results in an increase in assessed valuation, scheduled and/or ordinary upkeep and maintenance shall not be deemed a qualified improvement.
- e. Commercial LERTA: Program classification for any applicable property (commercial, industrial, or mixed-use) undergoing qualified improvements.
- f. Residential LERTA: Program classification for any applicable property (residential rentals/apartments/townhouses, or hotels) undergoing qualified improvements. The Program is not intended and shall not be applicable to personal residential residences.
- g. Local Taxing Authority: the City of Johnstown, the Greater Johnstown School District, the County of Cambria, or any other governmental entity having the authority to levy real property taxes within the jurisdiction of the City of Johnstown, Pennsylvania.
- h. Assessment Agency: the Cambria County Tax Assessment Office or any other appropriate assessment agency.

SECTION 2                      EXEMPTION AMOUNT:

- a. The amount to be exempted shall be limited to that portion of the additional assessment attributable to the actual cost of improvements.
- b. The exemption shall be limited to that improvement for which an exemption has been requested in the manner set forth below, and for which a separate assessment has been made by the Cambria County Tax Assessment Office

SECTION 3                      EXEMPTION SCHEDULE:

All exemptions available hereunder shall be based upon the aggregate cost of each improvement as follows:

- a. The assessed valuation of qualified improvements to an applicable property shall be exempt of real property taxation in accordance with the following schedule and

for the following period of years commencing with the first year which the qualified improvements are assessed for a full calendar year, to-wit:

1. Commercial LERTA

Abatement Period:	10 Years
Assessment Increment Abated:	Year 1 & 2: 100%
	Year 3 & 4: 80%
	Year 5 & 6: 60%
	Year 7 & 8: 40%
	Year 9 & 10: 20%

2. Residential LERTA

Abatement Period:	5 Years
Assessment Increment Abated:	Year 1: 100%
	Year 2: 80%
	Year 3: 60%
	Year 4: 40%
	Year 5: 20%

- b. The City of Johnstown reserves the right to amend this Ordinance or any portion thereof from time to time as it shall deem advisable as in the best interest of the advancement of the purposes and intent of this Ordinance and the effective administration thereof.
- c. The exemption from taxes granted under this Ordinance shall be upon the property and shall not terminate upon the sale or exchange of the property.
- d. This Ordinance shall become effective immediately upon approval, and unless otherwise repealed by subsequent legislation, this Ordinance shall remain in effect for a period of Eight (8) years from the date of approval. However, as hereinbefore stated, the City of Johnstown reserves the right to amend this Ordinance or repeal this Ordinance at any time. However, any property tax exemptions granted hereunder shall be permitted to continue according to the exemption schedule as set forth in Section 3.

SECTION 4                      APPLICATION BY TAXPAYER:

- a. The Taxpayer shall have the obligation to apply for the exemption as set forth herein.
- b. At the time a building permit is secured and issued for the construction of a qualified improvement for which an exemption is requested, the Taxpayer shall



apply to the City of Johnstown Department of Community and Economic Development or any successor agency thereto, for the exemption provided for in this Ordinance. The request for the exemption must be provided by a completed application, as provided herein, and prescribed by the City of Johnstown.

- c. The Taxpayer must have the completed application with requested attachments submitted and filed Ninety (90) calendar days after receiving their building permit.

SECTION 5                      PROCEDURE FOR OBTAINING EXEMPTION:

- a. A copy of the approved request of Real Estate Exemption under the applicable LERTA Program shall be forwarded by the City of Johnstown Department of Community and Economic Development to the Cambria County Tax Assessment Office and the Greater Johnstown School District.
- b. Upon the completion of the reassessment The Cambria County Tax Assessment Office will notify the Taxpayer of the calculated amount of assessment eligible for tax exemption through the standard (CA) process
- b. Appeals from the reassessment of qualified improvements and the amount eligible for tax exemption may be taken by the Taxpayer as provided by law.

SECTION 6                      HEARING BOARD

A Tax Abatement Hearing Board shall consist of the Finance Director of the City of Johnstown (Chair) and a representative to be named by the Greater Johnstown School District and Cambria County, for resolution of differences between the approving authority and the owner-taxpayer of the improved property on matters concerning interpretation and execution of the provisions of the Ordinance.

The Hearing Board shall have the following powers and responsibilities;

- a. To hear appeals from any person aggrieved by the application of this Ordinance.
- b. To make rules with regard to conducting its hearings.
- c. To make findings of fact as may be required by the application of this Ordinance.
- d. To decide questions presented to the Board.
- e. To affirm, revoke, or modify the decision of the City of Johnstown to the eligibility of a particular property for the Property Tax Abatement as provided for in this Ordinance.

- f. The Board shall meet upon Notice of the Chairman within thirty (30) days of the filing of an appeal and shall render its decision within fifteen (15) days after the appeal hearing.
- g. Every action of the Board shall be by resolution and certified copies furnished to the appellant.
- h. All hearings shall be public; and the appellant or any other person whose interests may be affected by the matter on appeal shall be given as opportunity to be heard.

SECTION 7                      RULES AND REGULATIONS

The Director of the Department of Community and Economic Development is hereby authorized and empowered to prepare, promulgate, and enforce rules and regulations made pursuant to the provisions of this Ordinance. Such rules and regulations shall have the full force and effect of law unless modified, revoked, or repealed by Council.

Amended: Bill ## of 2015 Ord. No. #####

SECTION 8                      BOUNDARIES:

The boundaries, as designated herein, are hereby affixed as the boundaries of the LERTA Program and all industrial, commercial, or other business properties located therein shall be considered an applicable property of this Ordinance. The boundaries of the LERTA Program or any portion thereof may be changed from time to time as it shall deem advisable as in the best interest of the advancement of the purposes and intent of this Ordinance.

SECTION 9                      CONTINGENCY:

Adoption of this Ordinance is not contingent upon the final adoption of Local Economic Revitalization Tax Assistance Act (LERTA) by the Greater Johnstown School District and/or Cambria County.

SECTION 10                      DEFAULT

Tax abatement under this Ordinance shall be available only for those properties for which real estate taxes are promptly paid and discharged when due. Any property that is declared delinquent as established by the statutes of the Commonwealth of Pennsylvania shall lose the LERTA benefits and any and all currently due and future taxes shall be due and payable at the full unabated assessment and tax rate.

SECTION 11                      APPEAL OF DEFAULT

Properties that have been declared delinquent may appeal the rescission of the LERTA by providing a written request to the Hearing Board providing a basis for the appeal and the justification for the waiver of the requirements of Section 10.

SECTION 12                      TERMINATION:

Unless otherwise repealed by subsequent legislation, this Ordinance shall remain effective for a period of eight (8) years from the date of enactment. However, if this Ordinance should subsequently be repealed, any property tax exemptions granted hereunder shall be permitted to continue according to the exemption schedule as set forth in Section 3 herein.

SECTION 13                      SEVERABILITY:

If any section, clause, provision or portion of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other section, clause, provision, or portion of this Ordinance so long as it remains legally enforceable minus the invalid portion. The City of Johnstown reserves the right to amend this Ordinance from time to time as it shall deemed in the best interest of the purpose and intent of this Ordinance, and the effective administration thereof.

SECTION 10                      EFFECTIVE DATE:

This Ordinance shall be in full effect ten (10) days after the publication as required by law.

PASSED FINALLY IN COUNCIL:    June 10, 2015

By the following vote:

Yeas: Mr. Mickel, Mrs. Mock, Mr. Vitovich, Mr. Vizza, Mr. Gentile, Mayor Janakovic,  
          Mr. Johncola.   (7)  
Nays: None               (0)



\_\_\_\_\_  
Frank Janakovic, Mayor  
Peter Vizza, Deputy Mayor

ATTEST:

I do hereby certify that the following is a true and correct copy of Ordinance No. **5175** as the same was adopted by the City Council of the City of Johnstown, Pennsylvania.

  
\_\_\_\_\_  
Carlos Gunby, City Manager

CITY OF JOHNSTOWN, PENNSYLVANIA

ORDINANCE NO. 5176

BILL NO. 11 of 2015

Introduced in Council  
May 21, 2015

By: City Manager

AN ORDINANCE

VACATING ROBB AVENUE BETWEEN HAYNES STREET AND THE VACATED/ABANDONED ALLEY FORMERLY KNOWN AS ROBERTS PLACE AT THE REAR OF 306-310 HAYNES STREET IN JOHNSTOWN, PENNSYLVANIA, AS A PUBLIC THOROUGHFARE.

WHEREAS, the property owners abutting Robb Avenue between Haynes Street and the vacated/abandoned alley formerly known as Roberts Place in the 5<sup>th</sup> Ward of the city of Johnstown, have petitioned the City Council of the City of Johnstown to vacate Robb Avenue, and;

WHEREAS, there are existing utilities within Robb Avenue, and;

WHEREAS, the property owner would maintain right-of-ways for the access to said utilities, and;

WHEREAS, the vacation of Robb Avenue between Haynes Street and the vacated/abandoned alley formerly known as Roberts Place would not be adverse to the best interest of the public welfare of the City of Johnstown, Pennsylvania

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, by the City Council of the City of Johnstown, Pennsylvania, and it is hereby enacted and ordained by the authority of the same as follows:

SECTION 1. That Robb Avenue between Haynes Street and the vacated/abandoned alley formerly known as Roberts Place in the 5<sup>th</sup> Ward of the City of Johnstown is hereby vacated as a public thoroughfare.

SECTION 2. That the City of Johnstown is not liable for any utility or sewer relocation costs or any reuse costs incurred by the property owner.

SECTION 3. All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed insofar as they conflict herewith.

SECTION 4. This ordinance shall become effective upon final passage.

PASSED FINALLY IN COUNCIL:

June 10, 2015

By the following vote:

Yeas:

Nays:

Absent:



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Frank Janakovic, Mayor  
Peter Vizza, Deputy Mayor

ATTEST:

I do hereby certify that the following is a true and correct copy of Ordinance No. **5176** as the same was adopted by the City Council of the City of Johnstown, Pennsylvania.



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Carlos Gunby, City Manager



## CITY OF JOHNSTOWN

Ordinance No. 5177

Bill 17 of 2015

Bill 25, of 2014

Submitted by Petitioner's Committees on Sept 2, 2014

Bill #25 Defeated by  
NO Action of Council.

PURSUANT TO THE City of Johnstown's Home Rule Charter;

### ARTICLE XII. INITIATIVE AND REFERENDUM

§ 11.12-1203. Initiative Proceedings. Any five (5) qualified voters may start initiative proceedings by filing with the City Clerk an affidavit stating they shall constitute the Petitioners' Committee and shall be responsible for circulating the petition and filing it in the proper form. The affidavit shall set forth the names and addresses of the members of the initiative petition and specify the address to which all notices to the committee are to be sent. The affidavit shall set forth the full text of the proposed initiative ordinance or ordinance sought to be repealed. Within five (5) days after the affidavit of the Petitioners' Committee is filed, the City Clerk shall issue the initiative petition blanks to the Petitioners' Committee.

AN ORDINANCE AMENDING ORDINANCE NO. 4654, passed finally on October 27, 1993, and becoming effective January 1, 1994 titled: ESTABLISHING AN ADMINISTRATIVE CODE FOR THE CITY OF JOHNSTOWN, PENNSYLVANIA, DESIGNATING THE POWERS AND DUTIES OF THE COUNCIL, THE CITY MANAGER AND OTHER MUNICIPAL OFFICIALS AND SUPPLEMENTING THE PROVISIONS AS SET FORTH IN THE HOME RULE CHARTER APPROVED BY THE VOTERS ON MAY 18, 1993, AS AMENDED BY ORDINANCES, BY FURTHER AMENDING ARTICLE II - ELECTED OFFICIALS-COUNCIL ORGANIZATION AND PROCEDURES

NOW, THEREFORE, The City of Johnstown, Pennsylvania, hereby ordains:

#### DELETE:

SECTION 204. Council Meeting Agenda The proposed agenda for any stated Council meeting shall be prepared by the City Manager in consultation with the Mayor.

(c) The proposed agenda for any stated meeting shall be forwarded to all members of Council and be available to the public ~~at least 48 hours~~ prior to stated meeting. The agenda may be amended by Council at any stated meeting.

#### ADD:

SECTION 204. Council Meeting Agenda The proposed agenda for any stated Council meeting shall be prepared by the City Manager in consultation with the Mayor.

(c) The proposed agenda for any stated meeting shall be forwarded to all members of Council, and be available to the public on the City of Johnstown's internet web site at least (3) business days prior to stated meeting. The agenda may be amended by Council at any stated meeting by a recorded roll-call vote of the Council.

#### DELETE:

SECTION 209. Public Participation. (a) Citizens desiring to address the Council ~~at its stated meetings may do so by providing written notice to the City Manager and City Clerk on the subject matter to be discussed at least four (4) City business days, where possible, prior to a Council meeting.~~

~~(b) A citizen shall be provided the opportunity to address the Council on any agenda item without written notice. The presiding officer shall limit the time each person shall speak, giving equal time to all. Such discussion shall occur during Courtesy of the Floor.~~

**ADD:**

**SECTION 209. Public Participation. (a) Citizens wishing to address the Council at its regular or special meetings may do so by giving notice verbally or in writing by providing their name, address and the subject matter to be discussed to the Office of the City Manager before 4:30 pm on the day of the meeting by calling 814-533-2001 or by entering their information on the City Council form located on the podium in Council Chambers between 4:30 pm and the calling of the Meeting to Order by the presiding officer on the evening of the meeting.**

**(a) (i) Citizens speaking on agenda issues may speak for up to ten (10) minutes at the beginning of the meeting.**

**(a) (ii) Those speaking on general matters may speak for up to five (5) minutes after the Council action on the legislative matter is complete.**

**DELETE:**

**SECTION 212. Ordinances.**

~~(g) Availability of Ordinances and Copies Thereof. The ordinance book shall be open and available for public inspection during office hours and copies of ordinances shall be obtainable upon payment of a reasonable reproduction charge.~~

**ADD:**

**SECTION 212. Ordinances.**

**(g) Availability of Ordinances and Copies Thereof. The ordinance book shall be open and available for public inspection during office hours and copies of ordinances shall be obtainable upon payment of a reproduction charge of \$.25 per page.**

**(g)(i) All adopted City of Johnstown Ordinances SHALL be posted to the City of Johnstown internet web site no later than (3) three business following Council's action in the adoption.**

**ADD:**

**SECTION 212.A RESOLUTIONS**

**(5) All passed/adopted City of Johnstown Resolutions SHALL be posted to the City of Johnstown internet web site no later than (3) three business following Council's action in the passage/adoption.**

COMMISSIONERS  
DOUG LENGENFELDER  
PRESIDENT  
MARK WISSINGER  
TOM CHERNISKY



SHIRLEY R. CROWL  
DIRECTOR OF ELECTIONS

## Cambria County Board of Elections

200 South Center Street  
Ebensburg, PA 15931  
(814) 472-1464

We hereby certify that the following is a true and correct statement of the votes cast at the Municipal Primary Election, held on May 19, 2015

### REFERENDUM FOR THE CITY OF JOHNSTOWN

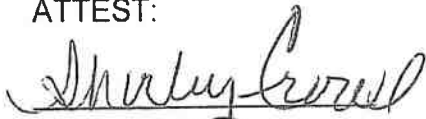
Shall Johnstown Ordinance 4654 be amended to require Council meeting agendas be posted on the internet 3 days in advance, all adopted ordinances and resolutions be posted on the internet within 3 days, copies of ordinances be provided for \$0.25 per page; and that citizens may address Council meetings for 10 minutes on agenda issues or 5 minutes on general matters by signing in prior to meetings or by giving advance verbal or written notice:

**YES**  
1,915

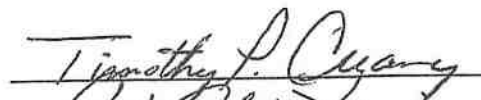

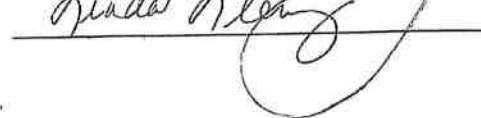
**NO**  
400

IN TESTIMONY WHEREOF, we have hereunto set our hands and seal of office, this 1<sup>st</sup> Day of June, 2015

ATTEST:

  
Shirley Crowl  
Director of Elections

COUNTY BOARD OF ELECTIONS





**CITY OF JOHNSTOWN,  
CAMBRIA COUNTY, PENNSYLVANIA  
ORDINANCE NO. 5178**

**Bill No. 12 of 2015**

**Introduced in Council  
July 8, 2015**

**AN ORDINANCE SPECIFICALLY AMENDING ORDINANCE NO. 5166, PASSED FINALLY JANUARY 28, 2015 AS THE "LATERAL RESALE ORDINANCE," TO REVISE AND FURTHER ESTABLISH VALIDITY PERIODS FOR ALL CERTIFICATES OF COMPLIANCE ISSUED PURSUANT TO ORDINANCE 5166.**

**WHEREAS**, the City of Johnstown (the "Municipality") has entered into a Consent Order and Agreement with the Commonwealth of Pennsylvania, Department of Environmental Protection to identify the source of and reduce sanitary sewer overflows resulting from a flow in excess of the carrying capacity of sanitary sewage lines; and

**WHEREAS**, the Municipality has ultimately mandated satisfactory completion of lateral testing, the remediation of all significant defects discovered in private side laterals, and the receipt of a Certificate of Compliance as those terms are defined within Ordinance No. 5166, upon the sale, transfer, or assignment of any interest in real property within the Municipality; and

**WHEREAS**, Ordinance No. 5166 currently provides that any Certificate of Compliance issued thereunder shall be valid for a period of one (1) year from the date of issuance; and

**WHEREAS**, the Municipality desires to maintain consistency for the validity period of all Certificates of Compliance issued under Ordinance No. 5166 and under Ordinance No. 5152, regarding lateral testing for illegal storm/surface water generally; and

**WHEREAS**, the Municipality believes the amendment of the validity period of any Certificate of Compliance issued pursuant to Ordinance No. 5166 will benefit the health and welfare of its residents by ensuring that service stormwater inflow to the sanitary sewer system is appropriately monitored on an ongoing, uniform and reasonable basis; and

**WHEREAS**, all the foregoing is desired in the interest of promoting the health and welfare of the Municipality's residents;

**NOW, THEREFORE**, be it enacted and ordained by City Council of the City of Johnstown as follows:

**Section 1.** Ordinance No. 5166 Section 12 is hereby amended by the following changes:

**Section 12. Expiration of Certificate of Compliance.** A Certificate of Compliance issued under this Ordinance, any previous Ordinance requiring lateral testing and receipt of a Certificate of Compliance, and/or otherwise issued where requested upon satisfactory completion of lateral pressure testing and removal of any/all illegal stormwater connections, shall remain valid from the date of issuance until December 31, 2023. Any such Certificates of Compliance issued after December 31, 2022 shall remain valid for five (5) years where applicable to a residential property, and for ten (10) years where applicable to a commercial property. A Certificate of Compliance issued in follow-up to televised testing will not satisfy the requirements of this Ordinance.

**Section 2.** All other portions of Ordinance No. 5166 remain in effect.

**Section 3.** Any Ordinance or parts of Ordinances in conflict herewith be and the same are hereby repealed.

**Section 4.** This Ordinance shall become effective five (5) days after adoption.

**ORDAINED and ENACTED** this 12th day of August, 2015, by the Governing Body of the City of Johnstown in lawful session duly assembled.

PASSED FINALLY IN COUNCIL:

August 12, 2015

By the following vote:

Yeas: Mr. Vizza, Mr. Gentile, Mayor Janakovic, Mr. Johncola, Mr. Mickel,  
Mrs. Mock, Mr. Vitovich. (7)

Nays: None (0)

  
\_\_\_\_\_  
Frank J. Janakovic, Mayor  
Peter Vizza, Deputy Mayor

ATTEST:

I do hereby certify that the foregoing is a true and correct copy of Ordinance No. **5178** as the same adopted by the City Council of the City of Johnstown, Pennsylvania.

  
\_\_\_\_\_  
Carlos Gunby, City Manager

**CITY OF JOHNSTOWN,  
CAMBRIA COUNTY, PENNSYLVANIA  
ORDINANCE NO. 5179**

**Bill No. 13 of 2015**

**Introduced in Council  
July 8, 2015**

**AN ORDINANCE AMENDING CHAPTER 1042 OF THE CODIFIED ORDINANCES OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, TITLED "SEWERS GENERALLY" AND SPECIFICALLY SECTION 1042.07 TITLED TESTING FOR ILLEGAL STORM OR SURFACE WATER BY AMENDING ORDINANCE NO. 5152, PASSED FINALLY AUGUST 13, 2014 TO ESTABLISH VALIDITY PERIOD FOR CERTIFICATES OF COMPLIANCE ISSUED AFTER DECEMBER 31, 2022, REMOVE REFERENCES TO TESTING REQUIREMENTS NOW ADDRESSED BY SEPARATE ORDINANCE NO. 5166, AND TO CLARIFY EFFECTIVE DATES OF TESTING REQUIREMENTS.**

**WHEREAS**, the City of Johnstown (the "Municipality") has entered into a Consent Order and Agreement with the Commonwealth of Pennsylvania, Department of Environmental Protection to identify the source of and reduce sanitary sewer overflows resulting from a flow in excess of the carrying capacity of sanitary sewage lines; and

**WHEREAS**, the Municipality has ultimately mandated satisfactory completion of lateral testing, the remediation of all significant defects discovered in private side laterals, and the receipt of a Certificate of Compliance as those terms are defined within Ordinance No. 5152, by December 31, 2022 in the event of certain conditions further outlined within Ordinance No. 5152 as codified in Section 1042.07 of Chapter 1042 of the Codified Ordinances of the City of Johnstown; and

**WHEREAS**, the Municipality believes the amendment of the validity period of any Certificate of Compliance issued pursuant to Ordinance No. 5152 will benefit the health and welfare of its residents by ensuring that service storm water inflow to the sanitary sewer system is appropriately monitored following the anticipated completion of the project; and

**WHEREAS**, following passage of Ordinance No. 5152, the Municipality adopted Ordinance No. 5166, the "Lateral Resale Ordinance;" which supersedes any/all references within this Ordinance to testing requirements imposed upon the sale/transfer of property; and

**WHEREAS**, the Municipality believes amendment of certain provisions will be useful to clarify that testing requirements are automatically triggered in the event the Municipality's engineer has confirmed, upon completion of any/all phases of the sewer construction and flow monitoring, that the properties within any phase of construction of

the new sanitary sewer lines have failed to reduce that phase of sanitary flows to a level that did not exceed the DEP-specified design criteria; and

**WHEREAS**, all the foregoing is desired in the interest of promoting the health and welfare of the Municipality's residents;

**NOW, THEREFORE**, be it enacted and ordained by City Council of the City of Johnstown as follows:

**Section 1.** That Chapter 1042.07(d)(2)(D; (d)(3)(C)(2); (f); (g); (h); (j); and (l), consisting of Ordinance No. 5152 Sections 4(b)(iv); 4(c)(iii); 6; 7; 8; and 12 is hereby amended by the following changes:

1042.07(d)(2)(D) (*Section 4(b)(iv)*) The testing requirement set forth in Section 4(b)(iii) will become immediately effective upon the certification of the City Engineer as described in 4(b)(iii), as of the date of the City Engineer's certification as described therein.

1042.07(d)(3)(C)(2) (*Section 4(c)(iv)*) The testing requirement set forth in Section 4(b)(iii) will become immediately effective upon the certification of the City Engineer as described in 4(c)(iii), as of the date of the City Engineer's certification as described therein.

1042.07(f) (*Section 6*) **Qualifying Events for Property Owners to Test and Remediate.**

All owners of property shall be responsible to satisfactorily complete televised and /or pressure testing at the times outlined herein, and in cases that do not involve the sale or transfer or assignment of interest in property shall be responsible to complete televised and/or pressure testing only under the conditions of Section 4 above. These Qualifying Events for lateral testing and remediation in such cases shall therefore occur as described below:

i. If/when a Phase is certified by the City Engineer as having failed to sufficiently reduce sanitary sewer flows to levels which do not exceed the DEP-specified design criteria, owners of property within any such Phase who have not previously completed lateral testing and obtained a certificate of compliance for that property shall immediately become responsible to satisfactorily complete lateral testing and to obtain a Certificate of Compliance:

A. Within one year from the date of certification of results of the First Flow Monitoring Period, as outlined within Section 4(b) above; and/or

B. Within one year from the date of certification of results of the Second Flow Monitoring Period, where applicable, as outlined in Section 4(c) above; and/or

C. Upon any sale, transfer or pledge of property as required under separate Ordinance No. 5166 and detailed therein.

**1042.07(g)** (Section 7.) Deleted.

1042.07(h) (Section 8.) **Application for Certificate of Compliance.**

(1) When any real property located within the Municipality has become subject to lateral testing requirements as set forth in Section 4 above, or under any other City Ordinance to be adopted, the property owner or its agent shall submit to the Ordinance Compliance Officer an Application for Certificate of Compliance, completed as required by Section 8(b) below. The Certificate of Compliance form shall be available upon request from the Ordinance Compliance Officer. The fee for filing the completed Application for Certificate of Compliance shall be established by the Governing Body from time to time by resolution.

(2) When any real property located within the Municipality has become subject to lateral testing requirements as set forth in Section 4 above, or under any other City Ordinance to be adopted, the property owner shall either perform the lateral test or have a lateral test of the property performed by a qualified contractor. Upon completion of the lateral test, the person who performed the test shall complete the appropriate section of the Application for Certificate of Compliance, confirming that the property has been lateral tested, identifying the type of testing performed, and certifying the results of the test.

**1042.07(j)** (Section 10.) **Temporary Certificate of Compliance.**

(1) When a surface storm water connection to the sanitary sewer system or other significant defect is discovered and the necessary work to remove the connection would require a length of time such as to create a hardship for the applicant, the applicant may apply to the Ordinance Compliance Officer for a Temporary Certificate of Compliance. The applicant must submit the following with the properly completed Application:

A. A bona fide executed contract with a qualified contractor requiring the contractor to complete the remedial work necessary to the removal of the connections of surface storm water to the sanitary sewer system and/or to resolve the defect requiring remediation/repair, and granting the Municipality the right and power to enforce the contract.

B. Cash security in an amount equal to one hundred ten (110%) percent of the contract described in Subsection (a)(i) above.

C. The agreement of the property owner to be responsible for all cost overruns related to the remedial work, together with a license from the property owner to the Municipality, its agents, contractors, and employees, to enter upon the property to complete the remedial work in case of default by the contractor or the applicant.

D. The filing fee established by the governing body from time to time by resolution.

**(2)** When lateral testing cannot be performed because of weather conditions, the applicant may apply to the Ordinance Compliance Officer for a Temporary Certificate of Compliance. The applicant must submit the following with the properly completed Application:

- A. Cash security in the amount of One Thousand (\$1,000.00) Dollars.
- B. The written, signed agreement of the property owner to correct, at the owner's sole expense, any surface storm water connections to the sanitary sewer system and/or other significant defects disclosed by the subsequent lateral test, together with a license from the property owner to the Municipality, its agents, contractors, and employees, to enter upon the property to conduct the lateral testing should the applicant fail to do so.
- C. The filing fee established by the Governing Body from time to time by resolution.

**(3)** The Ordinance Compliance Officer may reject the Application for Temporary Certificate of Compliance whenever, in his or her sole judgment, the conditions defined by this Section 6 do not exist or the submissions required by this Section 6 have not been made.

**(4)** The Temporary Certificate of Compliance shall be effective for sixty (60) days, and the expiration date of the Temporary Certificate of Compliance shall be noted on the Certificate. If, upon the expiration of the Temporary Certificate of Compliance, the seller or applicant has not applied for and received a Certificate of Compliance, as provided for in Sections 4 and 5 of this Ordinance, the cash security shall be forfeited, and the Municipality may use the funds to complete the remedial work for the lateral testing.

(5) The Application for Temporary Certificate of Compliance form shall be available upon request from the Municipal Secretary.

**1042.07(l). Expiration of Certificate of Compliance.** Certificates of Compliance issued under this Ordinance to include any Certificate of Compliance issued under any previous Ordinance requiring lateral testing and receipt of a Certificate of Compliance, and/or otherwise issued where requested upon satisfactory completion of lateral testing and removal of any/all illegal storm water connections, shall remain valid as follows:

1. All Certificates of Compliance issued prior to December 31, 2022, and in follow-up to pressure testing, shall remain valid from the date of issuance until December 31, 2033.

2. All Certificates of Compliance issued prior to December 31, 2022 and in follow-up to televised testing shall be valid until December 31, 2023 unless/until pressure testing requirements have been triggered for the subject property as described herein, or as required under Ordinance No. 5166 addressing testing requirements upon sale/transfer of property.

3. If/when pressure testing requirements are triggered for the subject property under Section 1042.07(d)(3) above, a Certificate of Compliance issued prior to December 31, 2022 and in follow-up to televised testing shall become invalid as of the date when pressure testing requirements are triggered for the subject property, as described herein. Certificates of Compliance issued in follow-up to televised testing shall always be invalid, and insufficient, to validate compliance upon the sale/transfer of property as required under Ordinance No. 5166.

4. All Certificates of Compliance issued after December 31, 2022 shall remain valid for five (5) years when issued for a residential property and for ten (10) years when issued for a commercial property.

**Section 2.** All other portions of Chapter 1042, Section 1042.07, and specifically Ordinance No. 5152 remain in effect.

**Section 3.** Any Ordinance or parts of Ordinances in conflict herewith be and the same are hereby repealed.

**Section 4.** This Ordinance shall become effective five (5) days after adoption.

**ORDAINED and ENACTED** this 12th day of August, 2015, by the Governing Body of the City of Johnstown in lawful session duly assembled.

Ordinance No. 5179

PASSED FINALLY IN COUNCIL:  
By the following vote:

August 12, 2015

Yeas: Mr. Gentile, Mayor Janakovic, Mr. Johncola, Mr. Mickel, Mrs. Mock, Mr. Vitovich, Mr. Vizza. (7)

Nays: None (0)



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Frank Janakovic, Mayor  
Pete Vizza, Deputy Mayor

ATTEST:

I do hereby certify that the foregoing is a true and correct copy of Ordinance No. **5179** as the same adopted by the City Council of the City of Johnstown, Pennsylvania.



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Carlos Gunby, City Manager



CITY OF JOHNSTOWN, PENNSYLVANIA

ORDINANCE NO. 5180

Bill No. 15 of 2015

Introduced in Council  
August 12, 2015

By: City Manager

AN ORDINANCE

FURTHER AMENDING ORDINANCE NO. 3411, PASSED FINALLY IN COUNCIL, JUNE 7, 1960, ENTITLED, "AN ORDINANCE ESTABLISHING THE LOOP SYSTEM AND DESIGNATING CERTAIN STREETS AS ONE-WAY STREETS, AS AMENDED BY ORDINANCE NO. 3469, PASSED FINALLY APRIL 18, 1961 AND BY ORDINANCE NO. 3518, PASSED FINALLY APRIL 3, 1962, BY DELETING FROM THE ORDINANCE WOOD STREET.

BE IT ENACTED AND ORDAINED, by the City Council of the City of Johnstown, Pennsylvania, and it is hereby enacted and ordained by the authority of the same:

SECTION 1. That section 1 of Ordinance no. 3411, passed finally in Council June 7, 1960, entitled, "An Ordinance Establishing the Loop System and Designating Certain Streets as One-Way street, and Providing Penalty for violation", as amended by Ordinance No. 3469, passed finally April 18, 1961 and by Ordinance No. 3518, passed finally April 3, 1962, be and the same is hereby further amended by deleting from the ordinance the following:

WOOD STREET – One way South from Bedford Street to McMillen Street.  
Parking to be restricted on the East side from Bedford Street to Messenger Street  
and on the West side from Messenger Street to McMillen Street.

The purpose of this deletion is to make Wood Street, between Messenger Street  
and Golde Street, open for traffic in both directions.

SECTION 2, All the other provisions of the said Ordinance No. 3411, Ordinance No. 3469 and Ordinance No. 3518 are incorporated in this ordinance by reference and enacted as though all the sections thereof had been fully set forth herein.

SECTION 3. This ordinance shall take effect immediately upon its final passage.

SECTION 4. This ordinance shall be known as amendment to "Loop Traffic System Ordinance."

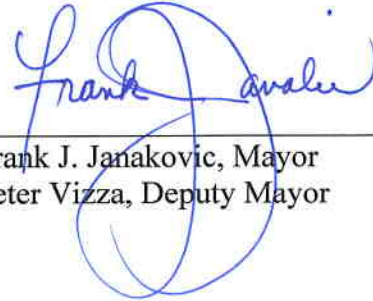
PASSED FINALLY IN COUNCIL:

September 9, 2015

By the following vote:

Yeas: Mr. Mickel, Mrs. Mock, Mr. Vitovich, Mr. Vizza, Mr. Gentile, Mayor Janakovic,  
Mr. Johncola. (7)

Nays: None (0)



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Frank J. Janakovic, Mayor  
Peter Vizza, Deputy Mayor

ATTEST:

I do hereby certify that the foregoing is a true and correct copy of Ordinance No. **5180** as the same passed by City Council of the City of Johnstown, Pennsylvania.



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Carlos Gunby, City Manager

City of Johnstown  
Cambria, County, Pennsylvania

ORDINANCE NO. 5181 of 2015

Bill No. 16 of 2015

Introduced in Council  
August 12, 2015

AN ORDINANCE INCREASING THE INDEBTEDNESS OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, BY THE ISSUE OF A GUARANTEED REVENUE NOTE IN THE MAXIMUM PRINCIPAL AMOUNT OF \$1,860,500.00 FOR PURPOSES OF RENOVATING EXISTING SANITARY AND STORM SEWERS.

THE PROJECT IS LOCATED WITHIN THE WOODVALE/OAKHURST SANITARY STORM SEWER SEPARATION PHASE AREAS OF THE CITY OF JOHNSTOWN. THE EXISTING SANITARY SEWER SYSTEM IS MORE THAN 80 YEARS OLD CONSISTING OF VITRIFIED CLAY PIPE COLLECTION LINES THAT ARE ALLOWING GROUNDWATER (INFILTRATION) TO ENTER THE SYSTEM THROUGH NON-GASKETED PIPE JOINTS AND PIPE FAILURES. ADDITIONALLY, SURFACE WATER (INFLOW) ENTERS THE SANITARY SEWER SYSTEM BY WAY OF CONNECTIONS BETWEEN THE SANITARY AND STORM SEWERS THAT WERE MADE TO ALLEVIATE STORM SEWER BACK-UPS. THE GOAL OF THIS PROJECT IS REHABILITATION OF THE WOODVALE/OAKHURST SANITARY STORM SEWER PHASE TO REMOVE INFILTRATION & INFLOW TO THE SANITARY SEWER SYSTEM BY REHABILITATING THE COLLECTION LINES AND ELIMINATING INTERCONNECTIONS BETWEEN THE SANITARY AND STORM SEWER SYSTEMS.

FIXING THE FORM, DATES, INTEREST, AND MATURITY THEREOF; MAKING A COVENANT FOR THE PAYMENT OF THE DEBT SERVICE ON THE NOTE; PROVIDING FOR THE FILING OF THE REQUIRED DOCUMENTATION WITH THE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT TO INCUR AND EXCLUDE ADDITIONAL DEBT OF THE GOVERNMENTAL UNIT; PROVIDING FOR THE APPOINTMENT OF A SINKING FUND DEPOSITORY FOR THE NOTE; PROVIDING FOR THE AUTHORIZED SIGNATORIES AND AUTHORIZING EXECUTION, SALE AND DELIVERY THEREOF.

WHEREAS, it is necessary that the indebtedness of the City of Johnstown, Cambria County, Pennsylvania ("Local Government Unit") be increased for the following purpose; The project is located within the Woodvale/Oakhurst Sanitary Storm Sewer Phase areas of The City of Johnstown. The existing sanitary sewer system is more than 80 years old consisting of vitrified clay pipe collection lines that are allowing groundwater (infiltration) to enter the system through non-gasketed pipe joints and pipe failures. Additionally, surface water (inflow) enters the sanitary sewer system by way of connections between the sanitary and storm sewers that were made to alleviate storm sewer back-ups. The goal of this project is rehabilitation of the Woodvale/Oakhurst Sanitary Storm Sewer Phase lines to remove infiltration & inflow to the sanitary sewer system by rehabilitating the collection lines and eliminating interconnections between the sanitary and storm sewer systems;

WHEREAS, the Local Government Unit has received preliminary realistic cost estimates from professional consultants indicating the sum of \$1,860,500.00 will be needed to complete the project;

WHEREAS, the Pennsylvania Infrastructure Investment Authority ("PENNVEST") has approved funding for the Project, subject to the approval of debt proceedings.

WHEREAS, the Local Government Unit shall file debt proceedings with the Department of Community and Economic Development to qualify the indebtedness hereafter authorized as self-liquidating debt; and

WHEREAS, provided the debt related to the project qualifies as self-liquidating, as aforesaid, the proposed increase of debt, together with the Local Governmental Unit's non-electoral indebtedness and its lease rental indebtedness presently outstanding, will not cause the limitations of the Local Governmental Unit's debt incurring power, pursuant to constitutional and statutory authority, to be exceeded.

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the City of Johnstown City Council, Cambria County, Pennsylvania, and it is hereby ordained and enacted by the authority of same as follows:

SECTION 1. It is necessary that the indebtedness of the City of Johnstown, Cambria County, Pennsylvania, be increased for the purpose of constructing the Project;

SECTION 2. The period of useful life of the improvements for which this obligation is to be issued is set forth in **EXHIBIT A**.

SECTION 3. Said indebtedness shall be incurred as non-electoral debt and shall be evidenced by one guaranteed revenue note, in fully registered form, in a sum not to exceed \$1,860,500.00 (the "PENNVEST Guaranteed Revenue Note") bearing interest at a rate of 1.000% per annum for the years 1-5 during the interest only period and the first five years of principal amortization and 1.000% for the remainder of the five or more year term for a total of twenty years. The form of the PENNVEST Guaranteed Revenue Note is set forth in **EXHIBIT A**.

SECTION 4. The PENNVEST Guaranteed Revenue Note is being issued as provided in the Act of the General Assembly of the Commonwealth of Pennsylvania approved the 28th day of April, 1978, being Act 52 of 1978 Session and known as the Local Government Unit Debt Act

(the "Act"). The Authority shall begin principal amortization of the PENNVEST Note on the earlier of: (i) three (3) months after the estimated date of completion of the Project, (ii) the first day of the calendar month following actual completion of the Project, or (iii) three (3) years from the date of settlement. Notwithstanding the foregoing, principal amortization on the PENNVEST Note shall not be deferred beyond the later of two (2) years from the date of settlement or one (1) year after completion of the Project in accordance with Section 8142(c) of the Act. As of the date of this Ordinance, the projected estimated date of completion of the Project is five or more years.

The Local Government Unit reserves the right to anticipate any or all installments of principal or any payment of interest at any time prior to the respective payments dates thereof, without notice or penalty.

The principal and interest of the PENNVEST Guaranteed Revenue Note shall be payable at the office of the sinking fund depository selected for the Note as hereinafter provided.

SECTION 5. The PENNVEST Guaranteed Revenue Note is hereby declared to be a general obligation of the Local Government Unit. The Local Government Unit hereby covenants that it shall include the amount of debt service on the PENNVEST Guaranteed Revenue Note for each fiscal year in which such sums are payable in its budget for that year; shall appropriate such amounts to the payment of such debt service; and shall duly and punctually pay or cause to be paid the principal of the PENNVEST Guaranteed Revenue Note and the interest thereon at the dates and places and in the manner stated in the PENNVEST Guaranteed Revenue Note according to the true intent and meaning thereof, and for such proper budgeting, appropriation, and payment, the full faith, credit and taxing power of the Local Government Unit is hereby irrevocably pledged.

In addition, the Local Government Unit grants to PENNVEST a lien and security interest in all other gross revenues or receipts of the Local Government Unit generated or produced from the Local Government Unit's sewer revenue system (the "System") as it now exists and upon completion of the Project, including but not limited to, a security interest in all existing and future accounts, contract rights and general intangibles arising out its operation of the System. The grant of a lien and security interest created hereby shall be evidenced in the Loan Documents entered into between the Local Government Unit and PENNVEST, as the registered owner of the PENNVEST Guaranteed Revenue Note.

Further, the Local Government Unit hereby covenants to pay in each of the following fiscal years in respect to the PENNVEST Guaranteed Revenue Note, including the principal maturity and interest are set forth and referenced herein.

SECTION 6. The PENNVEST Guaranteed Revenue Note shall be executed in the name and under the corporate seal of the Local Government Unit by the City of Johnstown City Council and attested to by the Secretary. The City of Johnstown City Council hereby authorizes and directs the Treasurer to deliver the PENNVEST Guaranteed Revenue Note to PENNVEST, and receive payment therefor on behalf of the Local Government Unit. The Solicitor and the Secretary of the Local Government Unit are authorized and directed to prepare, verify and file the debt statement required by Section 8110 of the Act and to take other necessary action, including filing any statements required to qualify any portion of the debt from the appropriate debt limit as self-liquidating or subsidized debt.

SECTION 7. In compliance with Section 8161 of the Act, the members of the governing body have determined that a private sale by negotiation rather than public sale is in the best financial interest of the Local Government Unit. Therefore, the PENNVEST Guaranteed Revenue Note in the amount not to exceed \$1,860,500.00, herein authorized to be issued and sold is hereby awarded and sold to PENNVEST (Lender) in accordance with its proposal to purchase the PENNVEST Guaranteed Revenue Note at par; provided it is dated the delivery thereof to the (Lender) and is in the form set forth in this Ordinance as well as **EXHIBIT A**; and further provided that the proceedings have been approved by the Department of Community and Economic Development if such approval is required under the provisions of the Act; and subject to such further terms and conditions set forth in the PENNVEST Funding Offer.

SECTION 8. The action of the proper officers and the advertising of a summary of this Ordinance as required by law in the Johnstown Tribune Democrat, a newspaper of general circulation, is ratified and confirmed. The advertisement in said paper of the enactment of the ordinance is hereby directed within fifteen (15) days following the day of final enactment.

SECTION 9. All ordinances or parts of ordinances not in accord with this Ordinance are hereby repealed insofar as they conflict herewith.

## EXHIBIT #A

### PENNVEST GUARANTEED REVENUE NOTE

#### Sewer Upgrade Fund

The sewer upgrade fund is utilized to account for sewer rental fee surcharges collected by the City which are restricted for future sewer system improvements. The projects are approved by the City Council at public meetings.

The other governmental funds of the City account for grants and other resources whose use is restricted for a particular purpose; the accumulation of resources for, and payment of debt; and the acquisition or construction of major capital facilities.

#### Fund Balance

On January 1, 2010, the City early implemented GASB Statement No. 54, "Fund Balance Reporting and Governmental Fund Type Definitions." This statement required the governmental funds' fund balances to be reclassified into the following five new categories:

*Nonspendable fund balance* — fund balance permanently restricted and unavailable for current operations.

*Restricted fund balance* — fund balance temporarily restricted for specified purposes stipulated by constitution, external resource providers, or through enabling legislation.

*Committed fund balance* — fund balance temporarily restricted for specified purposes established by a formal action by Council. Formal action by Council is also necessary to modify or rescind a fund balance commitment.

*Assigned fund balance* — fund balance intended for a specific purpose that does not meet the criteria to be classified as restricted or committed. The Council has authorized the Finance Director as the official authorized to assign fund balance to a specific purpose.

*Unassigned fund balance* — fund balance available for operations without any restriction.

The Council will spend the most restricted dollars before less restricted in the order as defined above. The City of Johnstown reports the following restricted fund balances:  
The Sewer Upgrade Fund maintains a restricted fund balance of \$4,300,00 derived from the sanitary sewer upgrade surcharge held for the purpose of future upgrades to the sewer collection system.

#### Project Collateral:

The note of the City of Johnstown secured by a lien on its sewer revenues.

The note of the City of Johnstown shall also be secured by a pledge of its taxing authority.

Future audited annual reports of the City of Johnstown shall reflect the revenues and expenses related to its sewer conveyance system in separate enterprise fund.

Receipt of the annual audited financial statements of the City of Johnstown for the term of the PENNVEST loan.

First Summit Bank was designated as the Sinking Fund Depository for the general obligation note and created and established a Sinking Fund, to be known as "Sinking Fund Sewer Rental Account" for the payment of the principal and interest thereon which shall be deposited into the

Sinking Fund no later than the date upon which the same becomes due and payable. The Financial Director shall deposit into the Sinking Fund, which shall be maintained until such obligation is paid in full, sufficient amounts for payment of principal and interest on the obligation no later than the date upon which such payments shall become due. The Sinking Fund Depository shall, as and when said payments are due, without further action by the local government unit, withdraw available monies in the Sinking Fund and apply said monies to payment of principal and interest on the obligation. The City of Johnstown City Council is hereby authorized to contract with Bank for its services as Sinking Fund Depository for the Note and for the purpose of funding pension related expenses.

**Useful Life of Project:**

The term of the loan shall be for a twenty (20) year term, bearing interest at a rate of 1.000% per annum for the years 1-5 during the interest only period and the first five years of principal amortization and 1.000% for the remainder of the five or more year term being completely repaid by the year 2037. In accordance with these set dates the useful life of the sewer project will be 20 years or two thousand and thirty-seven (2037). The maturity of the debt will match the useful life of the project.



ORDAINED AND ENACTED THIS 12<sup>th</sup> day of August, 2015.

ATTEST: City of Johnstown City Council

William G. ...

August ...

Lucas ...

Mr. ...

Paul ...

Frank ...  
Maya ...  
...  
...  
...

Secretary Nancy J. Cushing

Approved this 12<sup>th</sup> day of Aug., 2015.

Mayor of City of Johnstown: Frank ...

CITY OF JOHNSTOWN,  
CAMBRIA COUNTY, PENNSYLVANIA  
ORDINANCE NO. 5182

Bill No. 19 of 2015

Introduced in Council  
August 12, 2015

AN ORDINANCE AMENDING ORDINANCE NO. 4153, PASSED SEPTEMBER 26, 1979, ORDINANCE NO. 4701, FINALLY PASSED ON OCTOBER 12, 2005, ORDINANCE 5002, PASSED APRIL 25, 2007 AS THE "CHAPTER 1442 INSPECTIONS, PERMITS, FEES AND CERTIFICATES ORDINANCE" TO REVISE REQUIREMENTS FOR INSPECTORS, INSPECTIONS, FEES, AND PROPERTY REGISTRATION.

WHEREAS, the City of Johnstown has revised the Chapter 1442 Inspections, Permits, Fees and Certificates to include updates to the required Inspectors, eliminated the Health Card requirement, updated the fees associated with the building permit process, and eliminated the need for property registration; and

WHEREAS, the City of Johnstown believes the amendments will eliminate barriers for economic and residential development growth within the City; and

WHEREAS, all of the foregoing is desired in the interest to better promote development and enhancement on properties located within the City of Johnstown;

NOW, THEREFORE, be it enacted and ordained by City Council of the City of Johnstown as follows:

**1442.01 will now be titled Building Code Official and will replace all mention of "Building and Plumbing Inspectors" with "Building Code Official." All other portions of 1442.01 will remain in effect.**

**1442.02 will now be titled Code Enforcement Officer and will replaced "Housing Inspector" with "Code Enforcement Officer", and "Inspector" with "Code Enforcement Officer." All other portions of 1442.02 will remain in effect.**

**1442.03 will be eliminated in its entirety.**

**1442.04 Fees will replace the "Codes Administrator" with "Building Code Official" and shall be replaced with the following:**

**(a) International Building Code Permit Fees – Residential**

There will be a \$24.00 flat rate fee for any issuance or reissuance of a Compliance or Building Permit.

(b) International Building Code Permit Fees – Commercial

<u>Cost of Job</u>	<u>Fee</u>
\$1.00 - \$1,000	\$54.00
\$1,001 - \$5,000	\$79.00
\$5,001 - \$10,000	\$114.00
\$10,001 – \$25,000	\$169.00
\$25,001 - \$50,000	\$254.00
\$50,001 - \$100,000	\$379.00
\$100,001 - \$250,000	\$579.00
\$250,001 - \$500,000	\$864.00
\$500,001 - \$1,000,000	\$1,204.00
\$1,000,001 - \$2,000,000	\$1,804.00
\$2,000,001 - \$3,000,000	\$2,704.00
\$3,000,001 – Over	\$4,004.00

There will be a \$24.00 flat rate fee for any reissuance of a building permit.

The fees listed above include the required four dollar (\$4.00) surcharge fee to the State of Pennsylvania per Act 13 of the Uniform Construction Code.

The fees above include two compliance inspections to be completed by the Building Code Official. Any additional inspections will be a separate cost of \$20.00 per inspection. The UCC inspections are a separate cost and separate inspection outside of the compliance inspection.

In addition, for building projects which require a building permit in accordance with Section 1202 of these Codified Ordinances, that were started without a building permit, the cost shall be double that shown in the above schedule. Three violations in starting without a building permit will result in the immediate one year suspension of the Contractor to receive a Contractor's License or building permit through the City of Johnstown.

(c) Demolition. The fee for demolition of a building or structure shall be \$75.00 for the sewer cap, plus any additional permit and inspection fees required along with the required four dollar (\$4.00) surcharge fee to the State of Pennsylvania per Act 13 of the Uniform Construction Code.

In addition, for demolition projects which require a demolition permit in accordance with Section 1460.01 of these Codified Ordinances, that were started without a demolition permit, the cost shall be doubled that shown in the above schedule. Three violations in starting without a building permit will result in the immediate one year suspension of the Contractor to receive a Contractor's License or building permit through the City of Johnstown.

(d) Moving of Building. The fee for moving of buildings is sixty-five dollars (\$65.00), plus the actual cost of any City services required.

(e) Plumbing. Fixture fees are set by the International Plumbing Code, as adopted and in Chapter 1422.

(f) Occupancy Certificate. A fee of twenty dollars (\$20.00) shall be charged for each residential certificate of occupancy issued by the Building Code Official. A fee of thirty-five dollars (\$35.00) shall be charged for each commercial certificate of occupancy issued by the Building Code Official.

(g) Plan Review. The fee for a required Plan Review shall be determined by the City's Third Party Agency Agreement.

(h) “Residential Inspection shall be completed by either the Building Code Official or the City’s Third Party Agency and shall consist of the following:” All other portions of (h) Residential Inspections will remain in effect.

(i) All portions of (i) Commercial Inspections will remain in effect.

**1442.05 Sale of property; certificates required shall remain in effect and unchanged.**

**1442.06 will be eliminated in its entirety.**

**ORDAINED and ENACTED** this 9th day of September, 2015, by the Governing Body of the City of Johnstown in lawful session duly assembled.

PASSED FINALLY IN COUNCIL:


September 9, 2015

By the following vote:

Yeas: Mr. Vitovich, Mr. Vizza, Mr. Gentile, Mayor Janakovic, Mr. Johncola, Mr. Mickel,

Mrs. Mock. (7)

Nays: None (0)



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Frank J. Janakovic, Mayor  
Peter Vizza, Deputy Mayor

ATTEST:

I do hereby certify that the foregoing is a true and correct copy of Ordinance No. **5182** as the same adopted by the City Council of the City of Johnstown, Pennsylvania.



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Carlos Gunby, City Manager

CITY OF JOHNSTOWN,  
CAMBRIA COUNTY, PENNSYLVANIA  
ORDINANCE NO. 5183

Bill No. 20 of 2015

Introduced in Council  
August 12, 2015

AN ORDINANCE AMENDING ORDINANCE NO. 4135, PASSED FEBRUARY 14, 1979, ORDINANCE NO, 3091, PASSED MARCH 30, 1954, ORDINANCE NO, 4643, PASSED MAY 12, 1993, ORDINANCE NO. 2551, FINALLY PASSED MAY 9, 2007, ORDINANCE NO. 3338, FINALLY PASSED MAY 9, 2007, ORDINANCE NO. 4702, FINALLY PASSED MAY 9, 2007, ORDINANCE NO. 4395, PASSED SEPTEMBER 10, 1986, ORDINANCE NO. 2551, PASSED NOVEMBER 11, 1945, AND ORDINANCE NO. 2027, PASSED JUNE 12, 1933 AS THE "CHAPTER 1820 FOOD AND BEVERAGE ESTABLISHMENT ORDINANCE" TO REVISE REQUIREMENTS FOR INSPECTIONS, HEALTH CARD REQUIREMENTS, CERTIFICATE FEES, CLEANLINESS OF EMPLOYEES, PHYSICAL CONDITION OF EMPLOYEES, TOWELS AND NAPKINS, SOLID WASTE, LAVATORIES, AND BEER INSTALLATIONS REQUIREMENTS.

WHEREAS, the City of Johnstown has revised the Chapter 1820 Food and Beverage Establishments to include updates to the required inspections, Health Card requirements, Certificate Fees, cleanliness of employees, physical condition of employees, towels and napkins requirements, solid waste requirements, lavatories requirements, and beer installation requirements; and

WHEREAS, the City of Johnstown believes the amendments will eliminate barriers for economic development growth within the City; and

WHEREAS, all of the foregoing is desired in the interest to better promote development and provided services to food establishments located within the City of Johnstown;

NOW, THEREFORE, be it enacted and ordained by City Council of the City of Johnstown as follows:

**1820.01 Definitions shall remain in effect and unchanged.**

**1820.02 Inspections by Department of Community and Economic Development will be eliminated in its entirety.**

**1820.03 Retail sales; license required; application; fee shall remain in effect and unchanged.**

**1820.04 Cleanliness of employees; spitting; smoking shall be replaced with the following:**

All retail food facilities, kitchens, dining rooms and all places where foods are prepared, kept or stored shall be kept in a clean and sanitary condition and be protected from dust, dirt, insects and vermin in the manner prescribed by the regulations of The PA

Department of Agriculture in the manner prescribed by statute at 3 Pa. C.S. §5701, et seq., as amended, and by the regulations of the Department of Agriculture, at 7 Pa. Code §46.1 et seq., and any amendments thereto. The clothing and hands of employees shall at all times be clean and sanitary. Except when washing fruits and vegetables or when approved by The PA Department of Agriculture of Agriculture, food employees may not contact exposed, ready-to-eat food with their bare hands and shall use suitable utensils such as deli tissue, spatulas, tongs, single-use gloves or dispensing equipment. No domestic pets or other animals shall be permitted where food or drink is prepared, handled or stored unless specifically permitted or required under the Americans with Disabilities Act of 1990 (Public Law 101-336, 104 Stat. 327) or other Federal or State law. No person shall be permitted to use for living or sleeping purposes any room or place in any retail food facility which is regularly and customarily used for the preparation, handling, storing or serving of food.

**1820.05 Physical condition of employees shall be replaced for the following:**

No proprietor shall allow any food employee to be in a retail food facility if that person has an infectious or communicable disease, as prohibited under the act of April 23, 1956 (1955 P.L.1510, No.500), known as the Disease Prevention and Control Law of 1955, and its attendant regulations related to restrictions on food handlers. In consultation with the PA Department of Agriculture of Health, the Pennsylvania Department of Agriculture may promulgate regulations with respect to specific illnesses as related to operations in a retail food facility as it deems necessary for the protection of public health, any such regulations shall likewise be incorporated herein upon final adoption by the Department of Agriculture.

**1820.06 Certificates of health will be eliminated in its entirety.**

**1820.07 Certificate fee; employment of unqualified persons will be eliminated in its entirety.**

**1820.08 will now be titled Equipment, Utensils and Linens and shall be replaced with the following:**

All food and beverage establishments shall conform to regulations established in the 2013 FDA Model Food Code, Chapter 4, Equipment, Utensils and Linens.

**1820.09 will now be titled Water, Plumbing and Waste and shall be replaced with the following:**

All food and beverage establishments shall conform to regulations established in the 2013 FDA Model Food Code, Chapter 5, Water, Plumbing and Waste.

**1820.10 Lavatories shall be replaced with the following:**

All toilets, hand-wash sinks, tubs, sinks and drains used in or in connection with any retail food facility shall at all times be kept in a clean and sanitary condition.

**1820.11 will now be titled Malt or Brewed Beverage Dispensing Systems and**

shall be replaced with the following:

All food and beverage establishments possessing, maintaining, and/or operating a malt or brewed beverage dispensing system shall conform to regulations established by the Pennsylvania Liquor Control Board, as currently set forth at 40 Pa. Code §5.41-5.54, and any amendments thereto.

**1820.12 Unwholesome food shall remain unchanged and in effect.**

**1820.13 Management and Personnel shall be added and include the following:**

All food and beverage establishments shall conform to regulations established in the 2013 FDA Model Food Code, Chapter 2, Management and Personnel as adopted by the Department of Agriculture at 77 Pa. Code §46.1 et seq.

**1820.99 Penalty shall remain unchanged and in effect.**

**ORDAINED and ENACTED** this 9th day of September, 2015, by the Governing Body of the City of Johnstown in lawful session duly assembled.

PASSED FINALLY IN COUNCIL:

September 9, 2015

By the following vote:

Yeas: Mr. Vizza, Mr. Gentile, Mayor Janakovic, Mr. Johncola, Mr. Mickel, Mrs. Mock,  
Mr. Vitovich. (7)

Nays: None (0)

  
\_\_\_\_\_  
Frank J. Janakovic, Mayor  
Peter Vizza, Deputy Mayor

ATTEST:

I do hereby certify that the foregoing is a true and correct copy of Ordinance No. **5183** as the same adopted by the City Council of the City of Johnstown, Pennsylvania.

  
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Carlos Gunby, City Manager