

**TOWNSHIP OF WORCESTER
MONTGOMERY COUNTY, PENNSYLVANIA**

ORDINANCE 2016-255

**AN ORDINANCE AMENDING TOWNSHIP CODE, CHAPTER 145, VEHICLES
AND TRAFFIC, TO ESTABLISH BRAKE RETARDER PROHIBITION ZONES.**

WHEREAS, the Board of Supervisors of Worcester Township desires to prohibit the use of brake retarders along certain roadways, in order to protect and promote the health, safety and general welfare of the community.

NOW, THEREFORE, the Board of Supervisors hereby ordains and enacts as follows:

SECTION I – The Code of the Township of Worcester, Chapter 145, Vehicles and Traffic, is hereby amended to add Article V entitled "Brake Retarder Restrictions".

SECTION II – New Article V shall include the following provisions:

1. §145-6. Brake Retarder Restriction Locations. The use of brake retarders shall be prohibited at all times at the following locations:
 - a. Skippack Pike, from a point 150 east of the centerline of Hollow Road to Shearer Road;
 - b. Bustard Road, from Skippack Pike to the municipal boundary line between Worcester Township and Towamencin Township; and,
 - c. Valley Forge Road, from Skippack Pike to the municipal boundary line between Worcester Township, Towamencin Township and Upper Gwynedd Township.
2. §145-7. Violations and Penalties. Any person, firm, corporation or utility which shall violate any of the provisions of §145-6 shall be subject to, upon conviction before a District Justice, a penalty as provided in Chapter 1, Article II, General Penalty, specifically, §1-16A.


SECTION III – General Provisions.

1. In the event that any section, subsection or portion of this Ordinance shall be declared by any competent court to be invalid for any reason, such decision shall not be deemed to affect the validity of any other section, subsection or portion of this Ordinance. The invalidity of section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance, which can be given effect without such invalid part or parts. It is hereby declared to be the intention of the Township that this Ordinance would have been adopted had such invalid section, clause, sentence, or provision not been included therein.
2. To the extent this Ordinance is inconsistent with the Code of Worcester Township, the provisions of this Ordinance shall take precedence. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.
3. The failure of the Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

4. This Ordinance shall take effect and be in force from and after its approval as required by the law.

ENACTED AND ORDAINED by the Supervisors of the Township of Worcester, Montgomery County, Pennsylvania on this 29th day of February, 2016.

FOR WORCESTER TOWNSHIP

By: 
Susan G. Caughlan, Chair
Board of Supervisors

Attest: 
Tommy Ryan, Secretary

**TOWNSHIP OF WORCESTER
MONTGOMERY COUNTY, PENNSYLVANIA**

**ORDINANCE 2016-256
"Floodplain Conservation District Ordinance"**

AN ORDINANCE AMENDING ARTICLE XX ("FP FLOOD PLAIN CONSERVATION DISTRICT") OF CHAPTER 150 ("ZONING") OF THE CODE OF ORDINANCES OF WORCESTER TOWNSHIP, MONTGOMERY COUNTY, PA REQUIRING ALL PERSONS, PARTNERSHIPS, BUSINESSES, AND CORPORATIONS TO OBTAIN A PERMIT FOR ANY CONSTRUCTION OR DEVELOPMENT; PROVIDING FOR THE ISSUANCE OF SUCH PERMITS; SETTING FORTH CERTAIN MINIMUM REQUIREMENTS FOR NEW CONSTRUCTION AND DEVELOPMENT WITHIN AREAS OF WORCESTER TOWNSHIP WHICH ARE SUBJECT TO FLOODING; AND ESTABLISHING PENALTIES FOR ANY PERSONS WHO FAIL, OR REFUSE TO COMPLY WITH, THE REQUIREMENTS OR PROVISIONS OF THIS ORDINANCE.

WHEREAS, Pursuant to Article VI of the Pennsylvania Municipalities Planning Code, Worcester Township is empowered to enact, and amend zoning ordinances to implement comprehensive plans and to accomplish any of the purposes of the Pennsylvania Municipalities Planning Code;

WHEREAS, the Board of Supervisors of Worcester Township has proposed certain changes to Chapter 150, Article XX of the Code of Worcester Township pursuant Article VI, Section 609 of the Pennsylvania Municipalities Planning Code.

WHEREAS, The Legislature of the Commonwealth of Pennsylvania has, by the passage of the Pennsylvania Flood Plain Management Act of 1978, delegated the responsibility to local governmental units to adopt floodplain management regulations to promote public health, safety, and the general welfare of its citizenry.

WHEREAS, Pursuant to Article VI, Section 609, of the Pennsylvania Municipalities Planning Code, the proposal was provided to the Montgomery County Planning Commission for its review and comments;

WHEREAS, Pursuant to Article VI, Section 609 of the Pennsylvania Municipalities Planning Code the proposal was provided to the Worcester Township Planning Commission for its review and comment;

WHEREAS, the Worcester Township Board of Supervisors conducted a public hearing on the proposal on February 29, 2016;

WHEREAS, it is in the best interest of Worcester Township to adopt as an amendment to Chapter 150 ("Zoning"), the proposed changes, additions, and deletions.

AND NOW, the Board of Supervisors of Worcester Township hereby enacts and ordains, and it is hereby ENACTED and ORDAINED as follows:

SECTION 1.

Chapter 150 ("Zoning"), Article XX ("FP Flood Plain Conservation District") of the Worcester Township Code is hereby amended by deleting the existing Article XX regulations and replacing it with a new Article XX entitled "FP Floodplain Conservation District" as follows:

ARTICLE XX: FLOODPLAIN CONSERVATION DISTRICT.

Part One. General Provisions.

§ 150-135.1. Statutory Authorization.

The Board of Supervisors of Worcester Township is empowered to regulate building and land use activities that affect the floodplain by the Legislature of the Commonwealth of Pennsylvania, and by the passage of the Pennsylvania Flood Plain Management Act of 1978(which delegates the responsibility of floodplain management to local governmental units to adopt floodplain management regulations to promote public health, safety, and the general welfare of its citizenry). Furthermore, in light of Worcester Township's certification as eligible for The National Flood Insurance Program, it is the intent of this Article to provide adequate protection for flood-prone properties within Worcester Township.

§ 150-135.2. Intent.

- A. To prevent the erection of structures in areas unfit for human usage by reason of danger from flooding, unsanitary conditions or other hazards.
- B. To permit only those uses which can be appropriately located in the floodplain, as herein defined, and which will not impede the flow or storage of floodwaters or otherwise cause danger to life and property at, above or below their locations along the floodplain.
- C. To protect those individuals who might choose, despite the dangers, to develop or occupy land on a floodplain.
- D. To protect adjacent landowners and those both upstream and downstream from damages resulting from development within a floodplain and the consequent obstruction or increase in flow of floodwaters.
- E. To maintain undisturbed the ecological balance between those natural system elements, including wildlife, vegetation and marine life, dependent upon watercourses and water areas.
- F. To protect other municipalities within the same watershed from the impact of improper development and the consequent increased potential for flooding.
- G. To require that uses vulnerable to floods be developed so as to be protected from flood damage in accordance with the requirements of the National Flood Insurance Program.
- H. To provide retention areas for the temporary storage of floodwaters.
- I. To provide sufficient drainage courses to carry abnormal flows of stormwater runoff in periods of heavy precipitation.
- J. To permit only those uses in the floodplain that are compatible with preserving natural conditions and stream flow.

- K. To combine with zoning requirements, certain restrictions made necessary for flood-prone areas, to promote the general health, welfare, and safety of the community by preventing development in areas prone to flooding.
- L. To encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.
- M. To minimize danger to public health by protecting the quality and quantity of surface and subsurface water supplies adjacent to and underlying floodplain areas and promoting safe and sanitary drainage.
- N. To protect Worcester Township and its residents from individual uses of land that may have an effect upon subsequent expenditures for public works and disaster relief and adversely affect the economic well-being of Worcester Township.
- O. To comply with Federal and State floodplain management requirements.

§ 150-135.3. Applicability.

- A. The Floodplain Conservation District is defined and established as a district applicable to those areas of Worcester Township subject to inundation by the waters of the one-hundred-year flood as delineated on the Flood Insurance Rate Map (FIRM) for Montgomery County, Pennsylvania, as prepared by the Federal Emergency Management Agency, dated March 2, 2016 and subsequent revisions thereto. Said floodplain areas shall consist of the following specific areas:
 - 1. Special Flood Hazard Area (SFHA) is that area which will be inundated by the flood event having a 1-percent chance of being equaled or exceeded in any given year. This is also referred to as the Base Flood or 100-year flood. SFHAs identified by FEMA and applicable to Worcester Township are Zone A and Zone AE which are defined as follows:
 - a. **Zone A** - Areas subject to inundation by the 1-percent-annual-chance flood event generally determined using approximate methodologies. Because detailed hydraulic analyses have not been performed, no Base Flood Elevations (BFEs) or flood depths are shown.
 - b. **Zone AE** - Areas subject to inundation by the 1-percent-annual-chance flood event determined by detailed methods. Base Flood Elevations (BFEs) are shown.
 - 2. Soils with a frequency of flooding of 1% or greater per year, as delineated by the Natural Resources Conservation Service, United States Department of Agriculture Web-Based Soil Survey (available online at <http://websoilsurvey.nrcs.usda.gov/>), shall be considered part of the Floodplain Conservation District (FCD), unless the area of such soils overlaps a Special Flood Hazard Area (SFHA) identified by FEMA, in which case, the FCD at such overlapping areas shall be based on the FEMA SFHAs boundary. Any property owner wishing to develop in an area where there is no FEMA SFHA, but contains the Floodplain Soils identified below, shall submit an engineering study to Worcester Township in sufficient detail so that the Municipal Engineer may determine if proposed development activity will encroach upon the boundary of the Base Flood Elevation. If these soil areas are not part of the property area

proposed for development, Worcester Township may not require an engineering study to determine the Base Flood Elevation at the advice of the Township Engineer, but shall require said soil areas to be appropriately delineated on all subdivision, development or building plans to be submitted to the Township. Floodplain areas identified based upon Floodplain Soils shall be considered part of the Floodplain Conservation District and subject to the requirements of this Article. Floodplain Soils with a frequency of flooding of 1% or greater per year include:

- a. Bowmansville-Knauers (Bo)
 - b. Rowland (Rt)
 - c. Rowland (RwA)
 - d. Rowland (RwB)
3. In lieu of the mapping provided for § 150-135.3.A.1 and § 150-135.3.A.2, above, for areas that have been subject to inundation during a 100-year frequency flood, Worcester Township may require the property owner/developer to determine the 1-percent-annual-chance flood elevation (Base Flood Elevation) and boundary with hydrologic and hydraulic engineering techniques. Areas studied shall be identified by field survey and hydrologic and hydraulic analyses and such studies shall be undertaken only by professional engineers licensed in the Commonwealth of Pennsylvania or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Township. Floodplain areas identified by hydrologic and hydraulic study shall be considered part of the Floodplain Conservation District and subject to the requirements of this Article.
- B. The Floodplain Conservation District shall be delineated according to FEMA's Flood Insurance Rate Map (FIRM) for Worcester Township which is hereby made a part of this Article, and additional areas as described in § 150-135.3.A.2 and § 150-135.3.A.3. The FEMA FIRMs are available for inspection at the municipal office.
- C. The Floodplain Conservation District shall be deemed an overlay on any zoning district now or hereafter applicable to any lot. Should the Floodplain Conservation District be declared inapplicable to any tract by reason of action of the Board of Supervisors of Worcester Township in amending this Article or the Zoning Hearing Board or any court of competent jurisdiction in interpreting the same, the zoning applicable to such lot shall be deemed to be the district in which it is located without consideration of the Floodplain Conservation District. Should the zoning of any parcel or any part thereof in which the Floodplain Conservation District is located, be changed through any legislative or administrative actions or judicial discretion, such change shall have no effect on the Floodplain Conservation District unless such change was included as part of the original application.
- D. It shall be unlawful for any person, partnership, business or corporation to undertake, or cause to be undertaken, any construction or development anywhere in Worcester Township within the Floodplain Conservation District unless a Permit has been obtained from the Floodplain Administrator.

- E. A Permit shall not be required for minor repairs to existing buildings or structures (Refer § 150-9 for definition of "minor repairs").

§ 150-135.4. Abrogation and Greater Restrictions.

This Article supersedes any other conflicting provisions which may be in effect within the Floodplain Conservation District defined by this Article and Section 150-9. However, any other such ordinance provisions shall remain in full force and effect to the extent that those provisions are more restrictive. If there is any conflict between any of the provisions of this Article, the more restrictive shall apply.

§ 150-135.5. Severability.

If any section, subsection, paragraph, sentence, clause, or phrase of this Article shall be declared invalid for any reason whatsoever, such a decision shall not affect the remaining portions of this Article, which shall remain in full force and effect, and for this purpose the provisions of this Article are hereby declared to be severable.

§ 150-135.6. Warning and Disclaimer of Liability.

The degree of flood protection sought by the provisions of this Article is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur or flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. The grant of a zoning permit or variance, or authorization of improvements/development activities under this Article does not constitute a representation, guarantee or warranty of any kind by Worcester Township that areas outside the Floodplain Conservation District or development activities and improvements permitted within such areas will be free from flooding or flood damages or that the improvements/development activities are feasible and safe. This Article shall not create liability on the part of Worcester Township, or any officer, employee, or designated consultant, thereof, for any flood damages that result from reliance on this Article or any administrative decision lawfully made thereunder.

Part Two. Definitions.

§ 150-135.7. General.

Unless specifically defined below, words and phrases used in this Chapter shall be interpreted so as to give this Chapter it's most reasonable application.

§ 150-135.8. Specific Definitions.

For this Article XX, only, the following definitions shall apply:

- A. **Accessory Use or Structure** – A use customarily incidental and subordinate to the principal use of land or a building or other structure on a lot or portion thereof located on the same lot with such principal use.
- B. **Base Flood** – a flood which has a one (1) percent chance of being equaled or exceeded in any given year (also called the "1% frequency flood" or the "100-year flood" or the "100-year frequency flood", or the "1-percent-annual-chance flood").
- C. **Base Flood Discharge** – the volume of water resulting from a Base Flood as it passes a given location within a given time, usually expressed in cubic feet per second (cfs).

- D. **Base Flood Elevation (BFE)** – the elevation shown on the Flood Insurance Rate Map (FIRM) for Zones AE and AH that indicates the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year. The Base Flood Elevation is also shown on the Flood Insurance Study (FIS) profile, and can be determined for Zone A Floodplains. The Base Flood Elevation shall also be considered the One-Hundred-Year-Flood Elevation as calculated utilizing hydrologic and hydraulic engineering techniques, where such elevations are not identified by FEMA FIRMs.
- E. **Basement** – any area of the building having its floor below ground level on all sides.
- F. **Building** – A combination of materials to form a structure having walls and a roof. Included shall be all manufactured homes and trailers to be used for human habitation.
- G. **Development** – any man-made change to improved or unimproved real estate, including but not limited to subdivision of land; construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of manufactured homes; streets and other paving; utilities; fill; grading and excavation; mining; dredging; drilling operations; or storage of equipment or materials.
- H. **Existing Manufactured Home Park or Subdivision** – a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by Worcester Township.
- I. **Existing Structure/Existing Construction** – a structure, for which the “start of construction” commenced before the effective date of the FIRM.
- J. **Expansion to an Existing Manufactured Home Park or Subdivision** – the preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
- K. **Flood** – a temporary inundation of normally dry land areas.
- L. **Flood Insurance Rate Map (FIRM)** – the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of Special Flood Hazards and the risk premium zones applicable to Worcester Township.
- M. **Flood Insurance Study (FIS)** – the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the Base Flood.
- N. **Floodplain Area** – a relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.
- O. **Floodproofing** – any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

- P. **Floodway** – the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the Base Flood without cumulatively increasing the water surface elevation more than one foot.
- Q. **Freeboard** – A factor of safety usually expressed in feet above a flood level for purposes of floodplain management.
- R. **Highest Adjacent Grade** - The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
- S. **Historic Structures** – any structure that is:
1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Pennsylvania Historical and Museum Commission (PHMC) as meeting the criteria for individual listing on the National Register;
 2. Certified or preliminarily determined by the Pennsylvania Historical and Museum Commission (PHMC) as contributing to the historical significance of a National Register historic district or a district preliminarily determined by the PHMC to be eligible to qualify for listing in the National Register, or;
 3. Designated as historic by Worcester Township Ordinance by being:
 - a. Identified individually or as part of a local historic district by a zoning ordinance under the authority of the Pennsylvania Municipalities Planning Code; or
 - b. Located in a local historic district that has been certified by the Pennsylvania Historical and Museum Commission as meeting the requirements of the Pennsylvania Historic District Act.
- T. **Lowest Floor** – the lowest floor of the lowest fully enclosed area (including basement). An unfinished, flood resistant partially enclosed area, used solely for parking of vehicles, building access, and incidental storage, in an area other than a basement area is not considered the lowest floor of a building, provided that such space is not designed and built so that the structure is in violation of the applicable non-elevation design requirements of this Chapter.
- U. **Manufactured Home** – a structure, transportable in one or more sections, which is built on a permanent chassis, and is designed for use with or without a permanent foundation when attached to the required utilities. The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days.
- V. **Manufactured Home Park or Subdivision** – a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
- W. **Minor Repair** – the replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exitway requirements; nor shall minor repairs include the addition to, alteration of, replacement or relocation of any standpipe, water supply,

sewer, drainage, drain leader, gas, oil, waste, vent, or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

- X. **New Construction** – structures for which the start of construction commenced on or after the effective start date of this floodplain management ordinance and includes any subsequent improvements to such structures. Any construction started after March 16, 1981 and before the effective start date of this floodplain management ordinance is subject to the ordinance in effect at the time the permit was issued, provided the start of construction was within 180 days of permit issuance.
- Y. **New Manufactured Home Park or Subdivision** – a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by Worcester Township.
- Z. **One-Hundred-Year Flood** – The flood having a 1% chance of being equaled or exceeded in any given year. Also referred to as the "1% frequency flood" or the "100-year flood" or the "100-year frequency flood" or the "Base Flood", as defined by FEMA in the Flood Insurance Study for Worcester Township.
- AA. **Person** – an individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.
- BB. **Post-FIRM Structure** – A structure for which construction or substantial improvement occurred after December 31, 1974, or on or after the community's initial FIRM dated November 1, 1974, whichever is later, and, as such would be required to be compliant with the regulations of the NFIP.
- CC. **Pre-Firm Structure** – A structure for which construction or substantial improvement occurred on or before December 31, 1974, or before the community's initial FIRM dated November 1, 1974, and, as such would not be required to be compliant with the regulations of the NFIP.
- DD. **Recreational Vehicle** – a vehicle which is:
 - 1. built on a single chassis;
 - 2. not more than 400 square feet, measured at the largest horizontal projections;
 - 3. designed to be self-propelled or to be permanently towable by a light-duty truck;
 - 4. not designed for use as a permanent dwelling, rather but as temporary living quarters for recreational, camping, travel, or seasonal use.
- EE. **Regulatory Flood Elevation** – The Regulatory Flood Elevation is the elevation to which development is regulated for purposes of elevation and/or dry floodproofing. It is equal to the Base Flood Elevation (BFE) plus a freeboard of 1-½ feet.
- FF. **Repetitive Loss** – flood related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such

flood event, on average, equals or exceeds 25 percent of the market value of the structure before the damages occurred.

- GG. **Special Permit** – a special approval which is required for hospitals, nursing homes, jails, and new manufactured home parks and subdivisions and substantial improvements to such existing parks, when such development is located in all entirely, or a designated portion of partially within a floodplain.
- HH. **Special Flood Hazard Area (SFHA)** – means an area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. It is shown on the FIRM as Zone A and Zone AE.
- II. **Start of Construction** – includes substantial improvement and other proposed new development within a floodplain and means the date the Permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit; and such construction shall be completed within 12 months after the date of issuance of the permit unless a time extension is granted, in writing, by the Floodplain Administrator. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
- JJ. **Structure** – Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land, including a walled and roofed building, a gas or liquid storage tank that is principally above ground, as well as a manufactured home.
- KK. **Subdivision** – The division or re-division of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for the distribution to heirs or devisees, or the transfer of ownership or building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.
- LL. **Substantial Damage** – damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50) percent or more of the market value of the structure before the damage occurred.
- MM. **Substantial Improvement** – Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage" or "repetitive loss"

regardless of the actual repair work performed. The term does not, however include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions. Refer to § 60-17.E for alteration of historic structures.

- NN. **Uniform Construction Code (UCC)** – The statewide building code adopted by The Pennsylvania General Assembly in 1999, which is applicable to new construction in all municipalities whether administered by the municipality, a third party or the Department of Labor and Industry. Applicable to residential and commercial buildings, The Code adopted The International Residential Code (IRC) and the International Building Code (IBC), by reference, as the construction standard applicable with the State floodplain construction. For coordination purposes, references to the above are made specifically to various sections of the IRC and the IBC.
- OO. **Variance** - A grant of relief by the Worcester Township Zoning Hearing Board from the terms of the Floodplain Management Regulations.
- PP. **Violation** – means the failure of a structure or other development to be fully compliant with Worcester Township’s Floodplain Management Regulations (Chapter [NUMBER] of the Worcester Township Code). A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR §60.3(b)(5), (c) (4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

Part Three. Identification of Floodplain Areas.

§ 150-136.1. Identification.

The Floodplain Conservation District shall be:

- A. Areas of Worcester Township classified as Special Flood Hazard Areas (SFHAs) in the Flood Insurance Study (FIS) and the accompanying Flood Insurance Rate Maps (FIRMs) dated March 2, 2016 and issued by the Federal Emergency Management Agency (FEMA), or the most recent revision thereof, including all digital data developed as part of the Flood Insurance Study.
- B. Areas with soils listed in § 150-135.3.A.2.
- C. Other areas identified pursuant to § 150-135.3.A.3.
- D. Community Identified Flood Hazard Areas (Refer to § 150-136.2.C).

The above referenced FIS and FIRMs, and any subsequent revisions and amendments are hereby adopted by Worcester Township and declared to be a part of this Article.

§ 150-136.2. Description and Special Requirements of the Floodplain Conservation District.

The Floodplain Conservation District shall consist of the following specific areas/districts:

- A. The Floodway Area/District shall be those areas identified as Floodway in the FIS and the FIRM as well as those Floodway Areas which have been identified in other available

studies or sources of information for those Special Flood Hazard Areas where no Floodway has been identified in the FIS. The floodway represents the channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the Base Flood without cumulatively increasing the water surface elevation by more than one (1) foot at any point.

1. Within any Floodway Area, no encroachments, including fill, new construction, substantial improvements or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the Base Flood discharge.
 2. No new construction or development within a Floodway Area shall be allowed, unless a variance is obtained from the Worcester Township Zoning Hearing Board, and a permit is obtained from the Pennsylvania Department of Environmental Protection.
- B. The AE Area/District shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA for which Base Flood Elevations have been provided and a floodway has been delineated.
- C. Community Identified Flood Hazard Areas shall be those areas where Worcester Township has identified local flood hazard or ponding areas, as delineated and adopted on a "Local Flood Hazard Map" using best available topographic data and locally derived information such as flood of record, historic high water marks, soils or approximate study methodologies.
- D. The A Area/District shall be the areas identified as an A Zone on the FIRM included in the FIS prepared by FEMA and for which no one-percent (1%) annual chance flood elevations have been provided. For these areas, elevation and floodway information from other Federal, State, or other acceptable source shall be used when available. Where other acceptable information is not available, the elevation shall be determined by using the elevation of a point on the boundary of the Floodplain Conservation District which is nearest the construction site.

In lieu of the above, Worcester Township may require the applicant to determine the floodplain elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers licensed in the Commonwealth of Pennsylvania or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by Worcester Township.

- E. All Floodplain Conservation District Areas determined by hydrologic and hydraulic engineering techniques pursuant to § 150-135.3.A.3 of this Article and which are not FEMA SFHAs, shall be subject to the provisions of this Article and the following additional requirements:
1. No permit shall be granted for any construction, development, use, or activity within a Floodplain Conservation District Area, unless it is demonstrated that the cumulative effect of the proposed development would not, together with all other

existing and reasonably anticipated development, increase the One-Hundred-Year-Flood Elevation more than one (1) foot at any point.

2. No new construction or development shall be located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse, unless a Zoning Variance is approved for such activity and appropriate permit is obtained from both Worcester Township and the Pennsylvania Department of Environmental Protection

- F. All Floodplain Conservation District Areas identified based on Floodplain Soils pursuant to § 150-135.3.A.2 of this Article and which are not FEMA SFHAs, shall be subject to the provisions of this Article including § 150-136.2.E.1 and § 150-136.2.E.2.

§ 150-136.3. Changes in Identification of Area.

The area of the Floodplain Conservation District as identified on FEMA FIRMs may be revised or modified by the Board of Supervisors of Worcester Township where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change to the Special Flood Hazard Area, approval must be obtained from FEMA. Additionally, as soon as practicable but not later than six (6) months after the date such information becomes available, FEMA shall be notified of the changes by submission of technical or scientific data. Refer to § 150-139.1.A for FEMA notification requirements.

§ 150-136.4. Boundary Disputes.

Should a dispute concerning any identified floodplain boundary arise, an initial determination shall be made by the Worcester Township Engineer and any party aggrieved by this decision or determination may appeal to the Worcester Township Zoning Hearing Board pursuant to Part Five of this Article and Article XXVI of Chapter 150 of the Worcester Township Code. The burden of proof shall be on the appellant. All changes to the Special Flood Hazard Areas identified on FEMA FIRMs must be reviewed and approved by FEMA.

§ 150-136.5. Corporate Boundary Changes.

Prior to development occurring in areas where annexation or other corporate boundary changes are proposed or have occurred, Worcester Township shall review flood hazard data affecting the lands subject to boundary changes. Worcester Township shall adopt and enforce floodplain regulations in areas subject to annexation or corporate boundary changes which meet or exceed those in the Code of Federal Regulations CFR 44 60.3.

Part Four. Uses Permitted in the Floodplain Conservation District.

§ 150-137.1. Uses Permitted by Right.

Conditioned upon approval of a Permit by the Floodplain Administrator as identified in this Article, the following uses, in compliance with the requirements of this Article, are permitted by right in the Floodplain Conservation District:

- A. Up to half of any required yard setback area on an individual lot may extend into the Floodplain Conservation District.
- B. Open space uses that are primarily passive in character shall be permitted to extend into the floodplain including:

1. Wildlife sanctuaries, nature preserves, forest preserves, fishing areas, passive areas of public and private parklands, and reforestation.
 2. Streambank stabilization, provided that all required State and Federal regulatory permits and approvals are obtained.
- C. Forestry operations reviewed by the Montgomery County Conservation District. Forestry activity is not permitted within 50 feet of the top of bank of a watercourse.
- D. The following floodplain crossings are permitted when approved by the Zoning Hearing Board of Worcester Township where no other realistic design or alignment is possible, provided that disturbance to any existing woodlands and degradation of water quality are minimized to the greatest extent practicable, and provided that all required local, State, and Federal regulatory permits and approvals are obtained for such crossings:
1. Agricultural crossings by farm vehicles and livestock.
 2. Utilities, recreational trails, railroads and driveways (serving single family detached dwelling units), roadways, streets and appurtenant stormwater conveyance facilities.
- No improvement of any kind shall be made unless it can be shown that the activity will not reduce or impede the flood carrying capacity of the watercourse in any way and unless the effect of such proposed activity is fully offset by accompanying stream improvements.
- E. Agricultural uses conducted in compliance with methods prescribed in the latest version of the Pennsylvania Department of Environmental Protection's Erosion and Sediment Pollution Control Manual. Agricultural uses resulting in the stripping of topsoil or clearing of vegetation and trees within 50 feet of the top of bank of a watercourse are not permitted.
- F. Public sewer and/or water lines and public utility transmission lines installed along a watercourse, within the Floodplain Conservation District.

§ 150-137.2. Uses Prohibited in the Floodplain Conservation District.

Any use or activity not authorized within § 150-137.1, herein, shall be prohibited within the Floodplain Conservation District and the following activities and facilities are specifically prohibited:

- A. No new construction, alteration, or improvement of buildings and any other type of permanent structure, including walls.
- B. New construction of buildings or placement of fill within the 100-year floodplain.
- C. No encroachment, alteration, or improvement of any kind shall be made to any watercourse.
- D. Clearing of all existing vegetation, except where such clearing is necessary to prepare land for a use permitted under § 150-137.1, herein, and where the effects of these actions are mitigated by reestablishment of vegetation, approved by Worcester Township.

- E. Use of fertilizers, pesticides, herbicides, and/or other chemicals in excess of prescribed industry standards.
- F. Roads or driveways, except where permitted as corridor crossings in compliance with § 150-137.1, herein.
- G. Motor or wheeled vehicle traffic in any area not designed to accommodate adequately the type and volume.
- H. Paved or all-weather parking lots.
- I. Subsurface sewage disposal facilities.
- J. Sod farming.
- K. Stormwater control facilities, including necessary berms, outfall facilities, and any underground storage/treatment areas.
- L. Sanitary landfills, dumps, junkyards, outdoor storage of vehicles and miscellaneous materials or storage of any buoyant, toxic or dangerous materials.
- M. Private water supply wells.
- N. Stripping of top soil or removal of groundcover vegetation and trees within 50 feet of the bank of a watercourse, except as incidental to activities permitted under § 150-137.1, herein.
- O. New fencing in the floodway and 100-year floodplain

§ 150-137.3. Nonconforming Structures and Uses in the Floodplain District.

- A. The provisions of this Article do not require any changes or improvements to be made to lawfully existing structures. However, when an improvement is made to any existing structure, the provisions of § 150-137.4 and Part Five of this Article, and Article XXIII of Chapter 150 of the Worcester Township Code shall apply.
- B. Following the adoption of this Article, any use or structure which is situated within the boundaries of the Floodplain Conservation District and which does not conform to the permitted uses specified in § 150-137.1 herein shall become a nonconforming use or structure, regardless of its conformance to the zoning district in which it is located without consideration of this Article.

§ 150-137.4. Improvements to Existing Structures in the Floodplain Conservation District.

The following provisions shall apply whenever any improvement is made to an existing structure located within any Floodplain Conservation District:

- A. No expansion or enlargement of an existing structure shall be allowed within any Floodway Area/District (Refer § 150-136.2.A) that would cause any increase in the elevation of the Base Flood Elevation, and unless appropriate permit is obtained for such construction or development from Worcester Township and from the Pennsylvania Department of Environmental Protection.
- B. No expansion or enlargement of an existing structure shall be allowed within the Floodplain Conservation District, as defined by § 150-136.2.B, § 150-136.2.E or § 150-

- 136.2.F, that would, together with all other existing and anticipated development, increase the One-Hundred-Year-Flood Elevation more than one (1) foot at any point.
- C. Within the Floodplain Conservation District, as defined by § 150-136.2.E or § 150-136.2.F, no new construction or development shall be located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse unless a Zoning Variance is approved for such activity and appropriate permit is obtained from both Worcester Township and the Pennsylvania Department of Environmental Protection.
 - D. No expansion or enlargement of an existing structure shall be undertaken in the direction of the streambank.
 - E. Any modification, alteration, reconstruction, or improvement, of any kind to an existing structure, to an extent or amount of fifty (50) percent or more of its market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this Article.
 - F. Historic structures undergoing repair or rehabilitation that would constitute a substantial improvement as defined in this Article must comply with all Article requirements that do not preclude the structure's continued designation as an historic structure. Documentation that a specific ordinance requirement will cause removal of the structure from the National Register of Historic Places or the State Inventory of Historic Places must be obtained from the Secretary of the Interior or the State Historic Preservation Officer. Any exemption from the requirements of this Article will be the minimum necessary to preserve the historic character and design of the structure.
 - G. The activities identified in § 150-137.4 shall also address the requirements of the 34 PA Code, as amended and the 2009 IBC and the 2009 IRC.
 - H. Any modification, alteration, reconstruction, or improvement of any kind that meets the definition of "repetitive loss" shall be undertaken only in full compliance with the provisions of this Article.

Part Five. Variances.

§ 150-138.1. General.

If compliance with any of the requirements of this Article would result in an exceptional hardship to a prospective builder, developer or landowner, the Worcester Township Zoning Hearing Board may, upon request for Zoning Variance, grant relief from the strict application of the requirements. Requests for variances shall be considered by the Worcester Township Zoning Hearing Board in accordance with the procedures contained in the Pennsylvania Municipalities Planning Code, § 150-138.2 and § 150-141.11 of this Article and Article XXVI of Chapter 150 of the Worcester Township Code.

§ 150-138.2. Variance Procedures and Conditions.

- A. For a use other than those permitted in Article IV, an application seeking approval by variance shall be forwarded to the Worcester Township Zoning Hearing Board along with required studies or information and the findings of the Zoning Officer.

- B. No variance shall be granted for any construction, development, use, or activity within any Floodway Area that would cause ANY increase in the Base Flood Elevation.
- C. No variance shall be granted for any construction, development, use, or activity within the Floodplain Conservation District, as defined by § 150-136.2.B, 150-136.2.E or 150-136.2.F, that would, together with all other existing and reasonably anticipated development, increase the One-Hundred-Year-Flood Elevation more than one (1) foot at any point.
- D. Except for a possible modification of the Regulatory Flood Elevation requirement, no variance shall be granted for any of the other requirements pertaining specifically to development regulated by Article VII (pertaining to Activities Requiring Special Permits) or to Special Technical Requirements - Development Which May Endanger Human Life (Refer to § 150-139.3).
- E. The effect of the use shall not substantially alter the cross-section profile of the stream and floodplain at the location of the proposed use.
- F. Lands abutting the waterway, both upstream and downstream, shall not be adversely affected by the proposed use.
- G. The general welfare or public interest of Worcester Township or of other municipalities in the same watershed shall not be adversely affected.

§ 150-138.3. Special Requirements for Subdivisions.

All subdivision proposals and development proposals containing at least 10 lots or at least 2 acres, whichever is the lesser, proposed to be partially or fully located within Special Flood Hazard Areas as identified by FEMA, where Base Flood Elevation data are not available, shall be supported by hydrologic and hydraulic engineering analyses that determine Base Flood Elevations and floodway information. The analyses shall be prepared by a professional engineer licensed in the Commonwealth of Pennsylvania, in a format required by FEMA for a Conditional Letter of Map Revision and Letter of Map Revision. Submittal requirements and processing fees shall be the responsibility of the developer.

§ 150-138.4. Special Requirements for Manufactured Homes.

Within the Floodplain Conservation District, manufactured homes shall be prohibited. If permitted by Zoning Variance, obtained in accordance with the requirement of this Article, the following conditions/requirements shall apply:

- A. No manufactured home shall be permitted within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.
- B. No Zoning Variance shall be approved for placement of a manufactured home within any Floodway Area/District.
- C. All manufactured homes, and any improvements thereto, shall be:
 1. Placed on a permanent foundation;
 2. Elevated so that the lowest floor of the manufactured home is at least one and one half (1-½) feet above Base Flood Elevation; and
 3. Anchored to resist flotation, collapse, or lateral movement; and

4. And have all ductwork and utilities, including HVAC/heating units, elevated to a point at or above the Regulatory Floodplain Elevation.
- D. Installation of manufactured homes shall be done in accordance with the manufacturer's installation instructions as provided by the manufacturer. Where the applicant cannot provide the above information, the requirements of Appendix E of the 2009 International Residential Building Code or the U.S. Department of Housing and Urban Development's Permanent Foundations for Manufactured Housing, 1984 Edition, draft or latest revision thereto shall apply as well as 34 PA Code Chapter 401-405.
 - E. Consideration shall be given to the installation requirements of the 2009 IBC, and the 2009 IRC or the most recent revisions thereto and 34 PA Code, as amended where appropriate and/or applicable to units where the manufacturers' standards for anchoring cannot be provided or were not established for the proposed installation.

§ 150-138.5. Special Requirements for Recreational Vehicles.

- A. Recreational vehicles in the Floodplain Conservation District must either:
 1. Be on the site for fewer than 180 consecutive days and be fully licensed and ready for highway use; or
 2. Meet the permit requirements for manufactured homes in § 150-138.5.

§ 150-138.6. Variance Conditions.

- A. If granted, a Zoning Variance shall permit only the least modification necessary to provide relief.
- B. In granting any variance, the Worcester Township Zoning Hearing Board shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare of the residents of Worcester Township, and to achieve the objectives of this Article.
- C. Whenever a variance is granted, the Zoning Hearing Board of Worcester Township shall notify the applicant in writing that:
 1. The granting of the variance may result in increased premium rates for flood insurance.
 2. Such variances may increase the risks to life and property.
- D. In reviewing any request for a variance, the Zoning Hearing Board shall consider, at a minimum, the following:
 1. That there is good and sufficient cause, including:
 - a. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the Zoning Ordinance in the zoning district in which the property is located.

- b. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
 - c. That such unnecessary hardship has not been created by the owner/applicant/developer.
 - d. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
 - 2. That failure to grant the variance would result in exceptional hardship to the applicant.
 - 3. That the granting of the variance will:
 - a. Neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense,
 - b. Nor create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable state or local ordinances and regulations.
- E. A complete record of all variance requests and related actions will be maintained by the Zoning Hearing Board of Worcester Township. In addition, a report of all variances granted during the year shall be included in the annual report to FEMA.
- F. Notwithstanding any of the above requirements; however, all structures shall be designed and constructed so as to have the capability of resisting the one-percent (1%) annual chance flood.

Part Six. Technical Provisions in the Event of a Variance Being Granted.

§ 150-139.1. General.

In granting any variance, Worcester Township shall attach the following technical provisions as conditions to the decision within which the variance has been granted. These conditions and safeguards are necessary in order to protect the public health, safety, and welfare of the residents of the municipality.

- A. Pertaining to the Alteration or Relocation of a Watercourse:
 - 1. No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the municipality, and until all required permits or approvals have been first obtained from the Pennsylvania Department of Environmental Protection.
 - 2. No encroachment, alteration, or improvement of any kind shall be made to any watercourse unless it can be shown that the activity will not reduce or impede the

flood carrying capacity of the watercourse in any way and unless the effect of such proposed activity is fully offset by accompanying stream improvements.

3. In addition, FEMA and the Pennsylvania Department of Community and Economic Development, shall be notified prior to any alteration or relocation of any watercourse within a Special Flood Hazard Area identified by FEMA.
- B. Technical and scientific data shall be submitted to FEMA by a developer, for any new construction, development, or other activity that will result in changes in the Base Flood Elevation. Conditional approval by FEMA must be obtained prior to a Worcester Township Zoning Hearing Board approval of any development in the floodway that causes a rise in the Base Flood Elevations; or any development occurring in Zone AE without a designated floodway, which will cause a rise of more than one foot in the Base Flood Elevation; or alteration or relocation of a stream in a Special Flood Hazard Area (as designated by FEMA), including but not limited to installing culverts and bridges. Upon receipt of conditional approval of a map change by FEMA and prior to approval of proposed encroachments, Worcester Township shall provide evidence to FEMA of the adoption of Floodplain Management Ordinance Amendment incorporating the increased Base Flood Elevations and/or revised floodway reflecting the proposed post-project condition. Upon completion of construction of the proposed encroachments, the developer shall provide as-built certification to FEMA and Worcester Township. FEMA will initiate a final map revision upon receipt of such certifications in accordance with Code of Federal Regulations, 44 CFR Part 67.
- C. Any new construction, development, uses or activities allowed by variance within any Floodplain Conservation District shall be undertaken in strict compliance with the provisions contained in this Article and any other applicable codes, ordinances and regulations.

§ 150-139.2. Elevation and Floodproofing Requirements.

A. Residential Structures

1. In Zone AE, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to, or above, the Regulatory Flood Elevation.
2. In A Zones, where there are no Base Flood Elevations specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to, or above, the Regulatory Flood Elevation determined in accordance with § 150-136.2.D of this Article.
3. The design and construction standards and specifications contained in the 2009 International Building Code (IBC) and in the 2009 International Residential Code (IRC) or the most recent revisions thereof and ASCE 24 and 34 PA Code (Chapters 401-405 as amended) shall be utilized, where they are more restrictive than other municipal codes and ordinances.

B. Non-residential Structures

1. In Zone AE, any new construction or substantial improvement of a non-residential structure shall have the lowest floor (including basement) elevated up

to, or above, the Regulatory Flood Elevation, or be designed and constructed so that the space enclosed below the Regulatory Flood Elevation:

- a. Is floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water; and
 - b. Has structural components with the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
2. In A Zones, where no Base Flood Elevations are specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated or completely floodproofed up to, or above, the Regulatory Flood Elevation determined in accordance with § 150-136.2.D of this Article.
 3. Any non-residential structure, or part thereof, made watertight below the Regulatory Flood Elevation shall also be floodproofed in accordance with the W1 or W2 space classification standards contained in the publication entitled "Flood-Proofing Regulations" published by the U.S. Army Corps of Engineers (June 1972, as amended March 1992) or with some other equivalent standard. All plans and specifications for such floodproofing shall be accompanied by a statement certified by a registered professional engineer or architect, licensed in the Commonwealth of Pennsylvania, which states that the proposed design and methods of construction are in conformance with the above referenced standards.
 4. The design and construction standards and specifications contained in the 2009 International Building Code (IBC) and in the 2009 International Residential Code (IRC) or the most recent revisions thereof and ASCE 24 and 34 PA Code (Chapters 401-405 as amended) shall be utilized where they are more restrictive than other municipal codes and ordinances.

C. Space below the lowest floor:

1. Fully enclosed space below the lowest floor (excluding basements) which will be used solely for the parking of a vehicle, building access, or incidental storage, shall be designed and constructed to allow for the automatic entry and exit of flood waters for the purpose of equalizing hydrostatic forces on exterior walls. The term "fully enclosed space" also includes crawl spaces.
2. Designs for meeting this requirement must either be certified by a professional engineer or architect, licensed in the Commonwealth of Pennsylvania, or meet or exceed the following minimum criteria:
 - a. Minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.
 - b. The bottom of all openings shall be no higher than one (1) foot above grade.
 - c. Openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

D. Accessory structures

1. Structures accessory to a principal building need not be elevated or floodproofed to remain dry, but shall comply, at a minimum, with the following requirements:
 - a. The structure shall not be designed or used for human habitation, but shall be limited to the parking of vehicles, or to the storage of tools, material, and equipment related to the principal use or activity.
 - b. Floor area shall not exceed 600 square feet.
 - c. The structure will have a low damage potential.
 - d. The structure will be located on the site so as to cause the least obstruction to the flow of flood waters.
 - e. Power lines, wiring, and outlets will be elevated to the Regulatory Flood Elevation.
 - f. Permanently affixed utility equipment and appliances such as furnaces, heaters, washers, dryers, etc. are prohibited.
 - g. Subsurface sewage disposal facilities are prohibited.
 - h. The structure shall be adequately anchored to prevent flotation or movement and shall be designed to automatically provide for the entry and exit of floodwater for the purpose of equalizing hydrostatic forces on the walls. Designs for meeting this requirement must either be certified by a professional engineer or architect licensed in the Commonwealth of Pennsylvania, or meet or exceed the following minimum criteria:
 1. A minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.
 2. The bottom of all openings shall be no higher than one (1) foot above grade.
 3. Openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

§ 150-139.3. Special Technical Requirements.

A. Development Which May Endanger Human Life

In accordance with the Pennsylvania Flood Plain Management Act, and the regulations adopted by the Pennsylvania Department of Community and Economic Development as required by the Act, any new or substantially improved structure which will be used for the production or storage of any of the following dangerous materials or substances; or, will be used for any activity requiring the maintenance of a supply of more than five (5) gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises; or, will involve the production, storage, or use of any amount of radioactive substances; shall be subject to the provisions of this section, in addition to all other applicable provisions of this Article. The following list of materials and substances are considered dangerous to human life:

- Acetone
 - Ammonia
 - Benzene
 - Calcium carbide
 - Carbon disulfide
 - Celluloid
 - Chlorine
 - Hydrochloric acid
 - Hydrocyanic acid
 - Magnesium
 - Nitric acid and oxides of nitrogen
 - Petroleum products (gasoline, fuel oil, etc.)
 - Phosphorus
 - Potassium
 - Sodium
 - Sulphur and Sulphur products
 - Pesticides (including insecticides, fungicides, and rodenticides)
 - Radioactive substances, insofar as such substances are not otherwise regulated.
- B. Within the Floodplain Conservation District, any new or substantially improved structure of the kind described in § 150-139.3.A, above, shall be prohibited within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.
- C. Within any Floodway Area, any structure of the kind described in § 150-139.3.A, above, shall be prohibited.
- D. Where permitted within the Floodplain Conservation District, any new or substantially improved residential structure of the kind described in § 150-139.3.A, above, shall be elevated to remain completely dry up to at least one and one half (1-½) feet above Base Flood Elevation and built in accordance with § 150-139.1, 150-139.2 and 150-139.4.
- E. Where permitted by a Zoning Variance within the Floodplain Conservation District, any new or substantially improved non-residential structure of the kind described in § 150-139.3.A., above, shall be built in accordance with § § 150-139.1, 150-139.2 and 150-139.4 including:
1. Elevated or designed and constructed to remain completely dry up to at least one and one half feet (1-½) above the Base Flood Elevation, and
 2. Designed to prevent pollution from the structure or activity during the course of a Base Flood Elevation.
 3. Any such structure, or part thereof, that will be built below the Regulatory Flood Elevation shall be designed and constructed in accordance with the standards for completely dry floodproofing contained in the publication "Flood-Proofing

Regulations (U.S. Army Corps of Engineers, June 1972 as amended March 1992), or with other equivalent watertight standard, approved by Worcester Township.

§ 150-139.4. Design and Construction Standards.

The following minimum standards shall apply for all proposed construction and development that is permitted by Zoning Variance within the Floodplain Conservation District:

- A. If fill is used, it shall:
 - 1. Extend laterally at least fifteen (15) feet beyond the building line from all points;
 - 2. Consist of soil or small rock materials only - Sanitary Landfills shall not be permitted;
 - 3. Be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling;
 - 4. Be no steeper than one (1) vertical to three (3) horizontal, feet unless substantiated data, justifying steeper slopes are submitted to, and approved by the Floodplain Administrator; and
 - 5. Be used to the extent to which it does not adversely affect adjacent properties.
- B. Drainage Facilities - Storm drainage facilities shall be designed to convey the flow of storm water runoff in a safe and efficient manner. The system shall insure proper drainage along streets, and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.
- C. Water and Sanitary Sewer Facilities and Systems
 - 1. All new or replacement water supply and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of flood waters.
 - 2. Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.
 - 3. No part of any on-site sewage system shall be located within any Floodplain Conservation District except in strict compliance with all State and local regulations for such systems and if permitted by issuance of a Zoning Variance. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.
 - 4. The design and construction provisions of the UCC and FEMA #348, Protecting Building Utilities from Flood Damages and The International Private Sewage Disposal Code shall be utilized.
- D. Other Utilities - All other utilities such as gas lines, electrical and telephone systems shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.
- E. Streets - The finished elevation of all new streets shall be no more than one (1) foot below the Regulatory Flood Elevation.

- F. Storage - All materials that are buoyant, flammable, explosive, or in times of flooding could be injurious to human, animal, or plant life, and not listed in § 150-139.3.A, Development Which May Endanger Human Life, shall be stored at or above the Regulatory Flood Elevation and/or flood proofed to the maximum extent possible.
- G. Placement of Buildings and Structures - All buildings and structures shall be designed, located, and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of flood water.
- H. Anchoring
1. All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.
 2. All air ducts, large pipes, storage tanks, and other similar objects or components located below the Regulatory Flood Elevation shall be securely anchored or affixed to prevent flotation.
- I. Floors, Walls and Ceilings
1. Wood flooring used at or below the Regulatory Flood Elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain without causing structural damage to the building.
 2. Plywood used at or below the Regulatory Flood Elevation shall be of a "marine" or "water-resistant" variety.
 3. Walls and ceilings at or below the Regulatory Flood Elevation shall be designed and constructed of materials that are "water-resistant" and will withstand inundation.
 4. Windows, doors, and other components at or below the Regulatory Flood Elevation shall be made of metal or other "water-resistant" material.
- J. Paints and Adhesives
1. Paints and other finishes used at or below the Regulatory Flood Elevation shall be of "marine" or "water-resistant" quality.
 2. Adhesives used at or below the Regulatory Flood Elevation shall be of a "marine" or "water-resistant" variety.
 3. All wooden components (doors, trim, cabinets, etc.) shall be finished with a "marine" or "water resistant" paint or other finishing material.
- K. Electrical Components
1. Electrical distribution panels shall be at least three (3) feet above the Base Flood Elevation.
 2. Separate electrical circuits shall serve lower levels and shall be dropped from above.

- L. Equipment - Water heaters, furnaces, air conditioning and ventilating units, and other electrical, mechanical or utility equipment or apparatus shall not be located below the Regulatory Flood Elevation.
- M. Fuel Supply Systems - All gas and oil supply systems shall be designed to prevent the infiltration of flood waters into the system and discharges from the system into flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.
- N. Uniform Construction Code Coordination
 - 1. The Standards and Specifications contained 34 PA Code (Chapters 401-405), as amended and not limited to the following provisions shall apply to the above and other sections and sub-sections of this Article, to the extent that they are more restrictive and/or supplement the requirements of this Article.
 - a. International Building Code (IBC) 2009 or the latest edition thereof: Sections 801, 1202, 1403, 1603, 1605, 1612, 3402, and Appendix G.
 - b. International Residential Building Code (IRC) 2009 or the latest edition thereof: Sections R104, R105, R109, R323, Appendix AE101, Appendix E and Appendix J.

Part Seven. Activities Requiring Special Permits.

§ 150-140.1. General.

In accordance with the administrative regulations promulgated by the Pennsylvania Department of Community and Economic Development to implement the Pennsylvania Flood Plain Management Act, the activities indicated in § 150-140.1.A and § 150-140.2.B shall be prohibited within the Floodplain Conservation District unless a Special Permit has been issued by Worcester Township.

- A. The commencement of any of the following activities; or the construction enlargement, or expansion of any structure used, or intended to be used, for any of the following activities:
 - 1. Hospitals
 - 2. Nursing homes
 - 3. Jails or prisons
- B. The commencement of, or any construction of, a new manufactured home park or manufactured home subdivision, or substantial improvement to an existing manufactured home park or manufactured home subdivision.

§ 150-140.2. Application Requirements for Special Permits.

Applicants for Special Permits shall provide three (3) copies of the following items:

- A. A written request including a completed Special Permit Application Form.

- B. A small scale map showing the vicinity in which the proposed site is located.
- C. A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:
1. North arrow, scale and date;
 2. Topography based upon the North American Vertical Datum (NAVD) of 1988, showing existing and proposed contours at intervals of two (2) feet;
 3. All property and lot lines including dimensions, and the size of the site expressed in acres or square feet;
 4. The location of all existing streets, drives, other access ways, and parking areas, with information concerning widths, pavement types and construction, and elevations;
 5. The location of any existing bodies of water or watercourses, buildings, structures and other public or private facilities, including railroad tracks and facilities, and any other natural and man-made features affecting, or affected by, the proposed activity or development;
 6. The location of the floodplain boundary line, information and spot elevations concerning the Base Flood Elevation, boundary of the Floodway Area and information concerning the flow of water including direction and velocities;
 7. The location of all proposed buildings, structures, utilities, and any other improvements; and
 8. Any other information which the municipality considers necessary for adequate review of the application.
- D. Plans of all proposed buildings, structures and other improvements, clearly and legibly drawn at suitable scale showing the following:
1. Sufficiently detailed architectural or engineering drawings, including floor plans, sections, and exterior building elevations, as appropriate;
 2. For any proposed building, the elevation of the lowest floor (including basement) and, as required, the elevation of any other floor;
 3. Complete information concerning flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the Base Flood Elevation;
 4. Detailed information concerning any proposed floodproofing measures;
 5. Cross section drawings for all proposed streets, drives, other access ways, and parking areas, showing all rights-of-way and pavement widths;
 6. Profile drawings for all proposed streets, drives, and vehicular access ways including existing and proposed grades; and
 7. Plans and profiles of all proposed sanitary and storm sewer systems, water supply systems, and any other utilities and facilities.
- E. The following data and documentation:

1. Certification from the applicant that the site upon which the activity or development is proposed is an existing separate and single parcel, owned by the applicant or the client he represents;
2. Certification from a professional engineer, architect, or landscape architect, licensed in the Commonwealth of Pennsylvania, that the proposed construction has been adequately designed to protect against damage from the Base Flood;
3. A statement, certified by a professional engineer, architect, landscape architect, licensed in the Commonwealth of Pennsylvania, or other qualified person which contains a complete and accurate description of the nature and extent of pollution that might possibly occur from the development during the course of a Base Flood, including a statement concerning the effects such pollution may have on human life;
4. A statement certified by a professional engineer, architect, or landscape architect, licensed in the Commonwealth of Pennsylvania, which contains a complete and accurate description of the effects the proposed development will have on the Base Flood Elevation and flows;
5. A statement, certified by a professional engineer, architect, or landscape architect, licensed in the Commonwealth of Pennsylvania, which contains a complete and accurate description of the kinds and amounts of any loose buoyant materials or debris that may possibly exist or be located on the site below the Base Flood Elevation and the effects such materials and debris may have on Base Flood Elevation and flows;
6. The appropriate component of the Pennsylvania Department of Environmental Protection's Sewage Facilities Planning Module for land development;
7. Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection to implement and maintain erosion and sedimentation control;
8. Any other applicable permits such as, but not limited to, a permit for any activity regulated by the Pennsylvania Department of Environmental Protection under Section 302 of Act 1978-166; and
9. An evacuation plan which fully explains the manner in which the site will be safely evacuated before or during the course of a Base Flood.

§ 150-140.3. Application Review Procedures.

Upon receipt of an application for a Special Permit by Worcester Township, the following procedures shall apply in addition to those of Article VIII:

- A. Within five (5) working days following receipt of the application, a complete copy of the application and all accompanying documentation shall be forwarded to the Montgomery County Planning Commission by registered or certified mail for its review and recommendations. Copies of the application shall also be forwarded to the Worcester Township Planning commission and Worcester Township Engineer for review and comment.

- B. If an application is received that is incomplete, Worcester Township shall notify the applicant in writing, stating in what respect the application is deficient.
- C. If Worcester Township decides to deny an application, it shall notify the applicant, in writing, of the reasons for the denial.
- D. If Worcester Township approves an application, it shall file written notification, together with the application and all pertinent information, with the Pennsylvania Department of Community and Economic Development, by registered or certified mail, within ten (10) working days after the date of approval.
- E. Before issuing the Special Permit, Worcester Township shall allow the Department of Community and Economic Development thirty (30) calendar days, after receipt of the notification by the Department, to review the application and decision made by Worcester Township.
- F. If Worcester Township does not receive any communication from the Department of Community and Economic Development during the thirty (30) calendar day review period, from the date of receipt of the notification by the Department, it may issue a Special Permit to the applicant.
- G. If the Department of Community and Economic Development should decide to disapprove an application, it shall notify Worcester Township and the applicant, in writing, of the reasons for the disapproval, and Worcester Township shall not issue the Special Permit.

§ 150-140.4. Special Technical Requirements for Activities Requiring a Special Permit.

- A. In addition to the requirements of Part Six of this Article, the following minimum requirements shall also apply to any proposed development requiring a Special Permit. If there is any conflict between any of the following requirements and those in Part Five of this Article or in any other code, ordinance, or regulation, the more restrictive provision shall apply.
- B. No application for a Special Permit shall be approved unless it can be determined that the structure or activity will be located, constructed and maintained in a manner which will:
 - 1. Fully protect the health and safety of the general public and any occupants of the structure. At a minimum, all new structures shall be designed, located, and constructed so that:
 - a. The structure will survive inundation by waters of the Base Flood Elevation without any lateral movement or damage to either the structure itself, or to any of its equipment or contents below the Base Flood Elevation.
 - b. The lowest floor (including basement) will be elevated to at least one and one half (1-½) feet above the Base Flood Elevation.
 - c. The occupants of the structure can remain inside for an indefinite period of time and be safely evacuated at any time during the Base Flood Elevation.

2. Prevent any significant possibility of pollution, increased flood levels or flows, or debris endangering life and property.
- C. All hydrologic and hydraulic analyses shall be undertaken only by professional engineers, licensed in the Commonwealth of Pennsylvania, or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc. shall be submitted in sufficient detail to allow a thorough technical review by Worcester Township and the Department of Community and Economic Development.

Part Eight. Administration.

§ 150-141.1. Designation of the Floodplain Administrator.

The Township Manager is hereby appointed to administer and enforce the Floodplain Management Ordinance and is referred to herein as the Floodplain Administrator. The Floodplain Administrator may:

- A. Fulfill the duties and responsibilities set forth in these regulations;
- B. Delegate duties and responsibilities set forth in these regulations to qualified technical personnel, plan examiners, inspectors, and other employees, or;
- C. Enter into a written agreement or written contract with another agency or private sector entity to administer specific provisions of these regulations. Administration of any part of these regulations by another entity shall not relieve Worcester Township of its responsibilities pursuant to the participation requirements of the National Flood Insurance Program as set forth in the Code of Federal Regulations at 44 C.F.R. Section 59.22.

§ 150-141.2. Permits Required.

- A. A Building Permit shall be required before any construction or development is undertaken within any Floodplain Conservation District area within Worcester Township.
- B. A Permit shall be required before any construction or development is undertaken within the Floodplain Conservation District. In the case of a proposed hospital, nursing home, jail, prison, or manufactured home park, the referenced permit is the Special Permit of Article VII.

§ 150-141.3. Duties and Responsibilities of the Floodplain Administrator.

- A. The Floodplain Administrator shall issue a Permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances.
- B. Prior to the issuance of any permit, the Floodplain Administrator shall review the application for the permit to determine if all other necessary government permits required by state and federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended); the Pennsylvania Clean

Streams Act (Act 1937-394, as amended); and the U.S. Clean Water Act, Section 404, 33, U.S.C. 1344. No permit shall be issued until this determination has been made.

- C. In the case of existing structures, prior to the issuance of any permit, the Floodplain Administrator shall review the history of repairs to the subject building, so that any repetitive loss issues can be addressed before the permit is issued.
- D. During the construction period, the Floodplain Administrator or other authorized official shall inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable municipal laws and ordinances. The Floodplain Administrator shall make as many inspections during and upon completion of the work as are necessary.
- E. In the discharge of his/her duties, the Floodplain Administrator shall have the authority to enter any building, structure, premises or development in the Floodplain Conservation District, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this Article.
- F. In the event the Floodplain Administrator discovers that the work does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the Floodplain Administrator shall revoke the Permit and report such fact to the Worcester Township Board of Supervisors for whatever action it considers necessary.
- G. The Floodplain Administrator shall maintain in perpetuity, all records associated with the requirements of this Article including, but not limited to, finished construction elevation data, permitting, inspection and enforcement.
- H. The Floodplain Administrator shall consider the requirements of the 34 PA Code and the 2009 IBC and the 2009 IRC or latest revisions thereof.

§ 150-141.4. Application Procedures and Requirements.

- A. Application for such a Permit shall be made, in writing, to the Floodplain Administrator on forms supplied by Worcester Township. Such application shall contain the following:
 - 1. Name and address of applicant.
 - 2. Name and address of owner of land on which proposed construction is to occur.
 - 3. Name and address of contractor.
 - 4. Site location including address.
 - 5. Listing of other permits or variances required.
 - 6. Brief description of proposed work and estimated cost, including a breakout of flood-related cost and the market value of the building before the flood damage occurred where appropriate.
- B. If any proposed construction or development is located entirely or partially within any Floodplain Conservation District, applicants for Permits shall provide all the necessary information in sufficient detail and clarity to enable the Floodplain Administrator to determine that:

1. All such proposals are consistent with the need to minimize flood damage and conform to the requirements of this and all other applicable codes and ordinances;
 2. All utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage; and
 3. Adequate drainage is provided so as to reduce exposure to flood hazards.
 4. Structures will be anchored to prevent floatation, collapse, or lateral movement.
 5. Building materials are flood-resistant.
 6. Appropriate practices that minimize flood damage have been used.
 7. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities have been designed and/or located to prevent water entry or accumulation.
- C. Applicants shall file the following minimum information plus any other pertinent information as may be required by the Floodplain Administrator to make the above determination:
1. A completed Permit Application Form.
 2. A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:
 - a. North arrow, scale, and date;
 - b. Topographic contour lines, if available;
 - c. The location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision and development;
 - d. The location of all existing streets, drives, and other access ways; and
 - e. The location of any existing bodies of water or watercourses, the Floodplain Conservation District, and, if available, information pertaining to the floodway, and the flow of water including direction and velocities.
 3. Plans of all proposed buildings, structures and other improvements, drawn at a scale of one (1) inch being equal to one hundred (100) feet or less showing the following:
 - a. The proposed lowest floor elevation of any proposed building based upon North American Vertical Datum of 1988;
 - b. The elevation of the Base Flood;
 - c. Supplemental information as may be necessary under 34 PA Code, the 2009 IBC or the 2009 IRC.
 4. The following data and documentation:

- a. If available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a Base Flood Elevation; and detailed information concerning any proposed floodproofing measures and corresponding elevations.
 - b. Documentation, certified by a professional engineer or architect, licensed in the Commonwealth of Pennsylvania, to show that the cumulative effect of any proposed development within the Floodplain Conservation District, as defined by § 150-136.2.B, § 150-136.2.E or § 150-136.2.F, when combined with all other existing and anticipated development, will not increase the Base Flood Elevation more than one (1) foot at any point.
 - c. A document, certified by a professional engineer or architect, licensed in the Commonwealth of Pennsylvania, which states that the proposed construction or development has been adequately designed to withstand the pressures, velocities, impact and uplift forces associated with the Base Flood Elevation. Such statement shall include a description of the type and extent of flood proofing measures which have been incorporated into the design of the structure and/or the development.
 - d. Detailed information needed to determine compliance with § 150-139.4.F., Storage, and § 150-139.3.A, Development Which May Endanger Human Life, including:
 - i. The amount, location and purpose of any materials or substances referred to in § 150-139.3.A and § 150-139.4.F which are intended to be used, produced, stored or otherwise maintained on site.
 - ii. A description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in § 150-139.3.A during a Base Flood.
 - e. The appropriate component of the Pennsylvania Department of Environmental Protection's Sewage Facilities Planning Module for land development.
 - f. Where any excavation or grading is proposed, a plan meeting the requirements of the Pennsylvania Department of Environmental Protection, to implement and maintain erosion and sedimentation control.
5. Applications for Permits shall be accompanied by a fee in accordance with the Worcester Township fee schedule established and adopted by Worcester Township.

§ 150-141.5. Review by Montgomery County Conservation District.

A copy of all applications and plans for any proposed construction or development in any Floodplain Conservation District to be considered for approval shall be submitted to the Montgomery County Conservation District for review and comment prior to the issuance of a Permit. The recommendations of the Conservation District shall be considered by the Floodplain Administrator for possible incorporation into the proposed plan.

§ 150-141.6. Review of Application by Others.

A copy of all plans and applications for any proposed construction or development in the Floodplain Conservation District to be considered for approval may be submitted to any other appropriate agencies and/or individuals (e.g. planning commission, municipal engineer, etc.) for review and comment.

§ 150-141.7. Changes.

After the issuance of a Permit by the Floodplain Administrator, no changes of any kind shall be made to the application, permit or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Floodplain Administrator. Requests for any such change shall be in writing, and shall be submitted by the applicant to Floodplain Administrator for consideration.

§ 150-141.8. Placards.

In addition to the Permit, the Floodplain Administrator shall issue a placard which shall be displayed on the premises during the time construction is in progress. This placard shall show the number of the Permit, the date of its issuance and be signed by the Floodplain Administrator.

§ 150-141.9. Start of Construction.

Work on the proposed construction shall begin within 180 days after the date of issuance and shall be completed within twelve (12) months after the date of issuance of the Permit or the permit shall expire unless a time extension is granted, in writing, by the Floodplain Administrator. The term 'start of construction' shall be understood as defined in § 150-9 of this Chapter. The issuance of a permit does not refer to zoning approval.

Time extensions shall be granted only if a written request is submitted, by the applicant, which sets forth sufficient and reasonable cause for the Floodplain Administrator to approve such a request and the original permit is compliant with this Article and the FIRM/FIS in effect at the time the extension is granted.

§ 150-141.10. Enforcement.

A. Notices

Whenever the Floodplain Administrator or other authorized municipal representative determines that there are reasonable grounds to believe that there has been a violation of any provisions of this Article, or of any regulations adopted pursuant thereto, the Floodplain Administrator shall give notice of such alleged violation as hereinafter provided. Such notice shall:

1. Be in writing;
2. Include a statement of the reasons for its issuance;
3. Allow a reasonable time not to exceed a period of thirty (30) days for the performance of any act it requires;
4. Be served upon the property owner or his agent as the case may require; provided, however, that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been served

with such notice by any other method authorized or required by the laws of this State;

5. Contain an outline of remedial actions which, if taken, will effect compliance with the provisions of this Article.
- B. Penalties - Any person who fails to comply with any or all of the requirements or provisions of this Article or who fails or refuses to comply with any notice, order of direction of the Floodplain Administrator or any other authorized employee of the municipality, shall be guilty of a misdemeanor and upon conviction shall pay a fine to Worcester Township of not less than One-Hundred Dollars (\$100.00) nor more than One-Thousand Dollars (\$1,000.00) or imprisonment of not more than thirty (30) days, or both, plus costs of prosecution. Each day during which any violation of this Article continues shall constitute a separate offense. In addition to the above penalties, all other actions are hereby reserved including an action in equity for the proper enforcement of this Chapter. The imposition of a fine or penalty for any violation of, or noncompliance with this Article shall not excuse the violation or noncompliance or permit it to continue. All such persons shall be required to correct or remedy such violations and noncompliance within a reasonable time. Any development initiated or any structure or building constructed, reconstructed, enlarged, altered, or relocated, in noncompliance with this Article may be declared by the Board of Supervisors of Worcester Township to be a public nuisance and abatable as such.

§ 150-141.11. Appeals.

- A. Any person aggrieved by any action or decision of the Floodplain Administrator concerning the administration of the provisions of this Article, may appeal to the Zoning Hearing Board. Such appeal must be filed, in writing, within thirty (30) days after the decision, determination or action of the Floodplain Administrator.
- B. Upon receipt of such appeal the Zoning Hearing Board shall consider the appeal in accordance with the Pennsylvania Municipalities Planning Code and any other local ordinance.
- C. Any person aggrieved by any decision of the Zoning Hearing Board may seek relief therefrom by appeal to court, as provided by the laws of this State including the Pennsylvania Flood Plain Management Act.


Part Nine. Enactment.

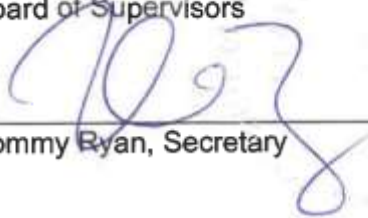
§ 150-142.1. Adoption.

This Ordinance shall be effective upon its enactment, and shall remain in force until modified, amended or rescinded by Worcester Township, Montgomery County, Pennsylvania.

ENACTED AND ORDAINED by the Supervisors of the Township of Worcester, Montgomery County, Pennsylvania on this 29th day of February, 2016.

FOR WORCESTER TOWNSHIP

By: 
Susan G. Caughlan, Chair
Board of Supervisors

Attest: 
Tommy Ryan, Secretary

**TOWNSHIP OF WORCESTER
MONTGOMERY COUNTY, PENNSYLVANIA**

ORDINANCE 16-258

AUTHORIZING AND DIRECTING THE INCURRENCE OF NONELECTORAL DEBT OF THE TOWNSHIP OF WORCESTER, MONTGOMERY COUNTY, PENNSYLVANIA (THE "TOWNSHIP") THROUGH THE ISSUANCE OF A SERIES OF GENERAL OBLIGATION BONDS IN THE AGGREGATE PRINCIPAL AMOUNT OF \$2,495,000 TO (1) CURRENTLY REFUND THE TOWNSHIP'S GENERAL OBLIGATION NOTE, SERIES OF 2013; (2) FUND THE CAPITAL PROGRAM DESCRIBED HEREIN; AND (3) PAY THE COSTS OF ISSUING THE BONDS; RATIFYING AND CONFIRMING THE ORIGINALLY DETERMINED USEFUL LIVES OF THE PROJECTS FOR WHICH THE 2013 NOTE WAS ISSUED AND DETERMINING THE REALISTIC ESTIMATED USEFUL LIVES OF THE COMPONENTS OF THE CAPITAL PROGRAM; DIRECTING THE PROPER OFFICERS TO PREPARE, CERTIFY AND FILE THE REQUIRED DEBT STATEMENT, BORROWING BASE CERTIFICATE AND EXCLUSION PROCEEDINGS; COVENANTING THAT THE TOWNSHIP SHALL INCLUDE THE AMOUNT OF ANNUAL DEBT SERVICE IN ITS BUDGET FOR EACH FISCAL YEAR; PROVIDING FOR FULLY REGISTERED BONDS, DATING OF THE BONDS, INTEREST PAYMENT DATES, PROVISIONS FOR REDEMPTION AND PRINCIPAL MATURITY AMOUNTS AND FIXING THE RATES OF INTEREST ON THE BONDS; PROVIDING FOR BOOK-ENTRY BONDS UPON ORIGINAL ISSUANCE; PROVIDING FOR REPLACEMENT BONDS; AUTHORIZING THE PROPER OFFICERS OF THE TOWNSHIP TO CONTRACT WITH A BANK OR BANK AND TRUST COMPANY FOR ITS SERVICES AS SINKING FUND DEPOSITARY, PAYING AGENT AND REGISTRAR; STATING A COVENANT AS TO PAYMENT OF PRINCIPAL AND INTEREST WITHOUT DEDUCTION FOR CERTAIN TAXES; PROVIDING FOR THE REGISTRATION, TRANSFER AND EXCHANGE OF BONDS; PROVIDING FOR FACSIMILE SIGNATURES AND SEAL AND AUTHENTICATION; APPROVING THE FORM OF THE BONDS, PAYING AGENT'S AUTHENTICATION CERTIFICATE AND ASSIGNMENT AND PROVIDING FOR CUSIP NUMBERS TO BE PRINTED ON THE BONDS; PROVIDING FOR TEMPORARY BONDS; AWARDED SUCH BONDS AT NEGOTIATED PRIVATE SALE AND STATING THAT SUCH METHOD OF SALE IS IN THE BEST FINANCIAL INTEREST OF THE TOWNSHIP; ESTABLISHING A SINKING FUND; AUTHORIZING AND DIRECTING THE PROPER OFFICERS OF THE TOWNSHIP TO CERTIFY AND TO FILE WITH THE PENNSYLVANIA DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT CERTIFIED COPIES OF THE NECESSARY PROCEEDINGS FOR INCURRING AND EXCLUDING NONELECTORAL

DEBT; COVENANTING THAT THE PROCEEDS OF THE BONDS SHALL NOT BE USED IN SUCH A MANNER AS TO CAUSE THE BONDS TO BE ARBITRAGE BONDS AND MAKING OTHER NECESSARY REPRESENTATIONS UNDER FEDERAL TAX LAW PROVISIONS; APPROVING THE CONTENT AND FORM OF A PRELIMINARY OFFICIAL STATEMENT AND DISTRIBUTION THEREOF AND AUTHORIZING THE PREPARATION, EXECUTION AND DELIVERY OF AN OFFICIAL STATEMENT; AUTHORIZING CONTINUING DISCLOSURE; AUTHORIZING AND DIRECTING THE CURRENT REFUNDING AND REDEMPTION OF THE 2013 NOTE DESCRIBED HEREIN; AUTHORIZING THE PROPER OFFICERS OF THE TOWNSHIP TO DO ALL THINGS NECESSARY TO CARRY OUT THE PURPOSES OF THE ORDINANCE AND TO PAY FINANCING COSTS; AND RESCINDING ALL INCONSISTENT ORDINANCES.

The Board of Supervisors (the "Governing Body") of the Township of Worcester, Montgomery County, Pennsylvania (the "Township"), pursuant to the Pennsylvania Local Government Unit Debt Act, as amended (the "Act"), hereby ordains and enacts as follows:

Section 1. Incurrence of Debt; Amount and Purpose of Bonds. The Governing Body of the Township hereby authorizes and directs the incurring of nonelectoral debt through the issuance of General Obligation Bonds as described herein (the "Bonds") of the Township in the aggregate principal amount of \$2,495,000 to provide funds for the purpose of financing (a) the current refunding (the "Refunding Project") of its General Obligation Note, Series of 2013 (the "2013 Note"); (b) construction of public sewer to serve the Hickory Hill area of the Township (the "Capital Program"); and (c) the costs of issuing the Bonds (collectively, the "Project").

The Refunding Project is being undertaken by the Township for the purpose of substituting bonds for notes in compliance with Section 8241(b)(5) of the Act.

Realistic cost estimates have been obtained by the Township for the Capital Program through actual bids or professional estimates by qualified persons, as required by Section 8006 of the Act. The construction of the Capital Program projects is expected to be completed by May 2019.

The Township hereby reserves the right to undertake components of the Capital Program in such order and at such time or times as it shall determine and to allocate the proceeds of the Bonds and other available moneys to the final costs of the Capital Program in such amounts and order of priority as it shall determine; but the proceeds of the Bonds shall be used solely to pay the "costs", as defined in the Act, of the Refunding Project and the Capital Program described herein or,

upon appropriate amendment hereto, to pay the costs of other capital projects for which the Township is authorized to incur indebtedness.

Section 2. Description of 2013 Project and Ratification of Remaining Realistic Estimated Useful Lives Thereof and Declaration of the Realistic Useful Lives of the Capital Program. The 2013 Note was issued pursuant to an Ordinance enacted on July 17, 2013 to provide funds for renovating and expanding the Township's Valley Green Waste Water Treatment Plant (the "2013 Project"). The realistic estimated useful life of the 2013 Project was determined at the time of issuance of the 2013 Note to be at least 26 years.

The Capital Program being financed with a portion of the proceeds of the Bonds is hereby determined to have a useful life of at least 30 years in respect of the sewer improvements. The realistic remaining estimated useful lives of the projects financed by the 2013 Note, as described above, are hereby ratified and confirmed and the bonds being issued for the Refunding Project do not extend beyond the original maturity of the 2013 Note nor beyond the originally determined realistic estimated useful lives of the 2013 Project financed thereby.

The realistic estimated useful lives of the components of the Capital Program is hereby declared to be at least 40 years as shown on Exhibit "B" hereto.

Section 3. Debt Statement and Borrowing Base Certificate Filing. The Chair or Vice-Chair of the Governing Body and the Secretary of the Township are hereby authorized and directed to prepare and certify a Debt Statement required by Section 8110 of the Act, a Borrowing Base Certificate, and proceedings to exclude a portion of the Bonds as self-liquidating debt from sewer system revenues.

Section 4. Covenant to Pay Bonds. The Township hereby covenants with the registered owners from time to time of the Bonds that the Township shall (i) include the amount of the debt service for the Bonds for each fiscal year in which such sums are payable in its budget for that year, (ii) appropriate such amounts from its general revenues for the payment of such debt service, and (iii) duly and punctually pay, or cause to be paid, from its sinking fund or any other of its revenues or funds the principal of, and the interest on, the Bonds at the dates and places and in the manner stated in the Bonds according to the true intent and meaning thereof. For such budgeting, appropriation and payment, the Township pledges its full faith, credit and taxing power. As provided by the Act, this covenant shall be specifically enforceable.

Notwithstanding the foregoing, the Township intends and expects to levy rates and charges for the use of its sewer system sufficient to pay the expenses of operation and treatment and that portion of the debt service on the Bonds attributable to sewer purposes and intends to file exclusion proceedings with the

Department of Community and Economic Development (the "Department") contemporaneously with the Bond debt incurrence proceedings.

Section 5. Description of Bonds; Maturity Schedule; Redemption of Bonds.

(a) The Bonds shall be in fully registered form without coupons, shall be numbered, shall be in the denomination of \$5,000 or any integral multiple thereof, shall be dated as of their date of original issuance and shall bear interest from that date of original issuance, which interest is payable at the rates provided in subsection (e) of this Section 5, until maturity, all as set forth in the form of Bond attached hereto as Exhibit "A" and made a part hereof.

(b) The Bonds, upon original issuance, shall be issued in the form of a single, fully registered bond for each maturity of the Bonds, in denominations equal to the principal amount of the Bonds maturing on each such date, and shall be delivered to The Depository Trust Company in New York, New York, its successors and assigns (the "Securities Depository") or its nominee, CEDE & CO. Each such Bond shall be registered on the registration books kept by the Paying Agent (as hereinafter defined), appointed in Section 6 hereof, as registrar and transfer agent, in the name of the Securities Depository or, at the Securities Depository's option, in the name of CEDE & CO., as the Securities Depository's nominee, and no beneficial owners thereof will receive certificates representing their respective interests in such Bonds, except in the event the Paying Agent, on behalf of the Township, issues Replacement Bonds as provided in subparagraph (d) below.

(c) The Township shall deliver a Blanket Issuer Letter of Representation to the Securities Depository (the "Representation Letter"). The execution and delivery by the Township of the Representation Letter shall not in any way limit any undertaking or arrangement contemplated or provided herein in respect of the Securities Depository or the book-entry registration, payment and notification system or in any other way impose upon the Township or the Paying Agent any obligation whatsoever with respect to beneficial owners having interests in the Bonds, any such obligation extending solely to the registered owners of the Bonds as shown on the registration books kept by the Paying Agent. The Paying Agent shall take all action necessary for all representations of the Township in the Representation Letter with respect to the Paying Agent to be complied with at all times.

(d) If the Township determines either:

(i) that the Securities Depository is unable to properly discharge its responsibilities; or

(ii) that the interest of the beneficial owners of the Bonds would be adversely affected by the continuation of the book-entry system of transfer; then the Paying Agent shall notify the Securities Depository and request the Securities Depository to notify its Participants of the Township's determination and of the availability of certificates with respect to beneficial interests in the Bonds. The Paying Agent shall cause certificates (the "Replacement Bonds") to be prepared, at the Township's expense, for delivery to such beneficial owners, or their nominees, making such adjustments and allowances as it may find necessary or appropriate as to the date of such certificates, and accrued interest. In such event, all references to the Securities Depository herein shall relate only to the period of time when the Securities Depository has possession of at least one Bond and shall be applicable only to such Bond held. Upon issuance of Replacement Bonds, all references herein to obligations imposed upon or to be performed by the Securities Depository shall be deemed to be imposed upon and performed by the Paying Agent or alternate or successor transfer agent, to the extent applicable with respect to such Replacement Bonds.

In the event the Securities Depository resigns or the Township makes the determination set forth in (i) above and the Paying Agent or beneficial owners of the Bonds are unable to locate a qualified successor, then the Paying Agent shall authenticate and cause delivery of Replacement Bonds with respect to the interests of the beneficial owners of the Bonds or certificates with respect to the respective interests of the Participants (as such term is used in the operational arrangements of the Securities Depository), or a combination of both, all at the option of the Participants.

If the date for payment of the principal of, and interest on, the Bonds shall be a Saturday, Sunday, legal holiday or a day on which banking institutions in the city where the corporate trust office of the Paying Agent is located are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not a Saturday, Sunday, legal holiday or a day on which such banking institutions are authorized to close, and payment on such date shall have the same force and effect as if made on the nominal date of payment.

(e) The Bonds shall bear interest, until maturity or prior redemption at the rates set forth below as shown in the Bond Purchase Agreement approved in Section 11 hereof, and shall mature in the amounts set forth below and on December 1 of certain years, all as follows:

| <u>Principal Amount</u> | <u>Interest Rate</u> | <u>Maturity Year</u> |
|-------------------------|----------------------|----------------------|
| \$ 40,000 | 2.000% | 2016 |
| 120,000 | 0.800% | 2017 |
| 120,000 | 0.900% | 2018 |
| 120,000 | 3.000% | 2019 |
| 125,000 | 3.000% | 2020 |
| 130,000 | 1.100% | 2021 |
| 130,000 | 1.250% | 2022 |
| 130,000 | 1.400% | 2023 |
| 135,000 | 2.000% | 2024 |
| 135,000 | 2.000% | 2025 |
| 135,000 | 2.000% | 2026 |
| 145,000 | 2.000% | 2027 |
| 145,000 | 2.250% | 2028 |
| 150,000 | 2.250% | 2029 |
| 155,000 | 2.250% | 2030 |
| 155,000 | 2.375% | 2031 |
| 160,000 | 2.375% | 2032 |
| 25,000 | 3.000% | 2033 |
| 25,000 | 3.000% | 2034 |
| 30,000 | 3.000% | 2035 |
| 30,000 | 3.000% | 2036 |
| 30,000 | 3.000% | 2037 |
| 30,000 | 3.000% | 2038 |
| 30,000 | 3.000% | 2039 |
| 30,000 | 3.000% | 2040 |
| 35,000 | 3.000% | 2041 |

The stated maturities of the Bonds have been fixed in compliance with Section 8142(b)(1) of the Act.

(f) Optional Redemption: The Bonds stated to mature on and after December 1, 2022 will be subject to redemption prior to maturity at the option of the Township on December 1, 2021 or any date thereafter.

(g) Mandatory Redemption: The Bonds maturing on December 1, 2027, December 1, 2030, December 1, 2032 and December 1, 2041 are subject to mandatory redemption prior to maturity, in part, by lot at a redemption price of par and accrued interest to the date fixed for redemption, from funds which the Township hereby covenants to deposit in the Sinking Fund (as hereinafter defined) on December 1 of the years and in the principal amounts set forth below:

| | | | |
|---------------------------------|-----------|---------------------------------|----------|
| Term Bonds due December 1, 2027 | | Term Bonds due December 1, 2041 | |
| 2025 | \$135,000 | 2033 | \$25,000 |
| 2026 | \$135,000 | 2034 | \$25,000 |
| 2027* | \$145,000 | 2035 | \$30,000 |
| | | 2036 | \$30,000 |
| Term Bonds due December 1, 2030 | | 2037 | \$30,000 |
| 2028 | \$145,000 | 2038 | \$30,000 |
| 2029 | \$150,000 | 2039 | \$30,000 |
| 2030* | \$155,000 | 2040 | \$30,000 |
| | | 2041* | \$35,000 |
| Term Bonds due December 1, 2032 | | | |
| 2021 | \$155,000 | | |
| 2032* | \$160,000 | | |

*Stated Maturity

(h) If a Bond is of a denomination larger than \$5,000, a portion of such Bond may be redeemed. For the purposes of redemption, a Bond shall be treated as representing that number of Bonds which is obtained by dividing the principal amount thereof by \$5,000; each \$5,000 portion of such Bond being subject to redemption. In the case of partial redemption of a Bond, payment of the redemption price shall be made only upon surrender of such Bond in exchange for Bonds of authorized denominations in aggregate principal amount equal to the unredeemed portion of the principal amount thereof.

(i) The Paying Agent is hereby authorized and directed, (1) upon notification by the Township of its option to redeem Bonds in part, to select by lot the particular Bonds or portions thereof to be redeemed, and (2) upon notification by the Township of its option to redeem Bonds in whole or in part, to cause a notice of redemption to be given once by first-class United States mail, postage prepaid, or by another method of giving notice acceptable to the Paying Agent and customarily used by fiduciaries for similar notices at the time such notice is given, not less than 30 days nor more than 60 days prior to the redemption date, to each registered owner of Bonds to be redeemed. Such notice shall be mailed to the address of such registered owner appearing on the registration books of the Paying Agent, unless such notice is waived by the registered owner of the Bonds to be redeemed. Any such notice shall be given in the name of the Township, shall identify the Bonds to be redeemed, including CUSIP numbers, if applicable, which may, if appropriate, be expressed in designated blocks of numbers (and, in the case of partial redemption of any Bonds, the respective principal amounts thereof to be redeemed), shall specify the redemption date and the place where such Bonds are to be surrendered for payment, shall state the redemption price, and shall state that on the redemption date the Bonds called for redemption will be payable and

from such redemption date interest will cease to accrue. Failure to give any notice of redemption or any defect in the notice or in the giving thereof to the registered owner of any Bond to be redeemed shall not affect the validity of the redemption as to other Bonds for which proper notice shall have been given. The costs incurred for such redemptions shall be paid by the Township.

(j) In addition to the notice described in paragraph (i) hereof, further notice shall be given by the Paying Agent as set out below, but no defect in said further notice nor any failure to give all or any portion of such further notice shall in any manner defeat the effectiveness of a call for redemption if notice thereof is given as prescribed above:

(1) Each further notice of redemption given hereunder shall contain the information required above for an official notice of redemption, plus (A) the date of issue of the Bonds as originally issued; (B) the rate of interest borne by each Bond being redeemed; (C) the maturity date of each Bond being redeemed; and (D) any other descriptive information needed to identify accurately the Bonds being redeemed.

(2) Each further notice of redemption shall be sent at least twenty-five (25) days before the redemption date by registered or certified mail or overnight delivery service to all registered securities depositories then in the business of holding substantial amounts of obligations of types comprising the Bonds (such depository being the Depository Trust Company of New York, New York, on the date hereof).

(3) Such further notice shall be mailed by first class United States mail, postage prepaid, to The Bond Buyer of New York, New York, or to another financial newspaper or journal, if any, which regularly carries notices of redemption of other obligations similar to the Bonds.

(4) Upon the payment of the redemption price of Bonds being redeemed, each check or other transfer of funds issued for such purpose shall bear the CUSIP number identifying, by issue and maturity, the Bonds being redeemed with the proceeds of such check or other transfer.

The notices required to be given by this Section shall state that no representation is made as to the correctness or accuracy of CUSIP numbers listed in such notice or stated on the Bonds.

(k) In lieu of redeeming the principal amount of any Bonds on a mandatory redemption date, or any portion thereof, the Township or the Paying Agent with the approval of the Township may apply the moneys required to be deposited in the Sinking Fund (as hereinafter defined) to the purchase of a like amount of Bonds at

prices not in excess of the principal amount thereof, provided that the following provisions are met:

(1) no purchase of any Bonds of any later maturity shall be made if any Bonds of any earlier maturity will remain outstanding; and

(2) firm commitments for the purchase must be made prior to the time notice of redemption would otherwise be required to be given; and

(3) if Bonds aggregating the amount required to be redeemed cannot be purchased, a principal amount of such Bonds equal to the difference between the principal amount required to be redeemed and the amount purchased shall be paid to the Township.

If at the time of the mailing of any notice of redemption the Township shall not have deposited with the Paying Agent moneys sufficient to redeem all the Bonds called for redemption, such notice shall state that it is conditional, that is, subject to the deposit or transfer of the redemption moneys with the Paying Agent not later than the opening of business on the redemption date, and that such notice shall be of no effect unless such moneys are so deposited.

On the date designated for redemption, notice having been provided as aforesaid, and money for payment of the principal and interest being held by the Paying Agent, interest on the Bonds or portions thereof so called for redemption shall cease to accrue and such Bonds and portions thereof shall cease to be entitled to any benefit or security under the Ordinance, and registered owners of such Bonds shall have no rights with respect to such Bonds, except to receive payment of the principal of and accrued interest on such Bonds to the date fixed for redemption.

Section 6. Paying Agent, Sinking Fund Depository and Registrar; Payment of Principal and Interest without Deduction for Taxes. The proper officers of the Township are hereby authorized and directed to contract with TD Bank, N.A. (the "Paying Agent") for its services as sinking fund depository, paying agent and registrar with respect to the Bonds, and such Bank is hereby appointed to act in such capacities with respect to the Bonds.

The principal of the Bonds shall be payable to the registered owner of each Bond, as shown on the registration books of the Township on the date of payment in lawful money of the United States of America upon surrender of the Bonds, when due, at the designated corporate trust office of the Paying Agent or at the designated office of any additional or appointed alternate or successor paying agent or agents. Interest on the Bonds shall be paid by check, mailed to the person in whose name such Bond is registered, at his address as it appears on the registration books maintained by or on behalf of the Township, as of the close of

business on the fifteenth day of the calendar month (whether or not a business day) immediately preceding each interest payment date in question (the "Regular Record Date"), irrespective of any transfer or exchange of such Bond subsequent to such Regular Record Date and prior to such interest payment date. If the Township shall default in the payment of interest due on such interest payment date, such interest shall thereupon cease to be payable to the registered owners of the Bonds shown on the registration books as of the Regular Record Date. Whenever moneys thereafter become available for the payment of the defaulted interest, the Paying Agent, on behalf of the Township, shall immediately establish a "special record date" (which shall be a business day) relating thereto (the "Special Record Date") and shall mail a notice of such date to the registered owners of the Bonds at least fifteen days prior to the Special Record Date. Such notice shall be mailed to the registered owner of the Bonds as shown on the registration books kept by the Paying Agent on the fifth day preceding the date of mailing. The Special Record date shall be at least ten days but not more than fifteen days prior to the special interest payment date. The defaulted interest shall be paid on the special interest payment date by check mailed to the registered owners of the Bonds, as shown on the registration books kept by the Paying Agent as of the close of business on the special record date.

So long as any Bonds are registered in the name of the Securities Depository or its nominee, to the extent available, the Paying Agent shall transfer, on each interest and principal payment date, the amount of interest and principal due on each such date to the Securities Depository, which amounts so transferred, shall be, on the interest and principal payment date, at the principal office of the Securities Depository, "good funds same day" or otherwise in accordance with the procedures established from time to time by the Securities Depository. All payments made by the Paying Agent to the Securities Depository or its nominee shall fully satisfy the Township's obligations to pay principal and interest on the Bonds to the extent of such payments, and no beneficial owner of any Bond registered in the name of the Securities Depository or its nominee shall have any recourse against the Township hereunder for any failure by the Securities Depository or any Participant therein to remit such payments to the beneficial owners of such Bonds.

The principal of, and interest on, the Bonds are payable without deduction for any tax or taxes, except gift, succession, franchise, excise or inheritance taxes, now or hereafter levied or assessed thereon under any present or future laws of the Commonwealth of Pennsylvania, all of which taxes, except as above provided, the Township assumes and agrees to pay.

Section 7. Registration, Transfer and Exchange of Bonds. The Township shall keep, at the corporate trust office of the Paying Agent, as registrar, books for the registration, transfer and exchange of Bonds. The Governing Body hereby authorizes and directs the Paying Agent, as registrar and transfer agent, to

keep such books and to make such transfers or exchanges on behalf of the Township.

The ownership of each Bond shall be recorded in the registration books of the Township, which shall contain such information as is necessary for the proper discharge of the Paying Agent's duties hereunder as Paying Agent, registrar and transfer agent.

The Bonds may be transferred or exchanged as follows:

(a) Any Bond may be transferred if endorsed for such transfer by the registered owner thereof and surrendered by such owner or his duly appointed attorney or other legal representative at the corporate trust office of the Paying Agent, whereupon the Paying Agent shall authenticate and deliver to the transferee a new Bond or Bonds of the same maturity and in the same denomination as the Bond surrendered for transfer or in different authorized denominations equal in the aggregate to the principal amount of the surrendered Bond.

(b) Bonds of a particular maturity may be exchanged for one or more Bonds of the same maturity and in the same principal amount, but in a different authorized denomination or denominations. Each Bond so to be exchanged shall be surrendered by the registered owner thereof or his duly appointed attorney or other legal representative at the corporate trust office of the Paying Agent, whereupon a new Bond or Bonds shall be authenticated and delivered to the registered owner. No charge shall be imposed in connection with any transfer or exchange except for taxes or governmental charges related thereto.

(c) In the case of any Bond properly surrendered for partial redemption, the Paying Agent shall authenticate and deliver a new Bond in exchange therefor, such new Bond to be of the same maturity and in a denomination equal to the unredeemed principal amount of the surrendered Bond; provided that, at its option, the Paying Agent may certify the amount and date of partial redemption upon the partial redemption certificate, if any, printed on the surrendered Bond and return such surrendered Bond to the registered owner in lieu of an exchange.

Except as provided in subparagraph (c) above, the Paying Agent shall not be required to effect any transfer or exchange during the 15 days immediately preceding the date of mailing of any notice of redemption or at any time following the mailing of any such notice, if the Bond to be transferred or exchanged has been called for such redemption. No charge shall be imposed in connection with any transfer or exchange except for taxes or governmental charges related thereto.

No transfers or exchanges shall be valid for any purposes hereunder except as provided above.

New Bonds delivered upon any transfer or exchange shall be valid general obligations of the Township, evidencing the same debt as the Bonds surrendered.

The Township and the Paying Agent may treat the registered owner of any Bond as the absolute owner thereof for all purposes, whether or not such Bond shall be overdue, and any notice to the contrary shall not be binding upon the Township or the Paying Agent.

Section 8. Execution of Bonds. The Bonds shall be executed by the manual or facsimile signature of the Chair or Vice-Chair of the Governing Body and shall have the corporate seal of the Township or a facsimile thereof affixed thereto, duly attested by the manual or facsimile signature of the Secretary of the Township, and the said officers are hereby authorized and directed to execute the Bonds in such manner. The Chair or Vice-Chair of the Governing Body is authorized and directed to deliver, or cause to be delivered, the Bonds to the purchaser thereof against the full balance of the purchase price therefor. The Bonds shall be authenticated by the Paying Agent.

Section 9. Form of Bonds; CUSIP Numbers. The form of the Bonds, Paying Agent's authentication certificate and assignment shall be substantially as set forth in Exhibit "A" attached hereto.

The Bonds shall be executed in substantially the form as set forth in Exhibit "A" hereto with such appropriate changes, additions or deletions as may be approved by the officers executing the Bonds in the manner provided in Section 8 hereof or as may be required by the Bond Purchase Agreement accepted pursuant to Section 11 hereof; such execution shall constitute approval by such officers on behalf of the Governing Body. The opinion of bond counsel is authorized and directed to be printed upon the Bonds.

The Township, pursuant to recommendations promulgated by the Committee on Uniform Security Identification Procedures (CUSIP) has caused CUSIP numbers to be printed on the Bonds. No representation is made as to the accuracy of said numbers as printed on the Bonds, and the Township shall have no liability of any sort with respect thereto. Reliance with respect to any redemption notice with respect to the Bonds may be placed only on the identification numbers printed thereon.

Section 10. Temporary Bonds. Until Bonds in definitive form are ready for delivery, the proper officers of the Governing Body may execute and, upon their request in writing, the Paying Agent shall authenticate and deliver in lieu of such Bonds in definitive form, one or more printed or typewritten bonds in temporary form, substantially of the tenor of the Bonds hereinbefore described with appropriate omissions, variations and insertions, as may be required. Such bond

or bonds in temporary form may be for the principal amount of \$5,000.00 or any whole multiple or multiples thereof, as such officers may determine. The aforesaid officers, without unnecessary delay, shall prepare, execute and deliver Bonds in definitive form to the Paying Agent, and thereupon, upon presentation and surrender of the bond or bonds in temporary form, the Paying Agent shall authenticate and deliver, in exchange therefor, Bonds in definitive form in an authorized denomination of the same maturity for the same aggregate principal amount as the bond or bonds in temporary form surrendered. Such exchange shall be made by the Township at its own expense and without any charge therefor. Until so exchanged, the temporary bond or bonds shall be in full force and effect according to their terms.

Section 11. Manner of Sale; Award of Bonds; Bid Price; Range of Interest Rates. The Governing Body of the Township after due deliberation and investigation, has found that a sale by negotiation is in the best financial interest of the Township and based upon such finding the Governing Body of the Township hereby awards the Bonds to Boenning & Scattergood, Inc. (the "Underwriter"), upon the terms set forth in its proposal, a copy of which is attached hereto and made a part hereof (the "Bond Purchase Agreement"). As set forth therein, the Bonds are purchased at a bid price of \$2,462,376.30, which represents the principal amount of \$2,495,000.00, less Underwriter discount of \$21,207.50 (0.850%), less net original issue discount of \$11,416.20. Original issue premium and discount changes the effective yield on Bonds of certain maturities as shown in the accepted Bond Purchase Agreement.

Section 12. Sinking Fund; Appropriation of Annual Amounts for Payment of Debt Service. There is hereby established a separate sinking fund for the Township to be known as "Sinking Fund - Township of Worcester, 2016 General Obligation Bonds" (the "Sinking Fund") and into the Sinking Fund there shall be paid, no later than each and June 1 and December 1 as required, all moneys necessary to pay the debt service on the Bonds as shown in the attachments to the Bond Purchase Agreement, and the Sinking Fund shall be applied exclusively to the payment of the interest covenanted to be paid upon the Bonds and to the principal thereof at maturity and to no other purpose whatsoever, except as may be authorized by law, until the same shall have been fully paid.

The Paying Agent, as Sinking Fund Depository, is hereby authorized and directed to pay from the Sinking Fund the principal or redemption price of and interest on the Bonds as the same become due and payable in accordance with the terms thereof and the Township hereby covenants that such moneys, to the extent required, will be applied to such purpose.

All moneys deposited in the Sinking Fund for the payment of the Bonds which have not been claimed by the registered owner thereof after two years from the date when payment is due, except where such moneys are held for the

payment of outstanding checks, drafts or other instruments of the Sinking Fund Depository, shall be returned to the Township. Nothing contained herein shall relieve the Township of its liability to the registered owners of the unrepresented Bonds.

Section 13. Debt Proceedings. The Secretary of the Township is hereby authorized and directed to certify to and file with the Department in accordance with the Act, a complete and accurate copy of the proceedings taken in connection with the increase of debt authorized hereunder, including the debt statement and borrowing base certificate, exclusion proceedings relating to the portion of the Bonds being applied to the sewer projects of the Township and to pay the filing fees necessary in connection therewith.

Section 14. Tax Covenant and Representations.

(a) The Township covenants that the Township will make no use of the proceeds of the Bonds at any time during the term thereof which would cause such Bonds to be "arbitrage bonds" within the meaning of Section 148 of the United States Internal Revenue Code of 1986, as amended (the "Code"), and all applicable regulations and that it will comply with the requirements of all Code sections and regulations necessary to ensure that the Bonds are described in Code Section 103(a) and not described in Section 103(b) throughout the term of the Bonds.

(b) In order to ensure that the registered owners of the Bonds, if they are financial institutions, will not be subject to certain provisions of the Code, as a result of acquiring and carrying the Bonds, the Township hereby designates the Bonds as "qualified tax-exempt obligations," within the meaning of Code section 265(b)(3)(B), and the Township hereby covenants that it will take such steps as may be necessary to cause the Bonds to continue to be obligations described in such Code section during the period in which the Bonds are outstanding. The Township represents that it has not issued, and does not reasonably anticipate issuing, tax-exempt obligations which, when combined with the Bonds, will result in more than \$10,000,000 of tax-exempt obligations being issued in the calendar year in which the Bonds are issued. For purposes only of the foregoing sentence, the term "tax-exempt obligation" shall include any "qualified 501(c)(3) bond", as defined in Code section 145, but shall not include any other "private activity bond," as defined in Code section 141(a), any obligation which would be an "industrial development bond" or a "private loan bond" as defined in sections 103(b)(2) and 103(o)(2)(a) of the Internal Revenue Code of 1954, as amended, but for the fact that it is issued pursuant to section 1312, 1313, 1316(g) or 1317 of the Tax Reform Act of 1986, or any obligation issued to currently refund any obligation to the extent the amount thereof does not exceed the outstanding amount of the refunded obligation.

Section 15. Preliminary Official Statement; Official Statement. The Preliminary Official Statement in the form presented at this meeting (a copy of which shall be filed with the records of the Township), is hereby approved with such subsequent, necessary and appropriate additions or other changes as may be approved by the proper officer of the Township with the advice of counsel. The use and distribution of the Preliminary Official Statement by the Underwriter in the form hereby approved, and the distribution thereof on and after the date hereof, with such subsequent additions or other changes as aforesaid, is hereby authorized in connection with the public offering by the Underwriter of the Bonds. An Official Statement is substantially the same form as the Preliminary Official Statement, with such additions and other changes, if any, as may be approved by the Township's officer executing the same with the advise of counsel, such approval to be conclusively evidenced by the execution thereof, is hereby authorized and directed to be prepared and upon its preparation, to be executed by the Chair or Vice Chair of the Township following such investigation as such officer deems necessary as to the contents thereof. The Township hereby further approves the distribution and use of the Official Statement as so prepared and executed in connection with the sale of the Bonds.

Section 16. Continuing Disclosure. The Township shall be responsible for providing all information required by this section, although the Paying Agent may agree with the Township to disseminate such information. The Paying Agent's sole obligation, if it so agrees, with regard to continuing disclosure is to disseminate information provided to it by the Township. The Paying Agent is not obligated to independently obtain or disseminate any such information.

(a). Continuing Disclosure of Financial Information.

The Township shall disseminate in a timely manner, in accordance with this section and the provisions of Rule 15c2-12(b)(5) (the "Rule"), promulgated by the Securities and Exchange Commission (the "Commission") pursuant to the Securities Exchange Act of 1934, electronically through the Commission's Electronic Municipal Market Access ("EMMA") system for electronic filing operated by the Municipal Securities Rulemaking Board ("MSRB"), the following annual financial information and operating data with respect to the Township as the sole obligated person under the Rule:

(i) (A) the Township's annual audited financial statements which are prepared by independent certified public accountants pursuant to Generally Accepted Accounting Principles (GAAP) and which shall be made available no later than September 1 of the Township's following fiscal year, beginning with the fiscal year ending December 31, 2016; and

(B) a summary of the Township's current General Fund Budget, which shall be made available no later than September 1 of

the Township's following fiscal year, beginning with fiscal year ending December 31, 2016.

(ii) If audited financial statements are not submitted as part of the annual filing described in Section 16(a)(i)(A), the audited financial statements shall be submitted to EMMA if and when available to the Township, and in any event not more than thirty days after receipt from the Township's auditors. In the event that audited financial statements are not submitted as part of the annual filing, the Township shall file unaudited financial statements to EMMA with the annual filing.

(iii) The Township reserves the right to modify from time to time the specific types of information provided and the format of the presentation of such information, to the extent necessary or appropriate in the judgment of the Township, provided that the Township agrees any such modification will be done in a manner consistent with the Rule.

(iv) The Township is not in any manner undertaking to update the information contained in the Official Statement except to provide the annual financial information set forth in this Section.

(b). Disclosure of Material Events.

(i) The Township agrees to either directly disseminate through EMMA, or, upon agreement with the Paying Agent, to notify the Paying Agent to so disseminate in a timely manner, not to exceed ten business days after the occurrence of any of the following events, with respect to the Bonds:

- (1) Principal and interest payment delinquencies;
- (2) Non-payment related defaults, if material;
- (3) Unscheduled draws on debt service reserves reflecting financial difficulties;
- (4) Unscheduled draws on credit enhancements reflecting financial difficulties;
- (5) Substitution of credit or liquidity providers or their failure to perform;
- (6) Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Bonds, or other material events affecting the tax status of the Bonds;
- (7) Modifications to the rights of holders of the Bonds, if material;

- (8) Calls of the Bonds, if material, and tender offers;
- (9) Defeasances;
- (10) Release, substitution or sale of property securing repayment of the Bonds, if material;
- (11) Rating changes;
- (12) Bankruptcy, insolvency, receivership or similar event of the Township (this event is considered to occur when any of the following occur: The appointment of a receiver, fiscal agent or similar officer for the Township in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the Township, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the Township);
- (13) The consummation of a merger, consolidation, or acquisition involving the Township or the sale of all or substantially all of its assets, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material; and
- (14) Appointment of a successor or additional Paying Agent or the change of name of a Paying Agent, if material.
- (ii) The Paying Agent shall have no obligation to independently provide notices of any of the preceding events, even if the Paying Agent has notified the Township of the occurrence of the event, but rather is obligated only, if so agreed to by the Paying Agent, to disseminate such notice in such form as the Township has provided to it.
- (iii) The Township may from time to time choose to provide notice of the occurrence of certain other events, in addition to those listed above, if, in the judgment of the Township, such other event is material with respect to the Bonds, but the Township does not undertake to commit to provide any such notice of the occurrence of any material event except those events listed above.
- (c). Failure to Provide Information. The Township shall, directly or through the Paying Agent, disseminate, in a timely manner, notice of a

failure by the Township to provide the annual financial information with respect to the Township described in (a) above.

(d). Termination of Continuing Disclosure Obligation. The Township reserves the right to terminate its obligation to provide annual financial information and notices of material events, as set forth herein, if and when the Township no longer remains an obligated person with respect to the Bonds within the meaning of the Rule. Notwithstanding that the application of the Rule has been imposed upon the Township for the benefit of the holders of the Bonds, the obligations of the Township under this section shall terminate in the event that the Rule is determined by a court of competent jurisdiction to be in violation of federal law.

(e). Disclosure for Benefit of holders of the Bonds; Remedies. The Township agrees that its undertaking, pursuant to the Rule, set forth in (a) and (b) above is required to be for the benefit of the holders of the Bonds. A failure by the Township to comply with the provisions of this undertaking shall not constitute an event of default with respect to the Bonds under the Act or otherwise. In the event the Township fails to comply with the provisions of this section within 10 days of receipt of a written request for information which the Township has agreed to provide, the remedy shall be limited to specific performance or a writ of mandamus in a court of competent jurisdiction to enforce the obligations of the Township under this section.

(f). Amendments. The provisions of this section may be amended without consent of the holders of the Bonds if the Township receives an opinion of counsel that such amendment is consistent with the Rule.

Section 17. Incidental Action. The proper officers of the Township are hereby authorized, directed and empowered on behalf of the Township to execute any and all agreements, papers and documents and to do or cause to be done any and all acts and things necessary or proper for the carrying out of the purposes of this Ordinance, including filing the necessary proceedings with the Pennsylvania Department of Community and Economic Development to qualify the debt represented by the Bonds as self-liquidating under the Debt Act.

Section 18. Payment of Issuance Costs. The proper officers of the Township are hereby authorized and directed to pay the costs of issuing the Bonds at the time of delivery of the Bonds to the Underwriter; provided that the total of such costs shall not exceed the amount of Bond proceeds available therefor.

Section 19. Refunding of the 2013 Note. The proper officers of the Township are hereby directed to notify Univest Bank and Trust Company of the redemption date for the 2013 Note.

The Township hereby grants the Paying Agent full authority to do and perform all and every act and thing whatsoever requisite and necessary to effectuate said purposes as the Township might do on its own behalf, and hereby ratifies and confirms all that said agent shall do or cause to be done by virtue thereof.

Section 20. Inconsistent Ordinances. All Ordinances or parts of Ordinances inconsistent herewith be and the same hereby are rescinded, cancelled and annulled.

Section 21. Effective Date. This Ordinance shall take effect on the earliest date permitted by the Act.

DULY ORDAINED AND ENACTED this 18th day of May, 2016.

TOWNSHIP OF WORCESTER

[SEAL]



By: *Susan G. Caughlan*
Susan G. Caughlan,
Chairperson, Board of Supervisors

Attest:

Tommy Ryan
Tommy Ryan, Secretary

**TOWNSHIP OF WORCESTER
COUNTY OF MONTGOMERY, PENNSYLVANIA**

CERTIFICATE OF SECRETARY

The undersigned, Secretary of the Township of Worcester HEREBY CERTIFIES that:

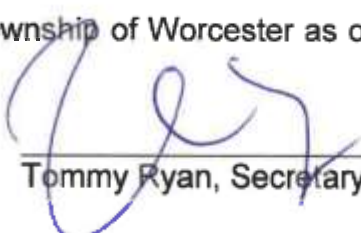
1. The foregoing Ordinance authorizing the issuance and sale of General Obligation Bonds, Series of 2016 of the Township of Worcester was duly moved and seconded and enacted by a majority vote of all the members of the Board of Supervisors of said Township at a duly called and convened public meeting of said Board held on May 18, 2016; that public notice of said meeting was given as required by law; and that the roll of the Board was called and such members voted or were absent as follows:

| <u>Name</u> | <u>Vote</u> |
|--------------------------------|------------------------|
| Susan G. Caughlan, Chairperson | _____ <u>Yea</u> _____ |
| Stephen Quigley, Vice Chairman | _____ <u>Yea</u> _____ |
| Arthur C. Bustard, Member | _____ <u>Yea</u> _____ |

2. Said Ordinance has not been altered, amended, modified, or suspended and is still in full force and effect as of the date of the delivery of this Certificate.

WITNESS my hand and seal of the Township of Worcester as of May 18, 2016.

SEAL



Tommy Ryan, Secretary

EXHIBIT "A"

No. R-__

\$

UNITED STATES OF AMERICA
COMMONWEALTH OF PENNSYLVANIA
COUNTY OF MONTGOMERY
TOWNSHIP OF WORCESTER
GENERAL OBLIGATION BOND, SERIES OF 2016

| <u>INTEREST RATE</u> | <u>MATURITY DATE</u> | <u>ORIGINAL ISSUANCE DATE</u> | <u>CUSIP</u> |
|----------------------|----------------------|-------------------------------|--------------|
| % | _____ , _____ | _____ , 2016 | |

REGISTERED OWNER: CEDE & CO.

PRINCIPAL AMOUNT: _____ DOLLARS

The TOWNSHIP OF WORCESTER, Montgomery County, Pennsylvania (the "Township"), existing by and under the laws of the Commonwealth of Pennsylvania, for value received, hereby acknowledges itself indebted and promises to pay to the registered owner named above, on the maturity date specified above unless this Bond shall be redeemable and shall have been duly called for previous redemption in whole or in part and the redemption price duly made or provided for, the principal amount shown above; and to pay interest thereon at the annual rate specified above (computed on the basis of a 360-day year of twelve 30-day months) from the most recent Regular Interest Payment Date (as hereinafter defined) to which interest has been paid or duly provided for, or from the Original Issuance Date stated above, if no interest has been paid. Such payment of interest shall be made on December 1, 2016, and on each June 1 and December 1 thereafter (each, a "Regular Interest Payment Date") until the principal hereof has been paid or provided for as aforesaid. The principal of, and interest on, this bond may be paid in any coin or currency of the United States of America which, at the time of payment, is legal tender for the payment of public and private debts.

The principal or redemption price of this bond is payable upon presentation and surrender hereof at the corporate trust office of TD Bank, N.A. in Philadelphia, Pennsylvania or Cherry Hill, New Jersey, or at the designated office of any additional or appointed alternate or successor paying agent or agents (the "Paying Agent"). Interest shall be paid by check mailed to the registered owner hereof, as shown on the registration books kept by the Paying Agent as of the close of business on the applicable Regular or Special Record Date (each as hereinafter defined).

The record date for any Regular Interest Payment Date (each, a "Regular Record Date") shall mean the close of business on the fifteenth day of the calendar month (whether or not a business day) next preceding such Regular Interest Payment Date. In the event of a default by the Township in the payment of interest becoming due on any Regular Interest Payment Date, the interest so becoming due shall forthwith cease to be payable to the registered owners otherwise entitled thereto as of such date. Whenever moneys thereafter become available for the payment of the defaulted interest, the Paying Agent, on behalf of the Township, shall immediately establish a "special record date" (which shall be a business day) relating thereto (the "Special Record Date") and shall mail a notice of such date to the registered owners of the Bonds at least fifteen days prior to the Special Record Date. Such notice shall be mailed to the registered owner of the Bonds as shown on the registration books kept by the Paying Agent on the fifth day preceding the date of mailing. The Special Record date shall be at least ten days but not more than fifteen days prior to the special interest payment date. The defaulted interest shall be paid on the Special Interest Payment Date by check mailed to the registered owners of the bonds, as shown on the registration books kept by the Paying Agent, as of the close of business on the Special Record Date.

So long as The Depository Trust Company ("DTC"), or its nominee, CEDE & CO., is the registered owner hereof, all payments of the principal of, and interest on, this bond shall be payable in the manner and at the respective times of payment provided for in DTC's Operational Arrangements as in effect from time to time.

If the date for payment of the principal or redemption price of, and interest on, this bond shall be a Saturday, Sunday, legal holiday or a day on which banking institutions in the city where the designated corporate trust office of the Paying Agent is located are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not a Saturday, Sunday, legal holiday or a day on which such banking institutions are authorized to close, and payment on such date shall have the same force and effect as if made on the nominal date of payment.

The principal or redemption price of, and interest on, this bond are payable without deduction for any tax or taxes, except gift, succession, franchise, excise or inheritance taxes, now or hereafter levied, or assessed thereon under any present or future laws of the Commonwealth of Pennsylvania, all of which taxes, except as above provided, the Township assumes and agrees to pay.

This bond is one of a duly authorized issue of \$2,495,000 aggregate principal amount of general obligation bonds of the Township known as "Township of Worcester General Obligation Bonds, Series of 2016" (the "Bonds") all of like tenor, except as to interest rate, redemption provisions, and date of maturity. The Bonds are issuable only in the form of fully registered bonds without coupons in the denomination of \$5,000 or integral multiples thereof and are issued in accordance with the provisions of the Pennsylvania Local Government Unit Debt Act, as amended (the "Act"), and by virtue of an Ordinance of the Township duly enacted (the "Ordinance"), and the sworn statement of the duly authorized officers of the Township as appears on record in the office of the Pennsylvania Department of Community and Economic Development, Harrisburg, Pennsylvania.

It is covenanted with the registered owners from time to time of this bond that the Township shall (1) include the amount of the debt service for each fiscal year in which such sums are payable in its budget for that year, (2) appropriate such amounts from its general revenues for the payment of such debt service, and (3) duly and punctually pay or cause to be paid from its sinking fund or any other of its revenues or funds the principal or redemption price of, and the interest on, this bond at the dates and places and in the manner stated in this bond, according to the true intent and meaning thereof. For such budgeting, appropriation and payment, the Township pledges its full faith, credit and taxing power. This covenant shall be specifically enforceable; subject, however, as to the enforceability of remedies, to any applicable bankruptcy, insolvency, moratorium or other laws or equitable principles affecting the enforcement of creditors' rights generally. Nothing in this paragraph shall be construed to give the Township any taxing power not granted by another provision of law.

OPTIONAL REDEMPTION

The Bonds maturing on and after December 1, 2022 are subject to redemption prior to maturity on December 1, 2021 or on any date thereafter at a redemption price of 100% of the principal amount thereof plus interest accrued to the redemption date.

MANDATORY SINKING FUND REDEMPTION

The Bonds maturing on December 1 of the years 2027, 2030, 2032 and 2041, are subject to mandatory redemption in order of maturity from moneys in amounts required by the Ordinance to be deposited by the Township in the Sinking Fund, on December 1 of the years 2025 through 2040, by lot, at a redemption price of 100% of the principal amount redeemed, plus accrued interest to the redemption date.

So long as DTC or its nominee is the registered owner of the Bonds, if less than all of the Bonds of any maturity shall be called for redemption, the particular Bonds or portions of Bonds of such maturity to be redeemed shall be selected by DTC and the DTC Participants in such manner as DTC and the DTC Participants may determine.

Any redemption of this bond under the preceding paragraphs shall be made as provided in the Ordinance, upon not less than thirty (30) days' nor more than sixty (60) days' notice, by mailing a copy of the redemption notice by first-class United States mail, postage prepaid, or by another method of giving notice

which is acceptable to the Paying Agent and customarily used for similar notices at the time such notice is given, to each address of such registered owner as it appears on the registration books of the Paying Agent as of the date such Bonds are selected for redemption, unless such notice is waived by the registered owner of the Bonds to be redeemed; provided, however, that failure to give notice of redemption by mailing or any defect in the notice as mailed or in the mailings thereof to the registered owner of any Bond to be redeemed shall not affect the validity of the redemption as to other Bonds for which proper notice shall have been given. In the event that less than the full principal amount hereof shall have been called for redemption, the registered owner hereof shall surrender this bond in exchange for one or more new Bonds in an aggregate principal amount equal to the unredeemed portion of the principal amount hereof.

In lieu of redeeming the principal amount of Bonds set forth in the Ordinance on the mandatory redemption date, or any portion thereof, purchases of such Bonds of the particular maturity may be made in accordance with the provisions of the Ordinance.

If at the time of the mailing of any notice of redemption the Township shall not have deposited with the Paying Agent moneys sufficient to redeem all the Bonds called for redemption, such notice shall state that it is conditional, that is, subject to the deposit or transfer of the redemption moneys with the Paying Agent not later than the opening of business on the redemption date, and that such notice shall be of no effect unless such moneys are so deposited.

The Township, in the Ordinance, has established a sinking fund with the Paying Agent, as the sinking fund depository, into which funds for the payment of the principal or redemption price of, and the interest on, the Bonds shall be deposited not later than the date fixed for disbursement thereof. The Township has covenanted in the Ordinance to make payments out of such sinking fund or out of any other of its revenues or funds, at such times and in such amounts, as shall be sufficient for prompt and full payment of the principal or redemption price of, and interest on, this bond.

The Township, pursuant to recommendations promulgated by the Committee on Uniform Security Identification Procedures (CUSIP) has caused CUSIP numbers to be printed on the Bonds. No representation is made as to the accuracy of said numbers as printed on the Bonds, and the Township shall have no liability of any sort with respect thereto. Reliance with respect to any redemption notice with respect to the Bonds may be placed only on the identification numbers printed thereon.

This bond is registered as to both principal and interest on the bond register to be kept for that purpose at the corporate trust office of the Paying Agent, and both principal and interest shall be payable only to the registered owner hereof. This bond may be transferred in accordance with the provisions of the Ordinance, and no transfer hereof shall be valid unless made at said office by the registered owner in person or his duly appointed attorney or other legal representative and noted hereon. The Township and the Paying Agent may deem and treat the person in whose name this bond is registered as the absolute owner hereof for the purpose of receiving payment of, or on account of, the principal hereof and interest hereon and for all other purposes, whether or not this bond shall be overdue. The Township and the Paying Agent shall not be affected by any notice to the contrary.

No recourse shall be had for the payment of the principal of, or interest on, this bond, or for any claim based hereon or on the Ordinance, against any member, officer or employee, past, present, or future, of the Township or of any successor body, either directly or through the Township or any successor body, under any constitutional provision, statute or rule of law, or by the enforcement of any assessment or by any legal or equitable proceeding or otherwise, and all such liability of such members, officers or employees is released as a condition of and as consideration for the execution and issuance of this bond.

So long as DTC or its nominee is the registered owner of the Bonds, the Paying Agent will recognize DTC or its nominee as the owner of the Bonds for all purposes, including notices and voting. Conveyance of notices and other communications by DTC and DTC Participants, by DTC Participants to Indirect Participants, and by DTC Participants and Indirect Participants to Beneficial Owners will be governed by arrangements among them, subject to any statutory and regulatory requirements as may be in effect from time to time.

This bond shall not be valid or become obligatory for any purpose until the Paying Agent's Authentication Certificate printed hereon is duly executed.

IN WITNESS WHEREOF, WORCESTER TOWNSHIP has caused this bond to be signed in its name by the facsimile signature of the Chair of its Governing Body and a facsimile of its corporate seal to be printed hereon and attested by the facsimile signature of its Secretary all as of the ____ day of _____, 2016.

TOWNSHIP OF WORCESTER

[SEAL]

By: _____
Susan G. Caughlan, Chair

Attest:

Tommy Ryan, Secretary

PAYING AGENT AUTHENTICATION CERTIFICATE

This bond is one of the bonds of the series designated therein. Printed hereon is a complete text of the opinion of Lamb McErlane PC, Bond Counsel, dated the date of the initial delivery of, and payment for, the Bonds, a signed copy of which is on file with the undersigned.

TD BANK, N.A., PAYING AGENT

By: _____
Authorized Officer

AUTHENTICATION DATE:

ABBREVIATIONS

The following abbreviations, when used in the inscription on the face of the within Bond, shall be construed as though they were written out in full according to applicable laws or regulations.

- TEN COM - as tenants in common
- TENENT - as tenants by the entireties
- JT TEN - as joint tenants with right of survivorship and not as tenants in common

UNIFORM GIFT MIN ACT

_____ Custodian _____
(Cust) _____ (Minor)

under Uniform Gifts to Minors Act _____
(State)

Additional abbreviations may also be used though not in the above list.

[FORM OF ASSIGNMENT]

FOR VALUE RECEIVED, the undersigned hereby sells, assigns and transfers unto

(Please type or print name, address (including postal zip code) and social security or other tax identification number of the transferee)

_____ the within Bond and
all rights thereunder, and hereby irrevocably constitutes and appoints _____

his/her attorney to transfer said Bond on the books of the within described transfer agent with full power of substitution in the premises.

Dated: _____

Signature Guaranteed:

In the presence of:

Witness by a member of a signature medallion program

NOTICE: The signature to this assignment must correspond with the name of the registered owner as it appears upon the face of the within Bond in every particular, without alteration or enlargement or any change whatever.

In the presence of: _____
(Signature)

(Type or Print Name)

Text of Opinion of
Lamb McErlane PC, Bond Counsel

Re: **Township of Worcester**
\$ _____ General Obligation Bonds, Series of 2016

You have requested our opinion as to the legality of the above general obligation bonds (the "Bonds"). The Bonds are issued by the Township of Worcester, Montgomery County, Pennsylvania (the "Township"), under the provisions of the Pennsylvania Local Government Unit Debt Act, as amended (the "Act"), and pursuant to an ordinance enacted by the Board of Supervisors of the Township on May 18, 2016 (the "Ordinance"). The Bonds are being issued for the purpose of financing costs of currently refunding the Township's General Obligation Note, Series of 2013, financing the extension of the Township's sewer collection and transmission system, and to pay the costs of issuing the Bonds.

The Township has covenanted in the Ordinance (i) to include the amount of debt service for the Bonds for each fiscal year in which such sums are due and payable in its budget for that year, (ii) to appropriate such amounts from its general revenues for the payment of such debt service, and (iii) to duly and punctually pay, or cause to be paid, from its sinking fund or any other of its revenues or funds, the principal of, and interest on, the Bonds at the dates and places and in the manner stated in the Bonds, according to the true intent and meaning thereof; for such budgeting, appropriation and payment the Township in the Ordinance has pledged its full faith, credit and taxing power.

The Township in the Ordinance has designated the Bonds as qualified tax exempt obligations pursuant to Section 265(b)(3)(B) of the Internal Revenue Code of 1986, as amended (the "Code") and has made certain representations and covenants in the Ordinance necessary to cause the Bonds to continue to be obligations described in such Section of the Code during the period in which the Bonds are outstanding.

As Bond Counsel for the Township, we have examined the relevant provisions of the Constitution of the Commonwealth of Pennsylvania; the Acts of Assembly pursuant to which the Bonds are authorized, issued and sold; the transcript of proceedings filed with the Pennsylvania Department of Community and Economic Development (the "Department"); and certain statements, affidavits and other documents which we have considered pertinent.

In rendering this opinion we have examined and relied upon (i) the opinion of Wisler Pearlstine, LLP, Solicitor to the Township, with respect, among other things, to the due enactment by the Township of the Ordinance, and (ii) the accuracy of the statements and representations and the performance of the covenants of the Township set forth in the Ordinance and the Township's Tax Certificate and Agreement delivered on this date in connection with the issuance of the Bonds.

Based on the foregoing, we are of the opinion that:

1. The Township is authorized under the provisions of the Constitution and laws of the Commonwealth of Pennsylvania to issue the Bonds for the purposes above set forth, and the Township has authorized the issuance thereof.
2. As indicated in the Township's debt statement filed with the Department in connection with the issuance of the Bonds, outstanding debt of the Township, including debt represented by the Bonds, is within the debt limitations of the Act.
3. The Bonds are the valid and binding general obligations of the Township payable from the revenues of the Township from whatever source derived, which revenues, at the time of the issuance and sale of the Bonds, include *ad valorem* taxes levied upon all the taxable property within the Township, without limitation as to rate or amount.

4. Under the laws of the Commonwealth of Pennsylvania, as currently enacted and construed, the Bonds are exempt from personal property taxes in Pennsylvania and the interest on the Bonds is exempt from Pennsylvania personal income tax and corporate net income tax.

5. Interest on the Bonds is excludable from gross income for federal income tax purposes under existing law, as currently enacted and construed, assuming the accuracy of the certifications of the Township and its continuing compliance with certain covenants and requirements of the Code. Interest on the Bonds is not an item of tax preference for purposes of the federal alternative minimum tax imposed upon individuals and corporations. Interest on a Bond held by a corporation (other than an S corporation, regulated investment company or real estate investment trust) may be indirectly subject to alternative minimum tax because of its inclusion in the adjusted current earnings of the corporate holder. Interest on a Bond held by a foreign corporation may be subject to the branch profits tax imposed by the Code.

6. Banks, thrift institutions and other financial institutions which purchase the Bonds may take into account, as a deductible expense in calculating their federal income tax liability, 80 percent of their interest expense allocable to ownership of the Bonds.

Ownership of the Bonds may give rise to collateral federal income tax consequences to certain taxpayers, including, without limitation, financial institutions, property and casualty insurance companies, certain S corporations with "excess net passive income", individual recipients of Social Security or Railroad Retirement benefits and taxpayers who may be deemed to have incurred or continued indebtedness to purchase or carry the Bonds. We express no opinion as to such collateral federal income tax consequences.

The initial public offering price of Bonds of certain maturities (the "Discount Bonds") is less than the amount payable at maturity. An amount not less than the difference between the initial public offering price of the Discount Bonds and the amount payable at maturity constitutes original issue discount. We are of the opinion that the appropriate portion of such original issue discount allocable to the original and each subsequent holder of a Discount Bond will, upon sale, exchange or payment at maturity of such Discount Bond, be treated as interest and excluded from gross income for federal income tax purposes to the same extent as the stated interest on the Discount Bonds.

In providing this opinion, we advise you that it may be determined in the future that interest on the Bonds, retroactive to the date of issuance thereof or prospectively, will not be excluded from the gross income of the owners of the Bonds for federal income tax purposes if certain requirements of the Code are not met. The Township has covenanted in the Ordinance to comply with such requirements.

The enforceability (but not the validity) of the Bonds and documents mentioned herein may be limited by bankruptcy, insolvency, reorganization, moratorium or other laws now or hereafter enacted by any state or the federal government affecting the enforcement of creditors' rights generally, and "enforceable in accordance with its (their) terms" shall not mean that specific performance would necessarily be available as a remedy in every situation.

Lamb McErlane PC

EXHIBIT "B"
WORCESTER TOWNSHIP
Proposed Capital Projects
2016 Bond Issue

| <u>Project</u> | <u>Estimated Costs</u> | <u>Estimated Useful Life</u> |
|--------------------------------------|------------------------|------------------------------|
| Hickory Hill Sewer Expansion Project | \$1.03 million | 40 years |

**TOWNSHIP OF WORCESTER
MONTGOMERY COUNTY, PENNSYLVANIA**

ORDINANCE 2016-259

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CHAPTER 87,
ARTICLE I: DEER HUNTING, BY REPEALING AND DELETING ARTICLE I,
SECTION 87-2, POSSESSION OF LOADED RIFLE, PISTOL OR REVOLVER**

WHEREAS, the Board of Supervisors enacted Ordinance No. 15, adopted November 14, 1955 concerning deer hunting within the Township; and,

WHEREAS, the Township adopted the Code of Ordinances on August 21, 1996 by enactment of Ordinance No. 150 which codified Ordinance No. 15 as Chapter 87, Article I; and,

WHEREAS, the Board of Supervisors of Worcester Township has determined that it is in the best interests of the Township to repeal and delete Section 87-2 from Chapter 87, Article I.

NOW, THEREFORE, the Board of Supervisors hereby ordains and enacts as follows:

SECTION I – Chapter 87, Article I, Section 87-2, relating to possession of loaded rifle, pistol or revolver, is hereby repealed and deleted in its entirety from the Code of Ordinances.

SECTION II – Severability. In the event that any section, subsection or portion of this Ordinance shall be declared by any competent court to be invalid for any reason, such decision shall not be deemed to affect the validity of any other section, subsection or portion of this Ordinance.

SECTION III – Savings and Repealer. The remaining provisions of the Code of Ordinances of the Township of Worcester, and specifically, Chapter 87, Article I, in force immediately before the enactment of this Ordinance are intended to be continued and, to the extent not inconsistent herewith, are hereby reenacted and reordained.

SECTION IV – Effective Date. This Ordinance shall become effective immediately upon enactment.

ENACTED AND ORDAINED by the Supervisors of the Township of Worcester, Montgomery County, Pennsylvania on this 15th day of June, 2016.

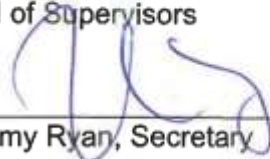
FOR WORCESTER TOWNSHIP

By:



Susan G. Caughlan, Chair
Board of Supervisors

Attest:



Tommy Ryan, Secretary

**TOWNSHIP OF WORCESTER
MONTGOMERY COUNTY, PENNSYLVANIA**

ORDINANCE 2016-260

**AN ORDINANCE OF THE TOWNSHIP OF WORCESTER,
MONTGOMERY COUNTY, PENNSYLVANIA AMENDING ORDINANCE 2015-254**

WHEREAS, the Board of Supervisors of Worcester Township ("Board"), on December 16, 2015, did adopt Ordinance 2015-254, that, among other matters, established an assessment for sanitary sewer infrastructure ("Improvements") installed by the Township to serve certain properties that front Valley Forge Road, Hickory Hill Road, Crest Terrace, Green Briar Drive and Landis Road ("Properties") or ("Hickory Hill Sewer District"); and,

WHEREAS, Ordinance 2015-254 likewise set forth the manner by which the assessment shall be paid by the Owners of Record ("Owners" or "Owner") of the affected properties either by a one-time payment or over a five-year term upon execution of an agreement between an Owner and the Township; and,

WHEREAS, pursuant to Ordinance 2015-254, on March 1, 2016, Notices of Assessment were issued by the Township to the Owners in the Hickory Hill Sewer District, providing for an assessment in the amount of Fourteen Thousand Three Hundred Five Dollars (\$14,305.00); and,

WHEREAS, subsequent to the adoption of Ordinance 2015-254, the Board of Supervisors, at the request of several Owners, did undertake a borrowing by way of a municipal bond issue, for the purpose of funding the Improvements, and including the debt service to be paid on the bond issue as a charge against the Properties in the Hickory Hill Sewer District in the event that an Owner in the District should desire to pay the assessment over a 25 year, 6 month term (306 months) rather than a one-time assessment; and,

WHEREAS, an amendment to Ordinance 2015-254 is required to delete the option to enter into a five-year agreement and to provide for the payment of the assessment over a 25 year, 6 month term (306 months) with interest at the rate of 2.98% in the event an Owner fails to make the one-time payment when due as provided for in the Notices of Assessment and by Ordinance 2015-254;

NOW, THEREFORE, the Board of Supervisors of Worcester Township, Montgomery County, Pennsylvania hereby ordains and enacts as follows:

SECTION I:

1. Sections 4 and 5 of Ordinance 2015-254 are hereby deleted in their entirety and replaced with the following:
 4. (a) Pursuant to Section 3 of Ordinance 2015-254, all properties in the Hickory Hill Sewer District have been charged and assessed an equal assessment in the amount of Fourteen Thousand Three Hundred Five Dollars (\$14,305.00), per Property, pursuant to §67508(2) of the Pennsylvania Second Class Township Code (53 P.S. §67508(2)) ("Hickory Hill Sewer District Assessment"). All such

assessments were required to be paid to the Township by April 29, 2016. In the event that an Owner has failed to pay the Hickory Hill Sewer District Assessment by April 29, 2016, the Township shall bill the Hickory Hill Sewer District Assessment, plus all borrowing costs incurred by the Township, to the Owner in equal quarterly charges over a 25 year, 6 month term (306 months).

(b) The Hickory Hill Sewer District Assessment shall be billed by the Township and paid by the Owner, whether or not the Property is connected to the sanitary sewer system, until such time as the \$14,305.00 assessment, plus all borrowing costs incurred by the Township, with interest at the rate of 2.98% is paid to the Township in full.

(c) Commencing July 1, 2016, the Township shall issue quarterly bills to all Owners who have failed to pay the Hickory Hill Sewer District Assessment by April 29, 2016. The quarterly payment shall be \$204.69, and this amount shall continue to be billed for a 25 year, 6 month term (306 months).

5. In the event an Owner shall refuse, fail or neglect to pay such quarterly assessment within sixty (60) days of the billing date of any quarterly bill, the Township may proceed to file a municipal claim or lien thereon, which shall include interest at the maximum legal rate per annum. Thereafter, the Township Solicitor shall proceed to collect the same under the general law relating to the collection of municipal claims, including if so directed by the Township, the filing of a civil action.

SECTION II:

1. All other terms and provisions of Ordinance 2015-254 shall remain in full force and effect.
2. Nothing contained herein shall alter the responsibility of the Owners with respect to payment to the Township of the applicable sewer tapping fee or subsequent sewer usage rates in effect at that time upon connection to the public sewer system.
3. The proper officers of the Township are hereby authorized and directed to do all matters and things required to be done by the Acts of Assembly and by this Ordinance for the purpose of carrying out the purposes hereof.
4. Township reserves the right to make any modifications, supplements or amendments to this Ordinance.
5. In the event that any section, subsection or portion of this Ordinance shall be declared by any competent court to be invalid for any reason, such decision shall not be deemed to affect the validity of any other section, subsection or portion of this Ordinance. The invalidity of section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance, which can be given effect without such invalid part or parts. It is hereby declared to be the intention of the Township that this Ordinance would have been adopted had such invalid section, clause, sentence, or provision not been included therein.

6. To the extent this Ordinance is inconsistent with other provisions of the Code of Worcester Township, the provisions of this Ordinance shall take precedence. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.
7. This Ordinance shall become effective immediately upon enactment.

ENACTED AND ORDAINED by the Supervisors of the Township of Worcester, Montgomery County, Pennsylvania on this 15th day of June, 2016.

FOR WORCESTER TOWNSHIP

By: 
Susan G. Caughlan, Chair
Board of Supervisors

Attest: 
Tommy Ryan, Secretary

Ordinance 2016-261 was not adopted

**TOWNSHIP OF WORCESTER
MONTGOMERY COUNTY, PENNSYLVANIA**

ORDINANCE 2016-262

**AN ORDINANCE AMENDING TOWNSHIP CODE
CHAPTER 150, ARTICLE IV, AS TO PERMITTED USES.**

NOW, THEREFORE, the Board of Supervisors of Worcester Township, Montgomery County, Pennsylvania hereby ordains and enacts as follows:

SECTION I – Township Code Chapter 150, Section 150-11.B(1) is hereby repealed in its entirety, and replaced as follows:

- (1) On tracts of less than eight acres, single-family detached dwellings shall be developed in accordance with the requirements of §§ 150-12 through 150-17 of this article.

SECTION II – Township Code Chapter 150, Section 150-11.B(2) is hereby repealed in its entirety, and replaced as follows:

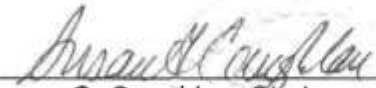
- (2) On tracts of eight acres or more, single-family detached dwellings shall be developed in accordance with the requirements of Article XVIA, Conservation Subdivisions, and §§ 150-16 and 150-17 of this article. In the case of any conflicts between the provisions of §§ 150-16, 150-17 and Article XVIA, Article XVIA shall control.

SECTION III

1. In the event that any section, subsection or portion of this Ordinance shall be declared by any competent court to be invalid for any reason, such decision shall not be deemed to affect the validity of any other section, subsection or portion of this Ordinance. The invalidity of section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance, which can be given effect without such invalid part or parts. It is hereby declared to be the intention of the Township that this Ordinance would have been adopted had such invalid section, clause, sentence, or provision not been included therein.
2. To the extent this Ordinance is inconsistent with the Code of Worcester Township, the provisions of this Ordinance shall take precedence. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.
3. The failure of the Township to enforce any provision of this ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.
4. This Ordinance shall become effective immediately upon enactment.

ENACTED AND ORDAINED by the Supervisors of the Township of Worcester, Montgomery County, Pennsylvania on this 19th day of October, 2016.

FOR WORCESTER TOWNSHIP

By: 
Susan G. Caughlan, Chair
Board of Supervisors

Attest: 
Tommy Ryan, Secretary