

**WORCESTER TOWNSHIP  
BOARD OF SUPERVISORS**

**MONTGOMERY COUNTY, PENNSYLVANIA**

**ORDINANCE NO: 2010 – 224**

**"Age Qualified Residential Community District  
(AQRC District) Ordinance"**

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF WORCESTER TOWNSHIP, CHAPTER 150 (ZONING), ARTICLE III (TERMINOLOGY), SECTION 150-9 (DEFINITIONS) TO REVISE THE DEFINITION OF "AGE QUALIFIED RESIDENTIAL COMMUNITY"; TO AMEND ARTICLE XXC (AQRC AGE QUALIFIED RESIDENTIAL COMMUNITY), SECTION 150-146.16 (UNIT OCCUPANCY) TO REVISE PARAGRAPH "A" TO PERMIT UP TO TWENTY PERCENT (20%) OF THE TOTAL DWELLING UNITS TO BE OCCUPIED ON A PERMANENT BASIS BY NOT MORE THAN FOUR (4) PERSONS, AT LEAST ONE (1) OF WHICH SHALL BE FORTY-FIVE (45) YEARS OF AGE OR OLDER; AND TO AMEND SECTION 150-146.17 (DECLARATION OF AGE RESTRICTION) TO REQUIRE THE RECORDING OF A DECLARATION CONSISTENT WITH THE OCCUPANCY REQUIREMENTS CONTAINED IN SECTION 150-146.16 AND FURTHER REQUIRING THAT THE DECLARANT DEMONSTRATE COMPLIANCE WITH THE CODE OF FEDERAL REGULATIONS, TITLE 24: HOUSING AND URBAN DEVELOPMENT PART 100 – DISCRIMINATORY CONDUCT UNDER THE FAIR HOUSING ACT.

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The Board of Supervisors of Worcester Township does hereby **ENACT** and **ORDAIN**:

**SECTION 1. Amendment to the Code.**

The Codified Ordinances of Worcester Township, Chapter 150 (Zoning), Article III (Terminology), Section 150-9 (Definitions) is amended by deleting the definition "Age Qualified Residential Community", and in its place substituting the following:

"AGE QUALIFIED RESIDENTIAL COMMUNITY" - A residential community consisting of single family detached and/or townhouse dwellings in which at least eighty percent (80%) of the occupied units shall be occupied by no more than four (4) persons,

at least one (1) of whom shall be fifty-five (55) years of age or older, and up to twenty percent (20%) of the occupied units may be occupied by no more than four (4) persons, at least one (1) of whom shall be forty-five (45) years of age or older, and which has published and does adhere to policies and procedures that demonstrate its intent to qualify for exemption under the federal Fair Housing Act. No persons under the age of nineteen (19) shall occupy a dwelling, except the child of a resident during summer months or during holidays.

**SECTION 2. Amendment to the Code.**

The Codified Ordinances of Worcester Township, Chapter 150 (Zoning), Article XXC (AQRC Age Qualified Residential Community), Section 150-146.16 (Unit Occupancy) is amended by deleting Paragraph "A", and in its place substituting the following:

No more than four (4) persons shall occupy a dwelling, at least one (1) of whom shall be fifty-five (55) years of age or older, with the exception that up to twenty percent (20%) of the occupied units may be occupied by not more than four (4) persons, at least one (1) of whom shall be forty-five (45) years of age or older. No persons under the age nineteen (19) shall occupy any dwelling, except the child of a resident during summer months or during holidays.

**SECTION 3. Amendment to the Code.**

The Codified Ordinances of Worcester Township, Chapter 150 (Zoning), Article XXC (AQRC Age Qualified Residential Community), Section 150-146.17 (Declaration of Age Restriction) is amended by deleting Section 150-146.17, and in its place substituting the following:

At the time of subdivision and land development, as a prerequisite to the recording of any final plan approved, the developer shall record a Declaration against the entire tract, in a form acceptable to the Township, binding all properties and owners to the definition of Age Qualified Residential Community set forth in Article III hereof, and the occupancy requirements set forth in Section 150-146.16 hereof. Further, the Declarant shall demonstrate the intent to operate as housing designed for persons who are fifty-five (55) years of age or older, by complying with Section 100.306, as amended, and Section 100.307 concerning verification of occupancy, set forth in the Code of Federal Regulations, at Title

24: Housing and Urban Development Part 100 - Discriminatory  
Conduct under the Fair Housing Act.

**SECTION 4. Repealer.**

All other ordinances and resolutions or parts thereof as they are inconsistent with this Ordinance are hereby repealed.

**SECTION 5. Severability.**

The provisions of this Ordinance are intended to be severable, and if any section, sentence, clause, part or provision hereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted even if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

**SECTION 6. Failure to Enforce Not a Waiver.**

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.

**SECTION 7. Effective Date.**


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

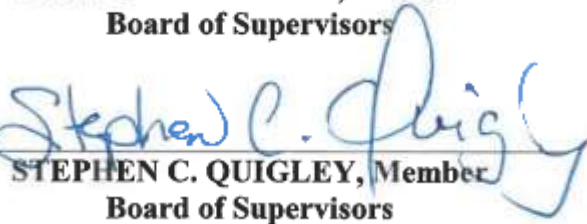
(Signature page follows)

**ORDAINED AND ENACTED** by the Board of Supervisors of Worcester Township,  
Montgomery County, Pennsylvania, this 7th day of August, 2010.

**WORCESTER TOWNSHIP**

By:   
\_\_\_\_\_  
**ARTHUR C. BUSTARD, Chairman**  
**Board of Supervisors**

By:   
\_\_\_\_\_  
**SUSAN G. CAUGHLAN, Vice Chair**  
**Board of Supervisors**

By:   
\_\_\_\_\_  
**STEPHEN C. QUIGLEY, Member**  
**Board of Supervisors**

## NOTICE

**NOTICE** is hereby given that the Board of Supervisors of Worcester Township, at its public meeting on August 18<sup>th</sup> 2010, at 7:30 p.m. at the Worcester Township Community Hall, 1031 Valley Forge Road, Fairview Village, Worcester, Pennsylvania, will hold a public hearing on and could vote to adopt an Ordinance entitled "Age Qualified Residential Community District (AQRC District) Ordinance" amending the Codified Ordinances of Worcester Township, Chapter 150 (Zoning), Article III (Terminology), Section 150-9 (Definitions) to revise the definition of "Age Qualified Residential Community"; to amend Article XXC (AQRC Age Qualified Residential Community), Section 150-146.16 (Unit Occupancy) to revise paragraph "A" to permit up to twenty percent (20%) of the total dwelling units to be occupied on a permanent basis by not more than four (4) persons, at least one (1) of which shall be forty-five (45) years of age or older; and to amend Section 150-146.17 (Declaration of Age Restriction) to require the recording of a Declaration consistent with the occupancy requirements contained in Section 150-146.16 and further requiring that the Declarant demonstrate compliance with the Code of Federal Regulations, Title 24: Housing and Urban Development Part 100 – Discriminatory Conduct under the Fair Housing Act.

Copies of the full text of the proposed ordinance are available for examination during normal business hours at the offices of *The Times Herald*, 410 Markley Street, Norristown, Pennsylvania 19404, the Montgomery County Law Library, Court House, Norristown, Pennsylvania and the Worcester Township Building, 1421 Valley Forge Road, Worcester, Pennsylvania 19490 where a copy of the proposed ordinance may also be obtained for a charge not greater than the cost thereof.

**JAMES J. GARRITY, ESQUIRE**  
**ANDREW R. FREIMUTH, ESQUIRE**  
**WISLER PEARLSTINE, LLP**  
Solicitors for Worcester Township

**WORCESTER TOWNSHIP  
BOARD OF SUPERVISORS**

**MONTGOMERY COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 2010-225**

**“Noise Ordinance”**

**AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF WORCESTER TOWNSHIP, PART II (GENERAL LEGISLATION), BY ADDING A NEW CHAPTER ENTITLED “NOISE CONTROL” AND BY ADDING SECTION 111-1 (DEFINITIONS) ADDING NEW DEFINITIONS ADDRESSING SOUND/ NOISE WITH SUB-PARTS A THROUGH Z; BY ADDING SECTION 111-2 ENTITLED “NOISE” SETTING FORTH GENERAL NOISE REGULATIONS IN ORDER TO REGULATE NOISE POLLUTION AND REMEDIES FOR SAME; AND BY ADDING NEW SECTION 111-3 ENTITLED “REMEDIES” AND PROVIDING FOR SAME.**

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The Board of Supervisors of Worcester Township does hereby **ENACT and ORDAIN**:

**SECTION I. Amendment to the Code.**

The Codified Ordinances of Worcester Township, Part II (General Legislation) are hereby amended by adding a new Chapter 111 (Noise Control) and further adding a new Section 111-1 (Definitions) addressing sound/noise with sub-parts A through Z as more specifically set forth as follows:

**CHAPTER 111  
Noise Control**

**§ 111-1 Definitions.**

- A. **AMBIENT NOISE LEVEL** – The sound pressure at a given location, normally specified as a reference level to evaluate an intrusive sound source. The ambient noise level is sometimes called the background noise level or reference sound level.
- B. **ANSI** – The American National Standards Institute or its successor body.
- C. **CONSTRUCTION** – Any site preparation or site work; assembly, erection, repair, alteration or similar action, including demolition, of buildings or structures.

- D. dB(A) – The abbreviation for the sound level in decibels determined by the A-weighting network of a sound level meter or by calculation from octave band of 1/3 octave band data.
- E. DECIBEL (dB) – A unit of measure, on a logarithmic scale, of the ratio of a particular sound pressure squared to a standard reference pressure squared. For the purpose of this chapter, 20 micropascals shall be the standard reference pressure.
- F. DEMOLITION – Any dismantling, destruction or removal of buildings, structures, or roadways.
- G. EMERGENCY – Any occurrence of a set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.
- H. IMPULSIVE SOUND – Either a single pressure peak or a single burst (multiple pressure peaks) that has a duration of less than one second.
- I. NOISE – The intensity, frequency, duration and character of sound, including sound and vibration of subaudible frequencies.
- J. NOISE CONTROL OFFICER – An employee or contractor of the Township possessing training in noise enforcement activities and who has been appointed by the Board of Supervisors to enforce this Ordinance.
- K. NOISE POLLUTION – The presence of noise audible outdoors of sufficient loudness and character, from a single off-site source or from multiple off-site sources, which is, or may be predicted with reasonable certainty to be, injurious to health, safety and comfort or unreasonably interferes with the peaceful enjoyment of property or with any lawful business or activity. Noise/sound pressure levels exceeding those permitted in this ordinance constitute noise pollution.
- L. PERSON – An individual or an entity, as applicable.
- M. PLAINLY AUDIBLE – Any sound that can be detected by a person using his or her unaided hearing faculties. As an example, if the sound source under investigation is a portable or personal vehicular sound amplification or reproduction device, the detection of the rhythmic bass component of the music is sufficient to verify plainly audible sound. The noise control officer need not determine the title, specific words, or the artist performing the song.
- N. PUBLIC RIGHT-OF-WAY – Any street, avenue, boulevard, road, highway, sidewalk, alley or easement that is owned, leased, or controlled by a governmental entity.

- O. PUBLIC SPACE – Any real property or structures thereon that are owned, leased, or controlled by a governmental entity.
- P. REAL PROPERTY LINE – The imaginary line including its vertical extension that separates one parcel of real property from another.
- Q. SOUND LEVEL – In decibels, the weighted sound pressure level measured by the use of a sound level meter satisfying the requirements of ANSI SI.4, Specifications for Sound Level Meters. “Sound Level” and “Noise Level” are synonymous.
- R. SOUND LEVEL METER – An instrument meeting ANSI SI.4, Specifications for Sound Level Meters, comprising a microphone, an amplifier, an output meter and frequency weighting network or networks that is used for the measurement of sound-pressure levels in a specified manner.
- S. SOUND PRESSURE – Minute fluctuations in atmospheric pressure which accompany the passage of a sound wave.
- T. SOUND PRESSURE LEVEL – In decibels, 20 times the logarithm to the base 10 of the ratio of a sound pressure to the reference sound pressure of 20 micropascals (20 micronewtons per square meter). In the absence of any modifier, the level is to be that of a root-mean-square pressure.
- U. TOWNSHIP – Worcester Township, Montgomery County, Commonwealth of Pennsylvania.
- V. VEHICLE or VEHICLES – Any device or combination of devices used for or capable of being used for transporting persons or property, whether or not licensed for use on public roads. “Vehicle” or “Vehicles” include but are not limited to the following: automobiles, trucks, buses, motorcycles, motorized bicycles, mopeds, mini-bikes, snowmobiles, scooters, all-terrain vehicles, go-carts, racers and like devices, farm machinery, industrial machinery, highway graders, trailers, graders and semitrailers.
- W. WEEKDAY DAYTIME HOURS – 7:00 A.M. to 9:00 P.M. local time Monday through Friday.
- X. WEEKEND DAYTIME HOURS – 9:00 A.M. to 9:00 P.M. local time Saturday and Sunday.
- Y. WEEKDAY NIGHT-TIME HOURS – 9:01 P.M. local time of one day through 6:59 A.M. local time of the next day.



- Z. WEEKEND NIGHT-TIME HOURS – 9:01 P.M. local time Friday through 8:59 A.M. local time Saturday and 9:01 P.M. local time Saturday through 6:59 A.M. local time Monday.

**SECTION II. Amendment to the Code.**

The Codified Ordinances of Worcester Township, Part II (General Legislation), is hereby amended by adding a new Section 2 to Chapter 111 as more specifically set forth as follows:

**§ 111-2 Noise.**

In all districts, the following general noise regulations shall apply:

**A. Purpose.**

1. The purpose of this chapter is to ensure that public health, safety and welfare shall not be abridged by the making and creating of noise pollution or of public nuisances as a result of disturbing, excessive or offensive noise in the Township. The residents of the Township recognize that uncontrolled noise represents a danger to the health and welfare of their neighbors and that each person in the community is entitled to live in an environment in which the level of impulsive and amplified noise is minimized for the community good. It is the purpose and scope of this chapter to provide regulations defining the maximum sound levels that all vehicles, appliances, persons and equipment shall be allowed to produce at specified distances from such devices and also to provide for the prohibition of other kinds of offensive noises. These regulations and prohibitions are intended to protect the physical, mental and social well-being of the residents of the Township.

**B. Noise Control Officers.**

1. The provisions of this Ordinance shall be enforced by a Noise Control Officer(s) or other duly-authorized law enforcement officer.
2. Noise Control Officers shall possess training in noise enforcement activities and shall be appointed by the Board of Supervisors to enforce this Ordinance.
3. In the absence of specifically appointed Noise Control Officers, the appointed Zoning Officer and any Assistant Zoning Officer(s) shall, by virtue of their appointment and training, serve as Noise Control Officers.
4. The duties of Noise Control Officers shall be as follows:
  - i. Coordinate the noise control activities of Worcester Township and cooperate with all other public bodies, agencies and municipalities to the extent practicable;

- ii. Review public and private projects for compliance with this Ordinance, when requested by the Board of Supervisors;
- iii. Investigate reasonable complaints and pursue possible violations of this Ordinance for sound levels that exceed the maximum permissible sound levels set forth below.

C. Ambient Noise Correction.

1. Prior to and after taking noise measurements of the source in question, the Noise Control Officer shall measure the ambient noise level, in accordance with industry standards, to provide a reference point for analyzing noise in connection his/her duties above.
2. The Noise Control Officer shall use the ambient noise level, in accordance with industry standards, to develop a correction for ambient noise which shall be used to adjust the measure of noise when measuring the source in question.

D. Maximum Permissible Sound Levels for Ongoing or Constant Noise.

1. No person shall create or allow the creation of ongoing or constant noise at sound levels audible outdoors in excess of 65 dB(A) above the ambient noise level during weekday or weekend daytime hours and 55 db(A) above the ambient noise level during weekday or weekend nighttime hours when measured at or outside any real property line.

E. Maximum Permissible Sound Levels for Impulsive Sound.

1. No person shall create or allow the creation of impulsive sound levels audible outdoors in excess of 80 dB(A) above the ambient noise level during weekday or weekend daytime hours and 55 db(A) above the ambient noise level during weekday or weekend nighttime hours when measured at or outside any real property line.

F. Specific Activities Prohibited.

1. No person shall operate or permit the operation of powered vehicles in such a manner as to exceed the permissible sound levels established herein across a real property line or within a public space in the Township.
2. Offering for sale any item or selling anything by shouting or outcry in the Township is hereby prohibited.
3. Construction noise, and noise resulting from the operation of tools and/or equipment used in activities including, but not limited to, drilling, grading, renovations, lawn/yard and/or pool maintenance, tree maintenance, trimming

and/or removal, digging, and demolition during weekday and weekend night-time hours is hereby prohibited.

G. Exceptions. The following shall constitute exceptions to the noise standards set forth in this Ordinance:

1. The emission of sound for the purpose of alerting persons to the existence of an emergency.
2. Emergency work to provide electricity, water or other public utilities, and to prevent flooding, fire, or other damage when public health or safety is involved.
3. Operations by Township, County, or Commonwealth employees or agents, when acting in an official capacity.
4. Public celebrations authorized by the Township.
5. Vehicles licensed for operation on public roads, when operated on public roads in a lawful manner.
6. Noncommercial public speaking and public assembly activities on any public space or public right-of-way.
7. Bells, chimes, and carillons used for religious purposes or in conjunction with national celebrations, national observances or public holidays.
8. Bells, chimes, and carillons operated by any non-profit organization as of the date of this Ordinance.
9. Lawn care equipment operated during weekday and weekend daytime hours, only if used and maintained in accordance with the manufacturer's specifications.
10. Agricultural farm machinery used in districts zoned for agricultural use in connection with farming operations.
11. The emission of sound in situations within the jurisdiction of the Federal Occupational Safety and Health Act.
12. Construction noise, and noise resulting from the operation of tools and/or equipment used in activities including, but not limited to, drilling, grading, renovations, lawn/yard and/or pool maintenance, tree maintenance, trimming and/or removal, digging, and demolition during daytime hours only.

SECTION III. **Amendment to the Code.**

The Codified Ordinances of Worcester Township, Part II (General Legislation), Article XXIV (General Regulations) are hereby amended by adding a new Section 3 to Chapter 111 as more specifically set forth as follows:

**§ 111-3 Remedies.**

- A. Violation of any provision of this chapter shall be cause for a citation to be issued by a Township Noise Control Officer or another duly-authorized law enforcement officer.
- B. Abatement orders.
  - 1. In lieu of issuing a citation as provided in Subsection A, the Noise Control Officer or other duly-authorized law enforcement officer may issue an order requiring abatement of any sound source alleged to be in violation of this chapter within a reasonable time period and according to guidelines which the officer may prescribe.
  - 2. An abatement order shall not be issued in lieu of a citation if any person willfully or knowingly violates any provision of this chapter, or if the Noise Control Officer or law enforcement officer has reason to believe that there will not be compliance with the abatement order.
- C. Penalties.
  - 1. Any person who violates any provision of this chapter shall be subject to a fine for each offense of not more than \$1,000.
  - 2. If the violation is of a continuous nature, each day (or night, as applicable) during which a violation occurs shall constitute a separate and distinct offense.
- D. No provision of this chapter shall be construed to impair any common law or statutory cause of action, or legal remedy therefrom, of any person for injury or damage arising from any violation of this chapter or from other law.

**SECTION IV. Repealer.**

All other ordinances and resolutions or parts thereof as they are inconsistent with this Ordinance are hereby repealed.

**SECTION V. Severability.**

The provisions of this Ordinance are severable, and if any section, sentence, clause, part or provision hereof shall be held illegal, invalid or unconstitutional by any court or competent

jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board of Supervisors that this Ordinance would have been adopted even if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

**SECTION VI. Failure to Enforce Not a Waiver.**

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.

**SECTION VII. Effective Date.**

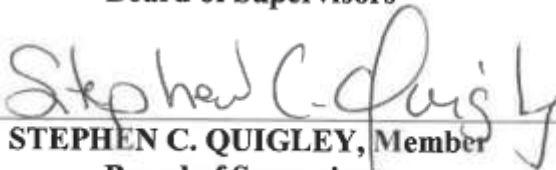
This Ordinance shall take effect and be in force from and after its approval as required by the law.

**ORDAINED AND ENACTED** by the Board of Supervisors of Worcester Township, Montgomery County, Pennsylvania this 15th day of December, 2010.

**WORCESTER TOWNSHIP**

By:   
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**ARTHUR C. BUSTARD, Chairman**  
**Board of Supervisors**

By:   
\_\_\_\_\_  
**SUSAN G. CAUGHLAN, Vice Chair**  
**Board of Supervisors**

By:   
\_\_\_\_\_  
**STEPHEN C. QUIGLEY, Member**  
**Board of Supervisors**

## NOTICE

NOTICE is hereby given that the Board of Supervisors of Worcester Township, at its public meeting on December 15, 2010, at 7:30 p.m. at the Worcester Township Community Hall, 1031 Valley Forge Road, Fairview Village, Worcester, Pennsylvania, will hold a public hearing on and could vote to adopt an Ordinance entitled "Noise Ordinance" amending the Codified Ordinances of Worcester Township, Part II (General Legislation), by adding a new chapter entitled "Noise Control" and by adding Section 111-1 (Definitions) adding new definitions addressing sound/noise with sub-parts A through Z; by adding Section 111-2 entitled "Noise" setting forth general noise regulations in order to regulate noise pollution and remedies for same; and by adding new Section 111-3 entitled "Remedies" and providing for same.

Copies of the full text of the proposed ordinance are available for examination during normal business hours at the offices of *The Times Herald*, 410 Markley Street, Norristown, Pennsylvania 19404, the Montgomery County Law Library, Court House, Norristown, Pennsylvania 19404 and the Worcester Township Building, 1421 Valley Forge Road, Worcester, Pennsylvania 19490 where a copy of the proposed ordinance may be obtained for a charge not greater than the cost thereof.

**JAMES J. GARRITY, ESQUIRE**  
**ANDREW R. FREIMUTH, ESQUIRE**  
**WISLER PEARLSTINE, LLP**  
Solicitors for Worcester Township

**WORCESTER TOWNSHIP  
BOARD OF SUPERVISORS**

**MONTGOMERY COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 2010-226**

**"Speed Limit on Mill Road and Multi-Stop  
Intersection at Mill Road and Anvil Drive"**

**AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF WORCESTER TOWNSHIP, CHAPTER 145 (VEHICLES AND TRAFFIC), ARTICLE I (SPEED LIMITS), SECTION 145.1.B (MAXIMUM SPEED LIMITS) TO ESTABLISH A MAXIMUM SPEED LIMIT OF 25 MILES PER HOUR ALONG MILL ROAD BETWEEN QUARRY HALL ROAD AND GRANGE AVENUE; AND TO FURTHER AMEND CHAPTER 145 (VEHICLES AND TRAFFIC), ARTICLE III (STOP INTERSECTIONS), SECTION 145-4 (STOP INTERSECTIONS) TO ADD A MULTI-WAY STOP INTERSECTION AT MILL ROAD AND ANVIL DRIVE TO THE EXISTING LIST OF INTERSECTIONS WHERE STOP SIGNS ARE REQUIRED.**

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The Board of Supervisors of Worcester Township does hereby **ENACT and ORDAIN:**

**SECTION I. Amendment to the Code.**

The Codified Ordinances of Worcester Township, Chapter 145 (Vehicles and Traffic), Article I (Speed Limits), Section 145-1.B (Maximum Speed Limits) is hereby amended to establish the following maximum speed limit on Mill Road:


<b>Name of Street</b>	<b>Speed Limit (mph)</b>	<b>Location</b>
Mill Road	25	Between Quarry Hall Road and Grange Avenue


**SECTION VI. Effective Date.**

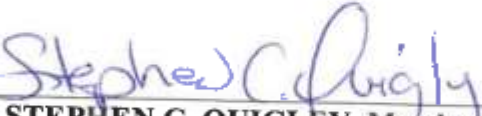
This Ordinance shall take effect and be in force from and after its approval as required by the law.

**ORDAINED AND ENACTED** by the Board of Supervisors of Worcester Township, Montgomery County, Pennsylvania this 7<sup>th</sup> day of July, 2010.

**WORCESTER TOWNSHIP**

By:   
**ARTHUR C. BUSTARD, Chairman**  
**Board of Supervisors**

By:   
**SUSAN G. CAUGHLAN, Vice Chair**  
**Board of Supervisors**

By:   
**STEPHEN C. QUIGLEY, Member**  
**Board of Supervisors**



## NOTICE

NOTICE is hereby given that the Board of Supervisors of Worcester Township, at its public meeting on July 7, 2010 at 8:00 a.m. at the Worcester Township Community Hall, 1031 Valley Forge Road, Fairview Village, Worcester, Pennsylvania, will hold a public hearing on and could vote to adopt an Ordinance entitled "Speed Limit on Mill Road and Multi-Stop Intersection at Mill Road and Anvil Drive" amending the Codified Ordinances of Worcester Township, Chapter 145 (Vehicles and Traffic), Article I (Speed Limits), Section 145.1.B (Maximum Speed Limits) to establish a maximum speed limit of 25 miles per hour along Mill Road between Quarry Hall Road and Grange Avenue; and to further amend Chapter 145 (Vehicles and Traffic), Article III (Stop Intersections), Section 145-4 (Stop Intersections) to add a multi-way stop intersection at Mill Road and Anvil Drive to the existing list of intersections where stop signs are required.

Copies of the full text of the proposed ordinance are available for examination during normal business hours at the offices of *The Times Herald*, 410 Markley Street, Norristown, Pennsylvania 19404, the Montgomery County Law Library, Court House, Norristown, Pennsylvania and the Worcester Township Building, 1421 Valley Forge Road, Worcester, Pennsylvania 19490 where a copy of the proposed ordinance may also be obtained for a charge not greater than the cost thereof.

**JAMES J. GARRITY, ESQUIRE**  
**WISLER PEARLSTINE, LLP**  
Solicitors for Worcester Township

WORCESTER TOWNSHIP  
BOARD OF SUPERVISORS

MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE NO. 2010-227

"Zoning Ordinance Amendments"

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF WORCESTER, CHAPTER 150 (ZONING), ARTICLE III (TERMINOLOGY), SECTION 150-9 (DEFINITIONS) TO ADD A NEW DEFINITION FOR THE TERM "PRIVATE SPORTS COURT" AND TO REVISE THE EXISTING DEFINITION FOR THE TERM "AGRICULTURE"; TO AMEND ARTICLE XXIV (GENERAL REGULATIONS), SECTION 150-177 (ACCESSORY USE; ACCESSORY STRUCTURES), PARAGRAPH "B", SUBPARAGRAPH (4) TO REGULATE THE LOCATION, CONSTRUCTION, AND USE OF PRIVATE TENNIS COURTS AND PRIVATE SPORTS COURTS; AND TO AMEND, SECTION 150-182 (FENCING AND WALLS) TO DELETE EXISTING PARAGRAPH "A" AND INSERT NEW PARAGRAPH "A" TO PERMIT CERTAIN OPEN DESIGN FENCES TO BE LOCATED WITHIN THE SIDE OR REAR YARD SETBACKS PROVIDED THAT SUCH FENCES ARE LOCATED NO CLOSER THAN THREE (3) FEET TO ANY PROPERTY LINE.

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The Board of Supervisors of Worcester Township does hereby ENACT and ORDAIN:

**SECTION I. Amendment to the Code.**

The Code of the Township of Worcester, Article III (Terminology), Section 150-9 (Definitions) is hereby revised to add or change the following definitions:

**AGRICULTURE** – The production of field crops; vegetables; fruits; berries; herbs; horticultural products, including nursery stock, shrubs, trees, and flowers; timber and other wood products derived from trees; aquatic plants and animals; "Commercial Equine Activity" as defined in the Pennsylvania Agricultural Security Area Law, 3 P.S. §901-915; and animals and animal products, but excluding Confined Animal Feeding Operations, piggeries, and slaughter houses.

**PRIVATE SPORTS COURT** – A hard-surfaced outdoor area accessory to a dwelling used for playing sports, including, but not limited to, basketball, hockey and similar sports played on a court.

**SECTION II. Amendment to the Code.**

The Code of the Township of Worcester, Article XXIV (General Regulations), Section 150-177 (Accessory Use; Accessory Structures), Paragraph "B" (Single-Family Detached Residential Uses), Subparagraph (4) is hereby revised as follows:

- (4) Private tennis court and private sports courts and all facilities incidental thereto shall be located on a lot 60,000 square feet or larger and in the rear yard only. Except as set forth below for lighted courts, a private tennis court shall not be less than 50 feet from the side and rear property lines, and a private sports court shall not be less than 75 feet from the side and rear property lines. A vegetative screening landscape buffer in accordance with the Worcester Township Landscape Ordinance requirements for rear and side yards as set forth in Section 130-28 of the Worcester Township Subdivision and Land Development Ordinance shall be provided for all private tennis courts and private sports courts and all facilities incidental thereto. To the extent required by the Township Engineer, all tennis courts and sports courts shall have stormwater management facilities. All required stormwater management facilities shall be approved by the Township Engineer. The lighting of a private tennis court or private sports court shall conform to §150-200. Any lighted private tennis court or sports court shall not be less than 100 feet from the side and rear property lines. No tennis court or sports court shall be illuminated after 9:00 p.m. Sunday through Thursday, or after 10:00 p.m. on Friday and Saturday.

**SECTION III. Amendment to the Code.**

The Code of the Township of Worcester, Article XXIV (General Regulations), Section 150-182 (Fencing and Walls) is hereby revised to delete existing Paragraph "A" and insert new Paragraph "A" to provide as follows:

- A. No fence or wall (except a retaining wall or a wall of a building permitted under this chapter) over 4 feet in height may be erected in any of the side or rear yards setbacks in any residential district, except that a fence of open design, such as a post-and-rail, post-and-board, or metal openwork, but specifically excluding chain link fencing and mesh fencing, up to 60 inches in height may be erected no closer

than 3 feet to any side or rear property line in all residential districts, subject to the restrictions of the remainder of this Section.

**SECTION IV. Repealer.**

All other ordinances and resolutions or parts thereof as they are inconsistent with this Ordinance are hereby repealed.

**SECTION V. Severability.**

The provisions of this Ordinance are severable, and if any section, sentence, clause, part or provision hereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted even if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

**SECTION VI. Failure to Enforce Not a Waiver.**

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.

**SECTION VII. Effective Date.**

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

**ORDAINED AND ENACTED** by the Board of Supervisors of Worcester Township, Montgomery County, Pennsylvania this 15<sup>th</sup> day of December, 2010.

**WORCESTER TOWNSHIP**

By:   
\_\_\_\_\_  
**ARTHUR C. BUSTARD, Chairman**  
**Board of Supervisors**

By: Susan G. Caughlan  
**SUSAN G. CAUGHLAN, Vice Chair**  
**Board of Supervisors**

By: Stephen C. Quigley  
**STEPHEN C. QUIGLEY, Member**  
**Board of Supervisors**

## NOTICE

NOTICE is hereby given that the Board of Supervisors of Worcester Township, at its public meeting on December 15, 2010 at 7:30 p.m. at the Worcester Township Community Hall, 1031 Valley Forge Road, Fairview Village, Worcester, Pennsylvania, will hold a public hearing on and could vote to adopt an Ordinance entitled "Zoning Ordinance Amendments" amending the Code of the Township of Worcester, Chapter 150 (Zoning), Article III (Terminology), Section 150-9 (Definitions) to add a new definition for the term "Private Sports Court" and to revise the existing definition for the term "Agriculture"; to amend Article XIX ("LI" Limited Industrial District), Section 150-128 (Use Regulations) to revise Paragraph "A" to designate research facilities as a permitted use in the "LI" District; to revise Paragraph "D" to delete the reference to "research facilities" as a permitted accessory use; and to revise Paragraph "G" to permit the incineration and storage of research and development waste as an accessory use to a research facility provided that any incineration occurs in an incinerator permitted by the Department of Environmental Protection; to amend Section 150-132 (Height Regulations) to increase the maximum height for buildings and other structures in the "LI" Limited Industrial District to 45 feet and permit certain projections to extend an additional 15 feet above the maximum height; to amend Article XXII (Off-Street Parking and Loading), Section 150-158 (Design Requirements) to add language to Paragraph "A" which states that an enclosed parking facility shall be considered when calculating impervious coverage, but not when calculating building coverage; to amend Article XXIV (General Regulations), Section 150-177 (Accessory Use; Accessory Structures), Paragraph "B", Subparagraph (4) to regulate the location, construction, and use of private tennis courts and private sports courts; and to amend, Section 150-182 (Fencing and Walls) to delete existing Paragraph "A" and revise Paragraph "A" to

permit certain open design fences to be located within the side or rear yard setbacks provided that such fences are located no closer than three (3) feet to any property line.

Copies of the full text of the proposed ordinance are available for examination during normal business hours at the offices of *The Times Herald*, 410 Markley Street, Norristown, Pennsylvania, 19404, the Montgomery County Law Library, Court House, Norristown, Pennsylvania and the Worcester Township Building, 1421 Valley Forge Road, Worcester, Pennsylvania, 19490 where a copy of the proposed ordinance may also be obtained for a charge not greater than the cost thereof.

**JAMES J. GARRITY, ESQUIRE**  
**ANDREW R. FREIMUTH, ESQUIRE**  
**WISLER PEARLSTINE, LLP**  
Solicitors for Worcester Township