

**BOARD OF SUPERVISORS
WORCESTER TOWNSHIP**

MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE NO. 2013-242

"Lighting Ordinance"

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF WORCESTER, CHAPTER 150 (ZONING), ARTICLE XXIV (GENERAL REGULATIONS) TO DELETE SECTION 150-200 (EXTERIOR LIGHTING) IN ITS ENTIRETY AND REPLACE IT WITH A NEW SECTION 150-200 ENTITLED "EXTERIOR LIGHTING" TO PERMIT AN INCREASE IN THE HEIGHT OF EXTERIOR LIGHTING ON THE GROUNDS OF CERTAIN PROPERTIES.

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

SECTION I. – Amendment to Code

The Code of the Township of Worcester, Chapter 150 (Zoning), Article XXIV (General Regulations), Section 150-200 (Exterior Lighting) is hereby deleted in its entirety and replaced with the following:

§150-200. Exterior Lighting.

- A. Exterior lighting of a building or grounds, in any district in the Township, shall be color corrected illumination which shall not be more than 12 feet above grade, shall be screened so as not to permit the source of illumination to be seen from off the premises, shall not cast measurable illumination off the subject property and shall not create a nuisance or intrusion to the privacy of adjacent property owners or the public.

B. Exterior lighting of athletic fields.

(1) Definitions:

(a) Fixture – A self-contained lighting unit consisting of a lamp or lamps and ballasts as applicable, together with the components designed to distribute the light, including but not limited to reflectors, lenses, diffusers, and baffles, to position and protect the lamps, and to connect the lamps to their power supply. (A fixture may also be referred to as a luminaire.)

(b) Fixture Bank – An array of two or more fixtures arranged and mounted on a pole to provide a prescribed light pattern on a playing surface. (A fixture bank may also be referred to as a mounting assembly.)

(c) Footcandle – A unit of illuminance. A footcandle is the illuminance on a surface one square foot in area on which there is a uniformly distributed flux of one lumen.

(d) Glare – light entering the eye directly from sources including but not limited to the light from an individual fixture, a fixture bank, or reflected from any surface of a fixture, fixture bank, or its support systems, that causes visual discomfort and/or loss in visual performance so as to jeopardize health, safety or welfare.

(e) IESNA – The Illuminating Engineering Society of North America and the recognized technical authority on lighting system specifications for the United States.

(f) Independent Lighting Consultant – An Independent Lighting Consultant shall be a company including one or more licensed Engineers certified by the National Council on Qualifications for the Lighting Professions and/or with one or more members in good standing with the IESNA or the International Association of Lighting Designers, and with at least five years of experience in designing outdoor lighting systems, or an individual with these same qualifications.

(2) Notwithstanding the height limitation set forth in section 150-200(A), exterior lighting of athletic fields on the grounds of a public or private high school shall be permitted to exceed 12 feet in height above grade when a conditional use is granted by the Township Board of Supervisors. The maximum pole height, the number of poles, the location of poles and the screening of the fixtures shall be approved by the Board of Supervisors to insure that such lighting complies with the requirements of this Section. No light pole heights shall be approved any higher than

absolutely necessary to achieve safe, appropriate levels of illumination of an entire field for athletic events, without permitting the spillage of illumination off the school property in excess of the limitations set forth below. Notwithstanding anything in this paragraph to the contrary, no light pole shall be approved which exceeds 85 feet in height.

(3) Lighting fixtures shall be set back a minimum of 1.1 times the permitted height of the lighting structure from all school property lines adjacent to residentially zoned properties and abutting rights-of-way.

(4) Lighting plans and fixtures shall be designed by a certified lighting professional employed by a lighting system manufacturer or lighting engineering firm or lighting consulting firm and shall incorporate the maximum cutoff design which is reasonably possible in order to eliminate preventable light or glare spillover to adjacent properties, abutting rights-of-way, or the sky above the illuminated fields. Glare control and light trespass shall be achieved primarily through the use of such means as cutoff fixtures, shields and baffles, and the appropriate application of fixture mounting height, wattage, aiming angle and placement as approved by the Township or any professional consultants it chooses to employ. Vegetative screens shall not be employed to serve as the primary means for controlling glare. However, vegetative screens may be required as a secondary means for controlling glare as approved or required by the Township in its conditional use decision.

(5) The intensity of illumination projected onto a neighboring residentially zoned property or right-of-way shall not exceed 0.1 horizontal footcandles measured three (3) feet above the ground and 0.5 vertical footcandles measured five (5) feet above the ground (with the meter for vertical measurement aimed at the brightest fixture bank) at the property line or edge of pavement in the case of an abutting right-of-way.

(6) The source of illumination (lamp source) shall not be visible from any point off the school property unless no commercially reasonable design alternative exists to accomplish such shielding of the light source. The source of illumination shall nevertheless be shielded to the maximum extent possible under the conditions presented. Should more than one row or level of fixtures be required on a pole, the fixtures shall be staggered and all surfaces potentially visible off-site shall be coated with a flat or matte black finish to reduce reflected glare from the fixture housings to minimal levels. If supporting structures will be illuminated by light from the fixtures mounted on such structures, they shall also be coated with a flat or matte black finish.

(7) Lighting system controls shall be designed to permit the automatic and manual limitation and adjustment of both the times when any lighted

field is illuminated and the intensity of the illumination on any field in accordance with this Section.

(8) Illumination intensities on the school athletic fields shall be limited to the minimum safe levels appropriate for the type of activity on the illuminated fields in accordance with available industry (Illuminating Engineering Society of North America), sport or league (i.e. PIAA) standards. Such intensity levels shall be suggested by the Applicant during any conditional use proceeding under this section and appropriate, safe levels shall be specified in the conditional use decision of the Board of Supervisors.

(9) Because of the potential impact of lighting athletic fields in close proximity to residential uses, the Township shall be authorized to retain an independent lighting professional to review the design of any lighting system proposed by an applicant and present testimony and/or a written report at the required conditional use proceeding. In addition, following the installation of the lighting system and prior to its use for nighttime sports or other permitted activities, the system's performance shall be evaluated. Light readings shall be taken by a representative of the lighting system manufacturer with a light meter calibrated within one year of the testing. Measurements shall be conducted under the direct supervision of the Township's independent lighting consultant to insure that the system's performance, including but not limited to, the horizontal and vertical light trespass and glare standards and average field illuminance values (if any) of this section and the conditional use decision, have been met. Full compliance with all provisions of this section and the conditional use decision shall be demonstrated to the satisfaction of the township before the fields can be illuminated for any permitted activity. The costs of reaching such full compliance shall be borne by the Applicant and/or its lighting system vendors. The reasonable costs of such reviews (not to exceed \$5,000) shall be added (as an escrow) to the normal conditional use application fee and collected from the Applicant at the time of the filing of the Application.

(10) All activities or events proposed for a lighted field shall be scheduled so that they shall be expected to end no later than 9:00 p.m. prevailing time Monday through Thursday and no later than 10:00 p.m. prevailing time Friday and Saturday. No use of the lights shall be permitted on Sundays. An additional half hour of lighting at a reduced intensity shall be permitted after the conclusion of an activity or event to allow for the safe exit of participants and spectators from the premises and the cleanup of the field and surrounding area.

(11) The illumination of school athletic fields under this section shall be limited to one field which can accommodate more than 200 spectators and one other field.

(12) No field shall be lighted in the early morning for practices or other permitted activities. No field shall be lighted during any time when no activity is taking place on the field or when an activity on that field can be conducted safely in natural lighting.

(13) Noise at illuminated events.

(a) No music shall be allowed accessory to any event or activity, on any illuminated athletic field under this section, except live music provided by the school band or bands from visiting schools.

(b) Use of a PA system for events at any illuminated athletic field shall be limited to announcements that are consistent with and required by the nature of the event. For example, announcing scores, player replacements, identification of bands, band leadership positions or soloists, security announcements, etc. In addition, a PA system may be used in connection with school commencement exercises; the playing of the National Anthem; or recorded music for cheerleader, color guard, or similar practices, on any illuminated field. PA system speakers shall be oriented in a way (and shall have their volume levels adjusted in a way) that reasonably minimizes sound intrusion levels on adjacent properties.

(c) Music by the school band and bands from visiting schools shall be permitted at any event or activity on an illuminated athletic field under this section.

(d) No illuminated school athletic fields shall be used as a venue for amplified music or concerts of amplified music except for the amplified singing of the National Anthem at any permitted event.

(e) None of the noise restrictions in this or any other Township ordinance shall be applicable to unamplified sounds from participants and spectators at athletic events, including live, unamplified band music.

SECTION II. – 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 III. – 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 IV. – Effective Date

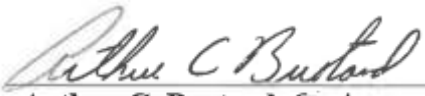
This Ordinance shall take effect and be in force from and after its approval as required by the law.

SECTION V. – Repealer


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

ORDAINED AND ENACTED by the Board of Supervisors of Worcester Township, Montgomery County, Pennsylvania, this 2nd day of April, 2013.

WORCESTER TOWNSHIP

By: 

Arthur C. Bustard, Chairman,
Board of Supervisors

Attest: 

F. Lee Mangan, Secretary

NOTICE

NOTICE is hereby given that the Board of Supervisors of Worcester, at its public meeting on April 2, 2013, 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 "Lighting Ordinance" amending the Code of the Township of Worcester, Chapter 150 (Zoning), Article XXIV (General Regulations) to delete Section 150-200 (Exterior Lighting) in its entirety and replace it with a new Section 150-200 entitled "Exterior Lighting" to permit an increase in the height of exterior lighting on the grounds of certain properties.

Copies of the proposed Ordinance is available for examination during normal business hours at the offices of *Times Herald*, 410 Markley Street, Norristown, Pennsylvania 19404, the Montgomery County Law Library, Court House, Norristown, Pennsylvania 19401, and the Worcester Township Building, 1421 Valley Forge Road, Worcester, Pennsylvania 19490 where a copy of the proposed Ordinance and Map Amendment may be obtained for a charge not greater than the cost thereof.

**JAMES J. GARRITY, ESQUIRE
WISLER PEARLSTINE, LLP**

Solicitors for Worcester Township

**BOARD OF SUPERVISORS
WORCESTER TOWNSHIP**

MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE NO. 2013-243

“Municipal Claims and Tax Liens Act”

**APPROVING PENALTY, INTEREST AND FEE SCHEDULE FOR
COLLECTION OF DELINQUENT REAL ESTATE TAXES:**

WHEREAS, it is necessary and prudent for Worcester Township to recover promptly its levied and unpaid delinquent real estate taxes, and if necessary, to accomplish such recovery through legal proceedings; and

WHEREAS, the Municipal Claims and Tax Liens Act, 53 P.S. §7101, et seq. (the “MCTLA”), authorizes the addition of interest, costs, charges, expenses and fees, including reasonable attorney fees, to the total payable with respect to unpaid taxes; and

WHEREAS, Worcester Township has determined that it is in the best interest of all taxpayers and residents to enforce the payment of delinquent real estate taxes; and

WHEREAS, Worcester Township has determined that the addition of interest, costs, charges, expenses and fees to the total payable with respect to unpaid taxes is reasonable and just;

NOW THEREFORE, BE IT ORDAINED BY THE Township that the following Ordinance is hereby adopted:

1. In addition to the authorization for the collection of taxes and institution of tax sales authorized by the Real Estate Tax Sales Law (“RETSL”), 72 P.S. §5860.201 et seq, the Montgomery County Tax Claim Bureau is appointed as alternative collector and is authorized

and directed to file liens for existing delinquent real estate taxes with the Prothonotary of Montgomery County in accordance with the provisions of the Municipal Claims and Tax Liens Act, 53 P.S. §7101, et seq.

2. In accordance with the MCTLA and RETSL, interest shall be charged on taxes so returned from and after but not before the first day of the month following the return. Interest shall be charged at the rate of nine per centum (9%) per annum;

3. Pursuant to Section 7106 of the MCTLA, it is hereby established that the reasonable charges, expenses and fees incurred in the collection of any delinquent account under the MCTLA are hereby fixed at five percent (5%) of the total amount of the delinquent taxes (including interest and penalties), and that additional reasonable attorney's fees incurred in the collection of any delinquent taxes shall be fixed at one percent (1%) of the total amount of the delinquent taxes (including interest and penalties), and that said charges for attorney's fees and for all charges, expenses and fees set forth herein, shall be paid to the County of Montgomery through the Montgomery County Tax Claim Bureau in lieu of payment of commission pursuant to Section 207 of RETSL;

4. The proper officials of the Township are hereby authorized and empowered to take such additional action as they may deem necessary or appropriate to implement this Ordinance.

SECTION 1. If any section, clause, provision or portion of this Ordinance shall be held invalid or unconstitutional by and Court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this Ordinance so long as it remains legally enforceable minus the invalid portion. Worcester Township reserves the right to amend this Ordinance or any portion thereof from time to time as it shall deem advisable in the best interest

of the promotion of the purposes and intent of this Ordinance, and the effective administration thereof.

SECTION 2. That all Ordinances inconsistent with the above provisions are repealed to the extent of their inconsistency.

SECTION 3. This Ordinance shall become effective immediately upon approval.

ORDAINED AND ENACTED by the Board of Supervisors of Worcester Township, Montgomery County, Pennsylvania, this 16th day of January, 2013.

WORCESTER TOWNSHIP

By: Arthur C. Bustard
Arthur C. Bustard, Chairman,
Board of Supervisors

Attest: F. Lee Mangan
F. Lee Mangan, Secretary

NOTICE

NOTICE is hereby given that the Board of Supervisors of Worcester, at its public meeting on January 16, 2013, 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 "Municipal Claims and Tax Liens Act" amending the Code of the Township of Worcester, Chapter 135 (Taxation), Article III (General Regulations) and amending it to adopt authorization for collection of taxes and institution of tax sales authorized by Real Estate Tax Sales Law ("RETSL"), 72 P.S. §5860.201 et seq, the Montgomery County Tax Claim Bureau.

Copies of the proposed Ordinance is available for examination during normal business hours at the offices of *Times Herald*, 410 Markley Street, Norristown, Pennsylvania 19404, the Montgomery County Law Library, Court House, Norristown, Pennsylvania 19401, and the Worcester Township Building, 1721 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.

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**BOARD OF SUPERVISORS
WORCESTER TOWNSHIP**

MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE NO. 2013-244

"Sign Ordinance"

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF WORCESTER, CHAPTER 150 (ZONING), ARTICLE III (TERMINOLOGY) TO DELETE THE EXISTING DEFINITION OF "SIGN" IN ITS ENTIRETY AND REPLACE IT WITH A NEW DEFINITION FOR THE TERM "SIGN"; AND FURTHER AMENDING CHAPTER 150 (ZONING) TO DELETE EXISTING ARTICLE XXI (SIGNS) IN ITS ENTIRETY AND REPLACE IT WITH A NEW ARTICLE XXI ENTITLED "SIGNS" SETTING FORTH THE GENERAL SIGN REGULATIONS; SIGNS PERMITTED IN RESIDENTIAL AND AGRICULTURAL DISTRICTS; SIGNS PERMITTED IN MOBILE HOME DEVELOPMENT, MULTI-RESIDENTIAL AND RESIDENTIAL OFFICE DISTRICTS; SIGNS PERMITTED IN THE COMMERCIAL AND SHOPPING CENTER DISTRICTS; SIGNS PERMITTED IN VILLAGE OVERLAY DISTRICTS; SIGNS PERMITTED IN THE LIGHT INDUSTRIAL DISTRICT; PERMIT AND FEE REQUIREMENTS.

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

SECTION I. – Amendment to Code

The Code of the Township of Worcester, Chapter 150 (Zoning), Article III (Terminology) is hereby amended to delete the existing definition for "sign" and replace it with the following new definition:

- SIGN** -- An object, device, display or structure used to bring the subject thereof to the attention of the public or to display, identify, or publicize said subject.
- A. **OFF PREMISES SIGN** – a sign which directs attention to a business, commodity, service, entertainment or facility not located, conducted, sold or offered upon the

premises where such sign is located and is 25 square feet or less in area (except for Billboards as defined below).

- B. **DIRECTIONAL SIGN** — A sign, either temporary or permanent, containing no advertising which is located in the interior of the property and which serves as a convenience to the public to control the direction of traffic or to denote private residential uses to which no public access is allowed. Such signs shall not exceed two square feet in area and four feet in height and may not be illuminated, but may use reflective material.
- C. **INTERIOR SIGN** – A sign painted on or affixed to a window or door, including Neon Signs; any sign located in the interior of a building or structure and visible solely or primarily from the outside of the building or structure.
- D. **MOVABLE SIGN** — Any sign which is not fixed to a permanent supporting structure or building or which is capable of being moved from one location to another, including trailer signs, tent signs, banners, flags, inflatables, and sandwich boards.
- E. **NEON SIGN** – Any sign constructed of glass tubes filled with neon gas which form words and/or logos used in advertising.
- F. **TEMPORARY SIGN** – A sign erected for a limited period of time for the purpose of advertising a product, occurrence, or event. Such sign must be otherwise permitted in the district and must conform to all size, height, location, and time period restrictions in this ordinance.
- G. **BILLBOARD** – An off-premises sign 25 square feet or larger which may only be located as set forth in section 150-151 below and which shall be subject to all of the conditions and restrictions set forth in that section.

SECTION II. – Amendment to Code

The Code of the Township of Worcester, Chapter 150 (Zoning) is hereby amended to delete existing Article XXI (Signs) in its entirety and replace it with the following new Article XXI entitled “Signs”:

Article XXI Signs

§150-147. General Sign Regulations

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

- A. Permit required. No sign shall be constructed or erected until a permit for the same shall have been obtained from the Zoning Officer.

- B. Signs exempt from permits. The following signs may be erected without a sign permit in any district, unless otherwise specified, and shall not be included in the determination of the type, number, or area of permanent signs allowed within a zoning district unless otherwise specified:
- (1) Signs warning of danger or prohibiting trespassing. Such signs shall not exceed 150 square inches in area and four feet in height and shall be posted at intervals not less than 150 feet.
 - (2) Directional Signs within the property for traffic control.
 - (3) Signs erected or mounted inside a building or other structure on a property which are not visible or intended to be visible from the outside of the building.
 - (4) On residential and agricultural properties only, signs bearing the street address, property owner's name, and/or property name, excluding any business name or commercial message, provided such sign does not exceed two square feet in area and five feet in height. One and only one such sign shall be allowed per property. Such sign shall not be illuminated in any manner.
 - (5) Temporary signs as follows:
 - (a) Signs advertising garage or yard sales, including community sales. Such signs may be erected not more than seven days before the sale and must be removed within 24 hours after the sale. Such signs shall not be illuminated in any manner.
 - (b) Signs advertising a local event of public interest organized by a nonprofit organization. Total sign area permitted per property shall not exceed 35 square feet, and freestanding signs shall not exceed five feet in height. Signs may be erected not more than thirty days before the event and shall be removed within two days following the event. Such signs shall not be illuminated in any manner.
 - (c) Signs advertising the name of a candidate for election, or the subject of an issue for referendum. Such signs may be erected not more than thirty days before the election and must be removed within 7 days after the election. Such signs shall not be illuminated in any manner.
 - (d) Signs advertising or inviting the sale or rental of the premises on which they are erected. One such sign shall be permitted per street frontage, not to exceed six square feet in size and six feet in height. Such sign shall be removed promptly when the property is no longer available for sale or rent. Such signs shall not be illuminated in any manner.

- (e) Signs advertising an “open house” in connection with the sale or rental of a property. Such signs may be erected no more than one business day prior to the open house and shall be removed by the end of the day of the open house event. One such sign shall be allowed at the entrance to the property for sale, and one such sign shall be allowed either at the entrance to the development, if the property is located in a neighborhood development, or at the closest major road intersection to the property. Signs shall not exceed four square feet in size or four feet in height and shall not be illuminated in any manner.
- (6) Signs that identify or commemorate the historic and/or cultural significance of a location, structure, event, or person and are placed to inform the public of that significance may be erected or permitted to be erected by a property owner in any zoning district. The size, design, and location of this sign shall be approved by the Board of Supervisors to ensure consistency of such signs throughout the Township. Such signs shall generally not exceed 15 square feet in area or 10 feet in height. Such signs shall not be counted toward signage or area limits contained elsewhere in this chapter.

C. Illumination.

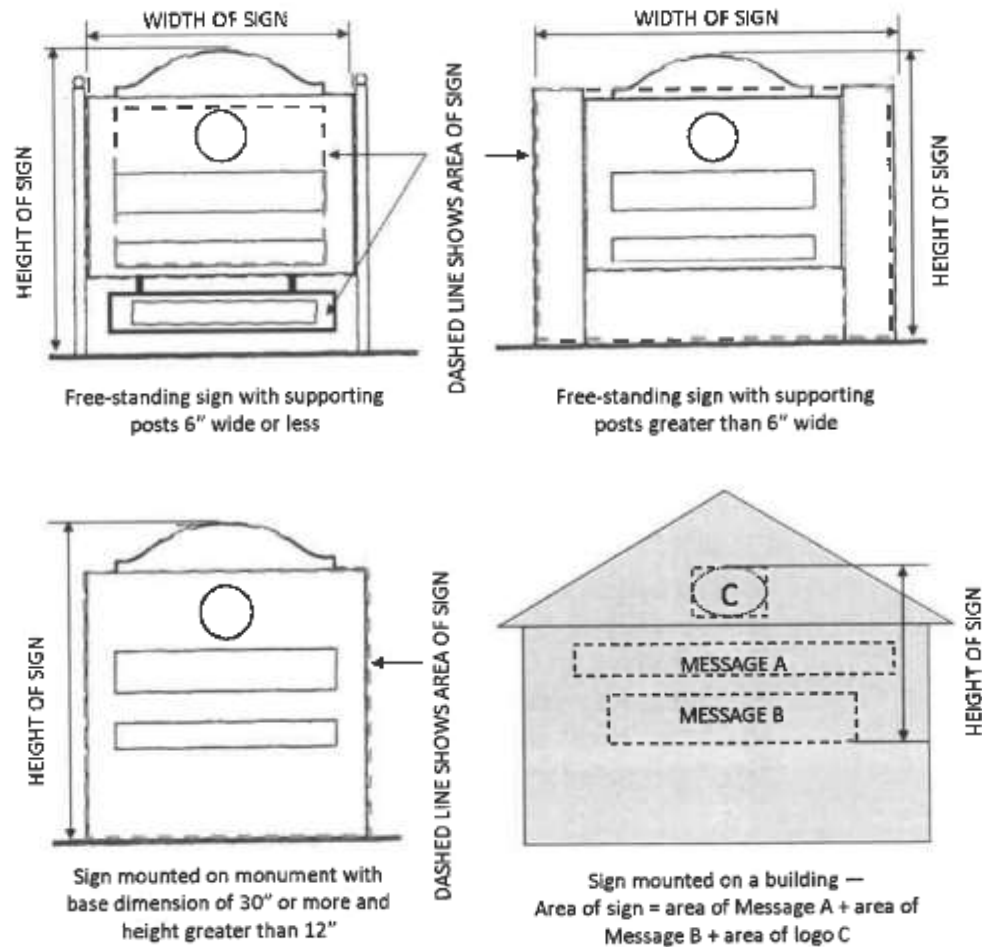
- (1) All signs, if allowed to be illuminated, shall be illuminated only by a source external to the sign and mounted either directly above or directly facing the sign, such that only the sign area is directly illuminated and there is no spillover lighting outside of the sign area. Backlit signs are prohibited.
- (2) All electrical installations shall require an electrical permit and shall conform with all requirements of the UCC and other applicable building codes.
- (3) Sign illumination shall not flash, move, oscillate, vibrate, shimmer, rotate, blink, or change color or intensity.

D. Calculating the area and height of a sign.

- (1) (a) The area of a sign not mounted on a building shall be calculated as the smallest rectangle that wholly encloses the words and any logo, design, or decorative device on the sign, including the spaces between sections of the same sign and between letters or symbols on a sign.

(b) If a sign is mounted or supported by any structure other than a building, the dimensions of this structure shall be included in the calculation of the area of the sign if the supporting posts or columns exceed 6 inches in width or diameter, or if the supporting base exceeds 30 inches in diameter and 12 inches in height.

- (2) The area of a sign mounted on a building shall be calculated as the sum of the smallest rectangles that wholly enclose each message, logo, design, or decorative device. The spaces between sections of the sign shall not be counted in the computation of the area of a building-mounted sign.
- (3) All faces of a multi-faced sign shall be included in the calculation of the area of a sign, except for double-faced signs, in which case only one face shall be included. A double-faced sign shall be a sign with two identical faces that are either attached to each other back to back, with no more than 16 inches of space between faces.
- (4)
 - (a) The height of a sign not mounted on a building shall be measured from the normal grade under the middle of the sign to the top-most part of the sign or any part of the structure to which the sign is attached.
 - (b) The height of a sign mounted on a building shall be measured from the lowest point to the highest point of the lettering, logo(s), design(s), or frame making up the sign. No sign or any part thereof which is attached to a building may project more than four feet above the building's roof line, and in no event shall the top of the sign exceed the maximum building height permitted in that zoning district.



Calculating the area and height of a sign — Examples

- E. Any sign existing on the effective date of this chapter which is a lawful sign and has a valid sign permit (if one was required) but does not conform to the revisions of this chapter shall be considered a lawful nonconforming sign and may be continued.
- (1) Nonconforming signs may be repaired or repainted but shall not be structurally altered, enlarged, added to, or replaced except in conformance with the provisions of this chapter. If a renewal permit is required for such sign, a permit shall be secured as required under this ordinance or the sign shall be removed or reconfigured to conform with the provisions of this chapter.
 - (2) If the use of a property changes, nonconforming signs shall be changed to conform to the provisions of this chapter. A "change in use" shall be defined as any change that requires land development approval, zoning

approval, conditional use or special exception approval, or a use and occupancy permit. This provision shall not apply to changes in use among individual tenants on multi-tenant properties.

- (3) If the use of a property is discontinued for more than 12 months, any nonconforming sign on the property shall lose its status as a lawful nonconforming sign and shall be subject to all of the provisions of this chapter.
 - (4) Any nonconforming sign which is removed, destroyed, or abandoned shall not be rebuilt or reused except in conformance with this chapter.
- F. The following signs are prohibited in any district:
- (1) Signs affixed to trees, fences, guardrails, traffic signs, utility poles, rocks, or other natural features.
 - (2) Movable signs or signs with any moving parts, including letters; inflatables, flags, streamers, sandwich boards, banners, or balloons used for the purpose of advertising; awnings, umbrellas, or other outdoor structures that include logos or any other form of advertising.
 - (3) Signs with flashing, intermittent, animated, revolving, or electronically changeable message or illumination, including beacons and digital signs.
 - (4) Vehicular signs -- Any vehicle or equipment to which a sign is affixed or painted and which is used or parked in such a manner that display of such signs becomes the vehicle's primary purpose.
- G. In addition to the other requirements of this Code, every sign authorized herein must be constructed of durable materials, kept in good condition and repair and not allowed to become dilapidated.
- H. No sign shall be erected at the intersection of any streets or at any location in such a manner as to obstruct free and clear vision or where, by reason of position, shape or color, it may interfere with, obstruct the view of or be confused with any authorized traffic signal or device. No sign shall be erected within the clear sight triangle of any intersection.
- I. No sign, whether permanent or temporary, may be erected closer than 15 feet to the paved edge of the road or the gravel edge of the shoulder farthest from the paving. The Township shall not be liable for the expense of removing a sign that is erected in the right of way of a public road which is later condemned for road improvements.
- J. The provisions of this Article shall not apply to official federal, state, or municipal signs erected within Worcester Township.

§150-148 Signs permitted in residential and agricultural districts.

In residential and agricultural districts, signs may be erected and maintained only in compliance with the following provisions:

- A. Signs incident to a lawful accessory use of the property. Such signs shall not exceed 300 square inches in area. Not more than one such sign shall be placed upon any property in single and separate ownership.
- B. Signs incident to a lawful and approved municipal use of the property. Such signs shall not exceed 15 square feet in area. Not more than one such sign shall be placed on any property or properties engaged in the permitted use, except that a property that fronts on more than one road may have one such sign on each road.
- C. (1) Signs not exceeding 25 square feet in area relating to an approved use of the property for a country club, educational, religious, hospital or other permitted use. One such sign shall be allowed per road frontage, with a maximum of two signs per approved use, regardless of the number of parcels comprising the property approved for said use.

(2) Temporary signs to advertise special events related to the approved use are permitted only when attached to the permanent sign. The area of the temporary sign shall be included in the calculation of the total permitted sign area. Temporary signs may include manually changeable letters or replaceable panels. Moving, flashing, or digital lettering is prohibited.
- D. Neighborhood signs. In a residential development having at least 15 dwelling units and more than one internal street or road, the following is allowed:
 - (1) One sign shall be permitted at one entrance to the neighborhood. The sign shall contain no wording, logo, or information other than the name of the neighborhood (as approved by the Board of Supervisors as part of the subdivision and land development plan or otherwise) and the words "Worcester Township," which shall be in a typeface no less than half the size of the name of the neighborhood. The sign may be double-faced, either parallel or attached at one edge and with an angle of no more than 45 degrees, in which case the two faces shall be identical.
 - (2) The total area of the sign, or of each face of a double-faced sign, shall not exceed 15 square feet. If the sign is mounted on a monument, the area of the monument shall not exceed 1.5 times the area of the sign, and in no case shall either the monument or the sign exceed four feet in height.
 - (3) The sign shall be erected only on property owned in common by the homeowners' association or other entity designated to own commonly held property in the development. If there is no commonly owned property at the entrance to the development, no sign shall be permitted.

Notwithstanding the foregoing, if the development has open space near the entrance which has been dedicated to the Township, a neighborhood sign may be permitted after the Board of Supervisors has approved an agreement providing for the maintenance of the sign and the area immediately surrounding the sign.

- (4) A neighborhood sign shall be constructed of stone, brick, wood, or other durable material and shall be maintained in good condition at all times. Placement and maintenance of the sign shall be the responsibility of the homeowner's association or other entity designated to own commonly held property in the development.
 - (5) The depiction of any neighborhood sign on the subdivision or land development plans approved by the Township shall not constitute permission to erect such sign. No neighborhood sign is permitted to be erected until a permit is obtained from the Township and the fee is paid.
 - (6) Any fence, wall, gate, or other decorative structural element in conjunction with the neighborhood sign shall be in conformance with other sections of this Code.
 - (7) A neighborhood sign shall not be illuminated in any manner, nor shall it use reflective materials of any kind.
- E. Signs that advertise the subdivision, building, land development, sale, financing, or construction of a subdivision or community of more than four homes shall be regulated as follows:
- (1) Such signs shall be allowed and may be erected only after a permit has been obtained from the Township office and the fee paid. Permits shall be valid for one year and may be renewed, upon application, a maximum of twice following the initial application.
 - (2) Such signs shall be limited to one per subdivision entrance or street frontage, with a maximum of two signs per subdivision or community.
 - (3) Such signs shall be no larger than 15 square feet and shall not be illuminated in any manner or use any reflective material.
 - (4) As long as such sign(s) shall be standing, no other sign relating to the sale of property in that subdivision or community shall be allowed to be erected except for a sign advertising the sale or rental of an individual lot in that subdivision or community.
- F. No sign shall exceed eight feet in height, unless a stricter standard is provided herein.

- G. No Billboards are permitted except as provided in section 150-147(B)(5) and Article XXIA of this Chapter.

§150-149. Signs permitted in MHD, MR and RO Districts

In MHD, MR and RO Districts, signs may be erected and maintained only in compliance with the following provisions:

- A. All signs shall relate only to the use located on the property where the sign is located, provided such use is permitted in the district.
- B. Not more than one such sign, which shall not exceed 20 square feet nor have a height greater than six feet, shall be permitted on each street frontage, regardless of the number of uses on the property.
- C. Signs permitted under § 150-148 are allowed if the use is permitted in the district.
- D. No Off-Premises Signs, including directional signs, are permitted except as provided in Article XXIA of this Chapter.

§150-150 Signs permitted in C and SC Districts.

In C and SC Districts, signs may be erected and maintained only in compliance with the following provisions:

- A. No signs shall be permitted in these districts except signs of business or commercial establishments conducting a business enterprise in the district, provided that such signs are in accordance with this section of the zoning ordinance and provided that they are erected or placed on the property or building of such enterprises. No off-premises signs are permitted.
- B. One freestanding sign not to exceed 25 square feet in area, 12 feet in height, and 10 feet in width shall be allowed on each property held in single and separate ownership. In the case of a corner property, one such sign shall be allowed on each road frontage, at least 300 feet from the intersection and located so as not to interfere with the clear sight triangle at the intersection.
- C. Instead of the provisions of 150-150.B. above, for a commercial complex with: at least three (3) buildings of at least 5,000 square feet each, a total cumulative floor commercial floor area of at least 20,000 square feet, frontages along two arterials, and involving three or more businesses the following signs are permitted:
 - (1) One freestanding sign not to exceed 60 square feet in area, 12 feet in height, or 12 feet in width shall be allowed in front of each building, to serve all businesses in that building. Not less than one-fourth of the area of this sign shall be designed specifically to accommodate Temporary Signs using only changeable lettering or changeable sign panels.

- (2) By Conditional Use: One free-standing sign which is, notwithstanding the sign area standards of Section 150-147.D., no greater than 70 square feet in solid sign area, no taller than 14 feet above the ground, and no wider than 8 feet. Not less than one-fourth of the area of this sign shall be designed specifically to accommodate Temporary Signs using only changeable sign panels. The sign area for this condition only shall be measured as the actual area of the solid sign panels used to comprise the sign, irrespective of the size of the graphics. Posts or columns exceeding 16 inches in width on any side will be counted toward the calculation of the sign area.
 - (3) By Conditional Use: Signs that identify a geographic area of the Township, such as the name of the villages, may be erected not exceeding 30 inches in height and otherwise conforming to this Article. This sign shall not be included in the determination of the type, number, or area of permanent signs allowed within a zoning district. The applicant shall consult with the Planning Commission for advice about the design of the sign.
 - (4) For a single commercial complex located within both the C and SC Districts, one free-standing sign which is, notwithstanding the sign area standards of Section 150-147.D., no greater than 70 square feet in solid sign area, no taller than 14 feet above the ground, and no wider than 8 feet. Not less than one-fourth of the area of this sign shall be designed specifically to accommodate Temporary Signs using only changeable sign panels. The sign area for this condition only shall be measured as the actual area of the solid sign panels used to comprise the sign, irrespective of the size of the graphics. Posts or columns exceeding 16 inches in width on any side will be counted toward the calculation of the sign area.
- D. Each individual business establishment shall be permitted one sign advertising the business conducted or product sold at that establishment, which sign shall not exceed 15 square feet in area and shall be physically attached to the building in which the business is located. No part of the sign shall be higher than the highest point of the building's roof line. The sign shall protrude no more than 10 inches from the building if it is less than 10 feet above the level of the ground, measured to the lowest portion of the sign.
- E. (1) Temporary Signs related to a permitted business use shall be allowed only when attached to a permanent free-standing sign for which a permit has been issued. A Temporary Sign shall be included in the calculation of the sign area allowed for the permanent sign. Temporary Signs must be constructed of durable material and fastened securely to the business's freestanding sign. Moving, flashing, or digital lettering is prohibited.
- (2) Any Temporary Sign shall be included in the calculation of the sign area allowed for the business's freestanding.

(3) Tenants may share space on one changeable-lettering or changeable-panel sign. in which case the sign shall be considered a Temporary Sign for each of those tenants.

(4) Temporary Signs may use replaceable panels but not changeable letters.

F. Interior Signs.

(1) Neon Signs permanently affixed to the interior of a window or the interior of a wall of a building in commercial use shall be permitted under the following conditions:

(a) A maximum of three Interior Neon Signs shall be permitted per business.

(b) Neon Signs shall not flash, oscillate, move, change color or intensity, or alternate on and off.

(c) The maximum size of a Neon Sign shall be four square feet.

(d) No externally mounted Neon Sign shall be allowed.

(2) The area of all Interior Signs, including Neon Signs, shall not exceed twenty percent (20%) of the aggregate clear glass area of the window to which it is affixed. Aggregate clear glass area shall mean the clear glass surface area of a window or door that is designed as a unit, whether operable or not, and is defined by a structural frame.

G. In recognition of the unique and particular significance of gasoline stations to the driving public, such stations shall be permitted signs as described above and the following additional signs: one ground or freestanding sign per station for each road frontage, for purposes of advertising current fuel prices only. The area of such signs may not exceed 16 square feet on each side. Both sides of such signs may be used for advertising fuel prices only. No sign shall extend more than 15 feet above the mean pavement level.

H. Any sign permitted in § 150-148 is allowed, provided that the use to which it refers is permitted in the district and has been previously approved if so required.

I. Where there is more than one building in commercial use on one property and a street entrance is shared by two or more buildings, one sign not exceeding 12 square feet in area and four feet in height shall be allowed at that entrance and interior to the property, for the purpose of directing visitors to the individual businesses or buildings on the property.

§150-150.1 Signs permitted in Village Overlay Districts.

For by-right nonresidential uses in any district, signs shall be allowed as follows:

- A. Class 1.
 - (1) One free-standing sign shall be allowed on each property and may contain only the name of the business allowed to be conducted on the property.
 - (a) The area of the sign shall not exceed 300 square inches. The sign shall be no higher than 4 feet, measured from the ground at the base of the sign to the top of the highest element of the sign, including the mounting post and illumination, if any.
 - (b) The sign shall be located no closer than 15 feet to the edge of the roadway and must not block the line of sight along the road or from the access driveway of this or any other property onto the road.
 - (c) No temporary signage of any kind is permitted.
 - (d) No sign shall be illuminated between the hours of 10 p.m. and 6 a.m.
 - (2) No sign shall be allowed on the exterior of any building on the property, nor shall any sign be affixed to any wall, window, or door so as to be visible from outside the building.
 - (3) Signs shall conform in all other respects to the General Sign Regulations in section 150-147.
- B. Class 2.
 - (1)

Signs shall be allowed in conformance with the requirements of Section 150-150 and shall conform in all other respects to the General Sign Regulations in section 150-147.

§150-151 Signs permitted in LI District.

In the LI District, signs may be erected and maintained only in compliance with the following provisions:

- A. All signs shall relate to the use located on the property on which the sign is erected.

- B. (1) Not more than one freestanding sign which shall not exceed 32 square feet nor have a height greater than 10 feet shall be permitted on each street frontage with access and shall relate to the particular permitted use(s) on the property.

(2) Each individual establishment shall be permitted one sign which shall not exceed 32 square feet and which shall be physically attached to the building in which the establishment is located.

(3) No Temporary Signs are allowed.
- C. Billboards as regulated by Article XXIA of this Chapter.
- D. Any sign permitted in § 150-148 is allowed, provided that the use to which it refers is permitted in the district and has been previously approved if so required, or is a pre-existing nonconforming use, and provided it meets all the requirements of that section.

§150-152 Permits and fees.

- A. A permit shall be obtained from the office of the Zoning Officer before erecting, placing, rebuilding, reconstructing or moving any sign. Where multiple signs are allowed, a separate permit shall be obtained for each sign.
- B. A fee shall be required for any sign permit in accordance with the township's fee schedule.

SECTION III. – 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 IV. – 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 V. – Effective Date

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

SECTION VI. – Repealer

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

ORDAINED AND ENACTED by the Board of Supervisors of Worcester Township, Montgomery County, Pennsylvania, this 15th day of May, 2013.

WORCESTER TOWNSHIP

By: 
Arthur C. Bustard, Chairman,
Board of Supervisors

Attest: 
F. Lee Mangan, Secretary

NOTICE

NOTICE is hereby given that the Board of Supervisors of Worcester, at its public meeting on May 15, 2013, 2013, 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 "Sign Ordinance" amending the Code of the Township of Worcester, Chapter 150 (Zoning), Article III (Terminology) to delete the existing definition of "Sign" in its entirety and replace it with a new definition for the term "Sign"; and further amending Chapter 150 (Zoning) to delete existing Article XXI (Signs) in its entirety and replace it with a new Article XXI entitled "Signs" setting forth the general sign regulations; signs permitted in residential and agricultural districts; signs permitted in Mobile Home Development, Multi-Residential and Residential Office Districts; signs permitted in the Commercial and Shopping Center Districts; signs permitted in Village Overlay Districts; signs permitted in the Light Industrial District; permit and fee requirements.

Copies of the proposed Ordinance are available for examination during normal business hours at the offices of *Times Herald*, 410 Markley Street, Norristown, Pennsylvania 19404, the Montgomery County Law Library, Court House, Norristown, Pennsylvania 19401, 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
WISLER PEARLSTINE, LLP**

Solicitors for Worcester Township

**BOARD OF SUPERVISORS
WORCESTER TOWNSHIP**

MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE NO. 2013-245

"Industrial Research District Ordinance"

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF WORCESTER, CHAPTER 150 (ZONING) TO ADD A NEW ARTICLE XIXA ENTITLED "INDUSTRIAL RESEARCH DISTRICT" SETTING FORTH: LEGISLATIVE INTENT; USE REGULATIONS; LOT AREA AND WIDTH REGULATIONS; YARD REGULATIONS; COVERAGE REGULATIONS; HEIGHT REGULATIONS; PARKING REGULATIONS AND SPECIAL REQUIREMENTS; AMENDING ARTICLE II, SECTION 150-5 (CLASSES OF DISTRICTS) TO IDENTIFY THE "IR" INDUSTRIAL RESEARCH DISTRICT; AMENDING ARTICLE III (TERMINOLOGY), SECTION 150-9 (DEFINITIONS) TO ADD A DEFINITION FOR THE TERM "FLOOR AREA RATIO"; AMENDING ARTICLE XXI (SIGNS) TO SET FORTH SIGNS PERMITTED IN THE "LI" LIMITED INDUSTRIAL DISTRICT AND THE NEWLY CREATED "IR" INDUSTRIAL RESEARCH DISTRICT; AND AMENDING THE OFFICIAL ZONING MAP OF WORCESTER TOWNSHIP TO ADD THE "IR" INDUSTRIAL RESEARCH DISTRICT AND REZONE A CERTAIN TRACT OF LAND IN THE TOWNSHIP CONSISTING OF APPROXIMATELY 86.9 ACRES WITH FRONTAGE ON MORRIS ROAD, MORE PARTICULARLY IDENTIFIED AS MONTGOMERY COUNTY TAX PARCEL NO. 67-00-02512-00-4, AND DESCRIBED IN THE LEGAL DESCRIPTION ATTACHED TO THE ORDINANCE AS EXHIBIT "A", FROM ITS EXISTING ZONING CLASSIFICATION OF LIMITED INDUSTRIAL DISTRICT TO THE NEW CLASSIFICATION OF INDUSTRIAL RESEARCH DISTRICT.

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

SECTION I. – Amendment to Code

The Code of the Township of Worcester, Chapter 150 (Zoning) is hereby amended to add the following new Article XIXA entitled "Industrial Research District":

ARTICLE XIXA INDUSTRIAL RESEARCH DISTRICT

§150-127A. Legislative intent.

In expansion of the legislative intent and community development objectives contained in Article I, §§ 150-2 and 150-3, of this chapter and in support of the goals and recommendations of the Worcester Township Comprehensive Plan, it is the intent of this article to:

- A. Permit a range of research, manufacturing, warehousing, and other industrial uses.
- B. Provide local job opportunities for Township residents.
- C. Limit the potential adverse effect of industrial development on abutting properties, the Township's character and the Township's roads by controlling the location and nature of the industrial development.

§150-128A. Use regulations.

A building or combination of buildings may be erected or used and a lot may be used or occupied for any of the following purposes and no other:

- A. Manufacturing, industrial and research facilities.
- B. Storage or warehousing.
- C. Administrative offices accessory to a permitted use.
- D. Any other legitimate use not otherwise permitted expressly or by implication elsewhere in this Zoning Code when authorized as a conditional use by the Board of Supervisors and after the imposition of conditions designed to eliminate (to the extent reasonably possible) adverse effects upon neighboring properties and the general public health, safety and welfare.
- E. The following uses shall not be permitted:
 - (1) Abattoir.
 - (2) Acetylene gas manufacture and/or storage.
 - (3) Acid manufacture (hydrochloric, nitric, picric, sulphuric, sulphurous, carbolic).
 - (4) Airport.
 - (5) Ammonia, bleaching powder or chlorine manufacture.
 - (6) Ammunition manufacture and/or storage.

- (7) Arsenal.
- (8) Asphalt manufacturing or refining.
- (9) Blast furnace.
- (10) Bone distillation.
- (11) Celluloid manufacture.
- (12) Cement, lime, gypsum or plaster of paris manufacture.
- (13) Coal distillation.
- (14) Coke ovens.
- (15) Creosote treatment or manufacture.
- (16) Dead animal and offal reduction.
- (17) Distillation of bones, coal, petroleum, refuse grain or wood (except in the manufacture of gas).
- (18) Distillation of tar.
- (19) Explosives, fireworks and gun powder manufacture or storage.
- (20) Fat rendering.
- (21) Fertilizer manufacture.
- (22) Forge plant.
- (23) Heliport
- (24) Hog farm.
- (25) Incineration, reduction, storage or dumping of slaughterhouse refuse, rancid fats, garbage, dead animal or offal.
- (26) Oilcloth or linoleum manufacture.
- (27) Ore reduction.
- (28) Petroleum or kerosene refining, distillation or derivation of by-products and/or storage.
- (29) Potash works.

(30) Power forge (riveting, hammering, punching, chipping, drawing, rolling or tumbling of iron, steel, brass or copper, except as a necessary incident of manufacture of which these processes form a minor part and which are carried on without objectionable noise outside the plant.

(31) Rolling mill.

(32) Steel furnace, blooming mill or rolling mill.

(33) Stock yards.

(34) Tar distillation or manufacture.

F. Municipal use as defined in Article III.

§150-129A. Lot area and width regulation.

A. Minimum lot area. Fifty acres shall be the minimum lot area that shall be provided.

B. Minimum lot width. A lot width of not less than 200 feet shall be provided.

§150-130A. Yard regulations.

A. Front yard. One hundred feet shall be the minimum front yard on each lot.

B. Side yards. There shall be two side yards on each lot, neither of which shall be less than 50 feet.

C. Rear yards. There shall be a rear yard on each lot which shall not be less than 50 feet.

D. District yard. In the case of any front, side or rear yard adjacent to any single-family residential district, such yard shall not be less than 200 feet.

§150-131A. Coverage regulations.

A. Building coverage.

(1) The total building coverage shall not exceed 20%.

(2) The floor area ratio of all buildings shall not exceed 30%.

B. Impervious coverage. The total impervious coverage shall not exceed 50%.

§150-132A. Height regulations.

Building height. The maximum height for buildings or other structures erected or enlarged in this district shall be 45 feet with the exception of parking garages,

which shall be limited to 24 feet. Chimneys, spires, towers, elevator penthouses, tanks, solar energy apparatus and similar projections shall not be included in the height provided that such projections shall be permitted to extend not more than 10 feet above the allowable building height. Notwithstanding the foregoing, such projections may extend more than 10 feet above the allowable building height when authorized by the Board of Supervisors by conditional use. Any such structure must be located at least 2 feet back from the edge of roof for every 1 foot or fraction thereof it projects above 45 feet.

§150-133A. Parking regulations.

A. Parking and loading. All-weather parking and loading facilities shall be provided in accordance with Article XXII.

B. Setbacks.

(1) No parking, loading or driveway area shall be closer than 25 feet to any side or rear property line, and no closer than 50 feet to any front property line, except as required for normal ingress and egress.

(2) In the case of any front, side or rear line being adjacent to a single-family residential district, no parking, loading or driveway area shall be located closer than 150 feet to that property line, except as required for normal ingress and egress.

C. All parking lot structures shall conform to the standards set forth in the Township Building Code. All parking lot structures shall be considered when calculating impervious coverage, but not building coverage.

§150-134A. Special requirements.

A. Signs. Signs shall be permitted in accordance with Article XXI.

B. Minimum district size. The minimum area of any IR District shall be 50 acres.

C. Landscaping.

(1) All development in the IR District shall be designed and maintained so as to provide a complete and effective, year-round landscape buffer between itself and any development of any other adjacent district.

(2) There shall be a suitable and effective landscape barrier to separate the property from any adjacent public street. Such buffer strip shall be at least 30 feet wide and shall channel motor vehicle ingress and egress from the property. There shall be a maximum of one access road per 200 feet of frontage and in no case more than two access roads per frontage.

(3) A Riparian Corridor, as defined in Article XXB, shall not be clear cut or mown as lawn.

(4) In any area that does not have naturally occurring screen, as determined by the Township engineer, a 75 foot wide screen as provided for in Section 130-28G(5)(f) of the Subdivision and Land Development Ordinance, must be installed in conjunction with any building exceeding 35 feet in height or parking lot structure if adjacent to any residential use.

D. Utilities. All development in the IR District shall be served by public sewer and public water. All utilities serving a permitted use in this district shall be underground.

E. Outdoor land use. The outdoor storage of goods and materials and trash within the building envelope shall be designed and maintained to be completely screened from view by a landscape buffer and such uses shall conform to all building setbacks.

F. Hazardous use. No building may be erected, altered or maintained or lot used for any purpose, trade or business that is noxious, offensive or potentially injurious to health by reason of odor, noise, dust, smoke, heat, gas radiation, vibration or hazardous substance.

G. Building spacing. The distance at the closest point between buildings shall not be less than 50 feet.

H. Site lighting. Exterior lighting provided in conjunction with any building or use shall be placed not higher than 12 feet above grade and shall be screened so as not to permit the source of illumination to be seen from off the premises. Only color corrected types of illumination shall be used. The hours of illumination of such lights (except security lighting) shall be limited to hours of business operation and shall otherwise be extinguished between 10:00 pm and 6:00 am, prevailing time.

I. Application procedure. The procedure for making application under the IR District shall be in accordance with §150-202, Article XXIV, General Regulations, and §150-214 of Article XXV, Administration.

J. Detention basins in yard areas. Detention basins shall be allowed in yard areas only in accordance with the applicable regulations under Article XXIV, General Regulations.

SECTION II. – Amendment to Code

The Code of the Township of Worcester, Chapter 150 (Zoning), Article II (Establishment of Districts), Section 150-5 (Classes of Districts; Zoning Map) is hereby amended to add “IR” Industrial Research District immediately following “LPD” Land Preservation District.

SECTION III. – Amendment to Code

The Code of the Township of Worcester, Chapter 150 (Zoning), Article III (Terminology), Section 150-9 (Definitions) is hereby amended to add the following new definition:

FLOOR AREA RATIO. The numerical value obtained by dividing the floor area within a building or buildings on a lot by the Lot Area of such lot.

SECTION IV. – Amendment to Code

The Code of the Township of Worcester, Chapter 150 (Zoning), Article XXI (Signs) is hereby amended to add the following new section entitled “Signs Permitted in the IR District”:

Section 150-151A. Signs permitted in the IR District.

In the IR District, signs may be erected and maintained only in compliance with the following provisions:

- A. All signs, except as noted in Subsection C below, shall relate to the use located on the property on which the sign is located.
- B. Not more than one freestanding sign which shall not exceed 32 square feet nor have a height greater than 10 feet shall be permitted on each street frontage with access and shall relate to the particular industry, laboratory, engineering center or office building located within the district. In addition, there may be one additional sign which shall not exceed 32 square feet and shall be physically attached to a building.
- C. Billboards as regulated by Article XXIA of this chapter.
- D. Any sign permitted in § 150-148, provided that the use to which it refers is permitted in the district.

SECTION V. – Amendment to Code

The Code of the Township of Worcester, Chapter 150 (Zoning), Article XXI (Signs), Section 150-151 (Signs Permitted in LI District) is hereby amended to eliminate Subsection “C” and change Subsection “D” to Subsection “C”.

SECTION VI. – Amendment to the Official Zoning Map of Worcester Township

The Official Zoning Map of Worcester Township is hereby amended to add the Limited Industrial Research District, and rezone a certain tract of land consisting of approximately 86.9 acres with frontage on Morris Road, and more particularly identified as Montgomery County Tax Parcel No. 67-00-02512-00-4, and described in the legal description attached hereto as Exhibit “A”, from its existing zoning classification of Limited Industrial District to the new classification of Industrial Research District.

SECTION VII. – 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 VIII. – 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 IX. – Effective Date

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

SECTION X. – Repealer

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

SECTION XI. – Comprehensive Plan

To the extent the Township Comprehensive Plan is in any way inconsistent with the Zoning Map Amendment embodied in this Ordinance, the Land Use Plan in the most recent draft of the Township Comprehensive Plan is hereby modified to reflect a proposed land use consistent with the Zoning Map Amendment embodied in this Ordinance.

ORDAINED AND ENACTED by the Board of Supervisors of Worcester Township, Montgomery County, Pennsylvania, this 20th day of November 2013.

WORCESTER TOWNSHIP

By: 

Arthur C. Bustard, Chairman,
Board of Supervisors

Attest: 

F. Lee Mangan, Secretary

NOTICE

NOTICE is hereby given that the Board of Supervisors of Worcester, at its public meeting on November 20, 2013 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 "Industrial Research District Ordinance" amending the Code of the Township of Worcester, Chapter 150 (Zoning) to add a new Article XIXA entitled "Industrial Research District" setting forth: legislative intent; use regulations; lot area and width regulations; yard regulations; coverage regulations; height regulations; parking regulations and special requirements; amending Article II, Section 150-5 (Classes of Districts) to identify the "IR" Industrial Research District; amending Article III (Terminology), Section 150-9 (Definitions) to add a definition for the term "Floor Area Ratio"; amending Article XXI (Signs) to set forth signs permitted in the "LI" Limited Industrial District and the newly created "IR" Industrial Research District; and amending the Official Zoning Map of Worcester Township to add the "IR" Industrial Research District and rezone a certain tract of land in the Township consisting of approximately 86.9 acres with frontage on Morris Road, more particularly identified as Montgomery County Tax Parcel No. 67-00-02512-00-4, and described in the legal description attached to the Ordinance as Exhibit "A", from its existing zoning classification of Limited Industrial District to the new classification of Industrial Research District.

Copies of the proposed Ordinance and Map Amendment are available for examination during normal business hours at the offices of *Times Herald*, 410 Markley Street, Norristown, Pennsylvania 19404, the Montgomery County Law Library, Court House, Norristown, Pennsylvania 19401, and the Worcester Township Building, 1721 Valley Forge Road, Worcester, Pennsylvania 19490 where a copy of the proposed Ordinance and Map Amendment may be obtained for a charge not greater than the cost thereof.

**JAMES J. GARRITY, ESQUIRE
WISLER PEARLSTINE, LLP**

Solicitor for Worcester Township

EXHIBIT "A"

**BOARD OF SUPERVISORS
WORCESTER TOWNSHIP**

MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE NO. 2013-246

AN ORDINANCE INCREASING THE INDEBTEDNESS OF WORCESTER TOWNSHIP TO FINANCE CERTAIN CAPITAL PROJECTS, INCLUDING WITHOUT LIMITATION, RENOVATIONS TO AND EXPANSION OF THE TOWNSHIP'S VALLEY GREEN WASTE WATER TREATMENT PLANT, BY AUTHORIZING THE ISSUANCE OF A GENERAL OBLIGATION NOTE IN THE AMOUNT OF \$2,500,000 AT A PRIVATE SALE; FIXING THE FORM, NUMBER, DATE, INTEREST, AND MATURITY THEREOF; MAKING A COVENANT FOR THE PAYMENT OF THE DEBT SERVICE ON THE NOTE; CREATING A SINKING FUND; PROVIDING FOR THE FILING OF THE REQUIRED DOCUMENTS WITH THE PENNSYLVANIA DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT; AND AUTHORIZING EXECUTION, SALE AND DELIVERY THEREOF.

ENACTED: _____

**BOARD OF SUPERVISORS
WORCESTER TOWNSHIP**

MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE NO. 2013-246

AN ORDINANCE INCREASING THE INDEBTEDNESS OF WORCESTER TOWNSHIP TO FINANCE CERTAIN CAPITAL PROJECTS, INCLUDING WITHOUT LIMITATION, RENOVATIONS TO AND EXPANSION OF THE TOWNSHIP'S VALLEY GREEN WASTE WATER TREATMENT PLANT, BY AUTHORIZING THE ISSUANCE OF A GENERAL OBLIGATION NOTE IN THE AMOUNT OF \$2,500,000 AT A PRIVATE SALE; FIXING THE FORM, NUMBER, DATE, INTEREST, AND MATURITY THEREOF; MAKING A COVENANT FOR THE PAYMENT OF THE DEBT SERVICE ON THE NOTE; CREATING A SINKING FUND; PROVIDING FOR THE FILING OF THE REQUIRED DOCUMENTS WITH THE PENNSYLVANIA DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT; AND AUTHORIZING EXECUTION, SALE AND DELIVERY THEREOF.

WHEREAS, Worcester Township, Montgomery County, Pennsylvania ("Worcester Township," "Township," or "Local Government Unit") has determined to undertake certain capital projects of the Township (the "Project") including without limitation, (1) financing certain capital projects, including without limitation, renovations to and expansion of the Township's Valley Green Waste Water Treatment Plant; and (2) paying the costs and expenses related to the issuance of the Note (as defined below); and

WHEREAS, Worcester Township has received preliminary realistic cost estimates from professional consultants indicating the sum of \$2,500,000 will be needed to complete the Project;

WHEREAS, the Township has determined to finance the Project by incurring indebtedness and issuing its \$2,500,000 aggregate principal amount General Obligation Note, Series of 2013 (the "Note") in accordance with the Pennsylvania Local Government Unit Debt Act, as codified by the Act of December 19, 1996 (P.L. 1158, No. 177) (the "Act"), the proceeds of which shall be used for the purpose of financing the Project; and

WHEREAS, the proposed increase of debt, together with its non-electoral indebtedness and its lease rental indebtedness presently outstanding, will not cause the limitations of Worcester Township's debt incurring power, pursuant to constitutional and statutory authority, to be exceeded;

WHEREAS, Worcester Township desires to provide for the creation of a Sinking Fund, appointment of a bank to act as the Sinking Fund Depository, as to authorize the proper officials to contract for services of the Sinking Fund Depository.

WHEREAS, Worcester Township has determined that it has received an acceptable proposal (the "Proposal") for the purchase of the Note from Univest Bank and Trust Co. (the "Purchaser") and desires to authorize the issuance of the Note for the purposes set forth herein, upon the terms and conditions and in the form as herein provided;

NOW, THEREFORE, be it ordained and enacted by the Board of Supervisors of Worcester Township as follows:

SECTION 1. ORDINANCE PROVISIONS.

- A. The Township hereby approves the Project described in the recitals hereto and authorizes the incurring of indebtedness pursuant to the Act by the issuance of the Note in the principal amount of \$2,500,000. Funds shall be advanced for the Project in accordance with the terms of the Note. The Note shall be issued for the foregoing purposes and be incurred as non-electoral debt.
- B. It is hereby determined and declared that the average estimated useful life of the components of the Project is not less than twenty-six (26) years and that the Township has obtained realistic estimates of the costs of the Project through bid prices or estimates from qualified persons as required by Section 8006 of the Act. It is hereby determined that the Note is scheduled to mature in accordance with the limitations set forth in Section 8142 of the Act.
- C. The Note shall be issued in the aggregate principal amount of \$2,500,000, and shall bear interest and mature as set forth in the form of Note attached hereto as Exhibit "A" and made a part hereof. The Note shall be payable at the place and in the manner and shall be substantially in the form attached hereto as Exhibit "A" and made a part hereof.
- D. The Note is hereby declared to be a general obligation of the Township. Worcester Township hereby covenants that it shall include the amount of debt service on the Note for each fiscal year in which such sums are payable in its budget for that year, shall appropriate such amounts to the payment of such debt service; and shall duly and punctually pay or cause to be paid the principal of the Note and the interest thereon at the dates and places and in the manner stated in the Note according to the true intent and meaning thereof, and for

such proper budgeting, appropriation, and payment, the full faith, credit and taxing power of the Worcester Township is hereby irrevocably pledged. This covenant shall be specifically enforceable.

- E. Univest Bank and Trust Co. is hereby designated as paying agent, bond registrar and sinking fund depository, and there is hereby created and established a Sinking Fund, to be known as "Sinking Fund 2013 General Obligation Note" for the payment of the principle and interest thereon which shall be deposited into the Sinking Fund no later than the date upon which the same becomes due and payable. The Treasurer shall deposit into the Sinking Fund, which shall be maintained until such obligation is paid in full, sufficient amounts for payment of principle and interest on the obligation no later than the date upon which payments shall become due. The Sinking Fund Depository shall, as and when said payments are due, without further action by Worcester Township, withdraw available monies in the Sinking Fund and apply said monies to payment of principle and interest on the obligation.

- F. The Note shall be executed in the name and under the corporate seal of Worcester Township by the Chairman or Vice-Chair of the Board of Supervisors, and attested by the Secretary of the Township. The officers of the Township are hereby authorized and directed to deliver said Note to the purchaser, and receive payment therefore on behalf of Worcester Township. The Township Manager and Secretary of Worcester Township are authorized and directed to prepare, verify and file the debt statement required by Section 8110 of the Act and to take other necessary action, including, if necessary or desirable, any statements required to qualify any portion of the debt from the appropriate debt limit as self-liquidating or subsidized debt. The Township Manager and Secretary of the Township, with other proper officers of the Township, are authorized to apply for and receive approval of the Department of Community and Economic Development as required under the Act of the proceedings for incurring debt by the Township pursuant to this Ordinance. The Township Manager and any members of the Worcester Township Board of Supervisors are hereby authorized to contract with Univest Bank and Trust Co., for its services as Sinking Fund Depository for the Note and paying agent for the same.

- G. In compliance with Section 8161 of the Act, the members of the Board of Supervisors have determined that a private sale by negotiation rather than public sale is in the best financial interest of Worcester Township. Therefore, the Note in the amount of \$2,500,000 herein authorized to be issued and sold is hereby awarded and sold to Univest Bank and Trust Co. in accordance with its proposal to

purchase the said Note at par; provided the said Note is dated the delivery thereof to Univest Bank and Trust Co.; and further provided that the proceedings have been approved by the Department of Community and Economic Development if such approval is required under the provisions of the Act.

- H. The action of the proper officers and the advertising of a summary of this Ordinance as required by law in The Times Herald, a newspaper of general circulation, is ratified and confirmed. The advertisement in said paper of the enactment of the ordinance is hereby directed within fifteen (15) days following the day of final enactment.
- I. It is declared that the debt to be incurred hereby, together with any other indebtedness of this Local Government Unit, is not in excess of any limitation imposed by the Act upon the incurring of debt by the Township.
- J. The Township hereby covenants with the holders from time to time of the Note that it will at all times do and perform all actions and things within its power which are necessary or desirable in order to assure that interest paid on the Note will, for purposes of federal income taxation, be and remain excludable from the gross income of the recipients thereof and that it will refrain from doing or performing any act or thing that would cause such interest not to be so excludable and to otherwise comply with the requirements of Sections 103 and 141 through 150 of the Internal Revenue Code of 1986, as amended (the "Code"). The Township further covenants with the holders from time to time of the Note that it will make no investment or other use of the proceeds of the Note, which, if such investment or use had been reasonably expected on the date of issuance of the Note, would cause the Note to be "arbitrage bond(s)" within the meaning of Section 148 of the Code, and the regulations applicable thereto and that this covenant shall extend throughout the term of the Note and shall apply to all amounts which are proceeds of the Note for purposes of said section and regulations. Neither the Treasurer nor any other official or agent of the Township shall make any investment inconsistent with the foregoing covenant. The Treasurer and all other Township officials responsible for investment shall follow the advice or direction of Note Counsel for the Township (the "Note Counsel") as to investments, which may be made in compliance with this covenant. The appropriate officers of the Township are hereby authorized to execute a tax compliance agreement (the "Tax Compliance Agreement") to carry out the foregoing covenants. The Tax Compliance Agreement shall be substantially in the form acceptable to Note Counsel, with such changes as may be approved by the officer executing the Tax Compliance Agreement, upon the advice of Note

Counsel, such approval to be conclusively evidenced by such officer's execution of the Tax Compliance Agreement. If required under the Tax Compliance Agreement, there shall be established a "note rebate fund," which shall be held and maintained by the Township in accordance with the Tax Compliance Agreement, separate and apart from other funds of the Township. The foregoing tax covenants in this Section may be excused or modified if, and to the extent that, the Township receives an opinion of nationally recognized Note Counsel that such absence of compliance will not adversely affect the exemption from federal income taxation of interest on the Note.

- K. In accordance with the Code, the Township hereby represents and warrants, after due investigation and to the best of its knowledge, that: (i) the Note is not "private activity bonds" within the meaning of Section 141 of the Code, and (ii) the aggregate face amount of "qualified tax-exempt obligations" within the meaning of Section 265(b)(3)(B) of the Code (which includes qualified 501(c)(3) bonds but not any other private activity bonds) issued or to be issued by the Township (and all other issuers which must be aggregated with the Township pursuant to the Code) during the 2013 calendar year (including the Note, but excluding current refunding obligations not required to be taken into account for purposes of that Section of the Code and further excluding those bonds "deemed designated" under the Code), is not reasonably expected to exceed \$10,000,000. The Township hereby designates the Note as a "qualified tax-exempt obligation" within the meaning of Section 265(b)(3)(B) of the Code. The Township hereby authorizes the proper officers of the Township to execute a certificate to that effect at the time of the closing.

SECTION 2. REPEAL AND RATIFICATION.

All ordinances or parts of ordinances inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specifically repealed. Any other terms and provisions of the ordinances of the Township that are unaffected by this Ordinance are hereby reaffirmed and ratified.

SECTION 3. SEVERABILITY.

Should any section, paragraph, sentence, clause, or phrase in this Ordinance be declared unconstitutional or invalid for any reason, the remainder of the Ordinance shall not be affected thereby and shall remain in full force and effect, and for this reason the provisions of this Ordinance shall be severable.

SECTION 4. EFFECTIVE DATE.

This Ordinance shall become effective five (5) days after enactment.

ORDAINED AND ENACTED this 17th day of July, 2013, by the Board of Supervisors of Worcester Township.

**BOARD OF SUPERVISORS
WORCESTER TOWNSHIP**

[seal]



Arthur C. Bustard
Chairman

Attested by:



F. Lee Mangan
Township Manager/ Secretary

EXHIBIT "A"
[Note Form]

**BOARD OF SUPERVISORS
WORCESTER TOWNSHIP**

MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE NO. 2013-247

"Sewer Rates Ordinance"

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF WORCESTER, CHAPTER 122 (SEWERS), ARTICLE II (SEWER RATES AND CHARGES), SECTION 122-11 (UNIFORM RATES AND CHARGES) TO REVISE PARAGRAPH "A" (RESIDENTIAL) TO INCREASE THE RATE PAYABLE ANNUALLY FOR EACH PRIVATE DWELLING UNIT AS FOLLOWS: \$418.00 PER ANNUM FOR THE YEAR 2014, PAYABLE AT A RATE OF \$104.50 PER QUARTER; \$459.80 PER ANNUM FOR THE YEAR 2015, PAYABLE AT A RATE OF \$114.95 PER QUARTER; AND \$505.80 PER ANNUM FOR THE YEAR 2016, PAYABLE AT A RATE OF \$126.45 PER QUARTER; AND FURTHER AMENDING ARTICLE III (MEADOWOOD RETIREMENT COMMUNITY SEWER DISTRICT), SECTION 122-16 (RATES AND CHARGES), PARAGRAPH "A"; ARTICLE IV (CENTER POINT VILLAGE SEWER DISTRICT), SECTION 122-20 (RATES AND CHARGES), PARAGRAPH "A"; ARTICLE VII (FAIRVIEW VILLAGE SEWER DISTRICT), SECTION 122-43 (NONRESIDENTIAL AND MIXED-USE RATES AND CHARGES), PARAGRAPH "C"; AND ARTICLE VIII (FAIRVIEW VILLAGE EAST, FAIRVIEW VILLAGE WEST AND VALLEY FORGE ROAD SEWER DISTRICTS), SECTION 122-49 (NONRESIDENTIAL AND MIXED-USE RATES AND CHARGES), PARAGRAPH "C" TO INCREASE THE MINIMUM SEWER RENTAL CHARGE FOR EACH 1,000 GALLONS OF METERED WATER CONSUMED PER MONTH FOR NONRESIDENTIAL AND MIXED-USES AS FOLLOWS: \$6.82 EFFECTIVE JANUARY 1, 2014; \$7.50 EFFECTIVE JANUARY 1, 2015; AND \$8.25 EFFECTIVE JANUARY 1, 2016.

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

SECTION I. – Amendment to Code

The Code of the Township of Worcester, Chapter 122 (Sewers), Article II (Sewer Rates and Charges), Section 122-11 (Uniform Rates and Charges), Paragraph “A” (Residential) is hereby deleted and replaced with the following new Paragraph A:

A. The rate for each private dwelling unit shall be \$418.00 per annum payable at a rate of \$104.50 per quarter effective January 1, 2014; \$459.80 per annum payable at a rate of \$114.95 per quarter effective January 1, 2015; and to \$505.80 per annum payable at a rate of \$126.45 per quarter effective January 1, 2016. Each dwelling unit in a double house or a row of connecting houses or in an apartment building shall be billed as a separate entity. If two or more families use separate cooking and/or toilet facilities in an improved property, the sewer rate payable hereunder shall be computed as though each such family was a separate use with a separate connection to the sewer. If two or more dwelling units are connected to the sewer system through a single lateral, the sewer rates and charges payable hereunder shall be computed as though each such dwelling unit were a separate improved property or user with a separate connection to the sewer system.

SECTION II. – Amendment to Code

The Code of the Township of Worcester, Chapter 122 (Sewers), Article III (Meadowood Retirement Community Sewer District), Section 122-16 (Rates and Charges) is hereby amended to delete existing Paragraph “A” in its entirety and replace it with the following new Paragraph “A”:

A. The following minimum charges for each 1,000 gallons of metered water consumed per month at the Meadowood Retirement Community are hereby imposed upon the owner of the Meadowood Retirement Community and upon its successors in title, payable as herein provided, which shall be collected by Worcester Township and used for payment of the cost of operating and maintaining that portion of the Township's sewage collection and disposal system comprising the Meadowood Sewer District and for a reserve fund sufficient for its future replacement: effective January 1, 2014, a charge of \$6.82; effective January 1, 2015, a charge of \$7.50; and effective January 1, 2016, a charge of \$8.25. This minimum charge is based upon Meadowood discharging sewage with the characteristics of typical domestic sewage with a strength no greater than the following concentrations:

Type of Sewage	Concentration (mg/l)
BOD-5	250
Suspended Solids	250
Total Phosphorous	10
Ammonia (NH ₃)	20

SECTION III. – Amendment to Code

The Code of the Township of Worcester, Chapter 122 (Sewers), Article IV (Center Point Village Sewer District), Section 122-20 (Rates and Charges) is hereby revised to delete existing Paragraph “A” in its entirety and replace it with the following new Paragraph “A”:

A. The following minimum charges for each 1,000 gallons of metered water consumed per month at the Center Point Village Shopping Center are hereby imposed upon the owner of the Center Point Village Shopping Center and upon its successors in title, payable as herein provided, which shall be collected by Worcester Township and used for payment of the cost of operating and maintaining that portion of the Township's sewage collection and disposal system comprising the Center Point Village Sewer District and for a reserve fund sufficient for its future replacement: effective January 1, 2014, a charge of \$6.82; effective January 1, 2015, a charge of \$7.50; and effective January 1, 2016, a charge of \$8.25. This minimum charge is based upon Center Point Village discharging sewage with the characteristics of typical domestic sewage with a strength no greater than the following concentrations:

Type of Sewage	Concentration (mg/l)
BOD-5	250
Suspended Solids	250
Total Phosphorous	10
Ammonia (NH ₃)	20

SECTION IV. – Amendment to Code

The Code of the Township of Worcester, Chapter 122 (Sewers), Article VII (Fairview Village Sewer District), Section 122-43 (Nonresidential and Mixed-Use Rates and Charges) is hereby amended to delete existing Paragraph “C” in its entirety and replace it with the following new Paragraph “C”:

C. The sewer rental rate or charge shall be calculated based on total water consumption. The following minimum charges for each 1,000 gallons of metered water consumed per month on the premises are hereby imposed upon all nonresidential, or mixed-use owners or their successors in title payable as herein provided, which shall be collected by Worcester Township in use for payment of the cost of operating and maintaining that portion of the Township's sewage collection and disposal system comprising the Fairview Village Sewer District and for a reserve fund sufficient for its future replacement: effective January 1, 2014, a charge of \$6.82; effective January 1, 2015, a charge of \$7.50; and effective January 1, 2016, a charge of \$8.25.

SECTION V. – Amendment to Code

The Code of the Township of Worcester, Chapter 122 (Sewers), Article VIII (Fairview Village East, Fairview Village West and Valley Forge Road Sewer District), Section 122-49 (Nonresidential and Mixed-Use Rates and Charges) is hereby amended to delete existing Paragraph “C” in its entirety and replace it with the following new Paragraph “C”:

C. The sewer rental rate or charge shall be calculated based on total water consumption. The following minimum charges for each 1,000 gallons of metered water consumed on the premises per month are hereby imposed upon all nonresidential, or mixed-use owners or their successors in title as herein provided, which shall be collected by Worcester Township in use for payment of the cost of operating and maintaining that portion of the Township sewerage collection and disposal system comprising the Fairview Village East Sewer District, the Fairview Village West Sewer District and the Valley Forge Road Sewer District, respectively, and for a reserve fund sufficient for their future replacement: effective January 1, 2014, a charge of \$6.82; effective January 1, 2015, a charge of \$7.50; and effective January 1, 2016, a charge of \$8.25.

SECTION VI. – 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 VII. – 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 VIII. – Effective Date


This Ordinance shall take effect and be in force as of January 1, 2014.

SECTION IX. – Repealer

All other ordinances and resolutions or parts thereof insofar as they are inconsistent with this Ordinance are hereby repealed as of the effective date of this Ordinance.

ORDAINED AND ENACTED by the Board of Supervisors of Worcester Township, Montgomery County, Pennsylvania, this 18th day of December, 2013.

WORCESTER TOWNSHIP

By: 

Arthur C. Bustard, Chairman,
Board of Supervisors

Attest: 

F. Lee Mangan, Secretary,

NOTICE

NOTICE is hereby given that the Board of Supervisors of Worcester, at its public meeting on December 18, 2013, at 7:30 p.m. at the Worcester Township Community Hall, 1031 Valley Forge Road, Fairview Village, Worcester, Pennsylvania, will hold a hearing on and could vote to adopt an ordinance entitled "Sewer Rate Ordinance" amending the Code of the Township of Worcester, Chapter 122 (Sewers), Article II (Sewer Rates and Charges), Section 122-11 (Uniform Rates and Charges) to revise Paragraph "A" (Residential) to increase the rate payable annually for each private dwelling unit as follows: \$418.00 per annum for the year 2014, payable at a rate of \$104.50 per quarter; \$459.80 per annum for the year 2015, payable at a rate of \$114.95 per quarter; and \$505.80 per annum for the year 2016, payable at a rate of \$126.45 per quarter; and further, amending Article III (Meadowood Retirement Community Sewer District), Section 122-16 (Rates and Charges), Paragraph "A"; Article IV (Center Point Village Sewer District), Section 122-20 (Rates and Charges), Paragraph "A"; Article VII (Fairview Village Sewer District), Section 122-43 (Nonresidential and Mixed-Use Rates and Charges), Paragraph "C"; and Article VIII (Fairview Village East, Fairview Village West and Valley Forge Road Sewer Districts), Section 122-49 (Nonresidential and Mixed-Use Rates and Charges), Paragraph "C" to increase the minimum sewer rental charge for each 1,000 gallons of metered water consumed per month for nonresidential and mixed-uses as follows: \$6.82 effective January 1, 2014; \$7.50 effective January 1, 2015; and \$8.25 effective January 1, 2016.

Copies of the proposed Ordinance are available for examination during normal business hours at the offices of *Times Herald*, 410 Markley Street, Norristown, Pennsylvania 19404, the Montgomery County Law Library, Court House, Norristown, Pennsylvania 19401, and the Worcester Township Building, 1721 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
WISLER PEARLSTINE, LLP**

Solicitors for Worcester Township