

WORCESTER TOWNSHIP

ORDINANCE NO. 144

AN ORDINANCE TO AMEND ORDINANCE NUMBER 122 OF WORCESTER TOWNSHIP TO ESTABLISH SPECIFIC SPEED LIMITS ON FISHER ROAD AND MILL ROAD.

The Board of Supervisors of Worcester Township hereby adopts an ordinance amending Ordinance Number 122 as follows:

SECTION 1.

Schedule I attached to Ordinance No. 122 is hereby amended to add the following:

MAXIMUM SPEED LIMITS

<u>NAME OF STREET</u>	<u>SPEED LIMIT</u>	<u>LOCATION</u>
Fisher Road	35 MPH	Entire length
Mill Road	35 MPH	Entire length

SECTION 2. DISCLAIMER

Nothing in this Ordinance shall be construed to affect any suit or proceeding pending in any court, or any rights acquired or liability incurred, or any permit issued, or any cause or causes of actions existing under the ordinance of the Township of Worcester prior to enactment of this Ordinance.

SECTION 3. SEVERABILITY

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

SECTION 4. EFFECTIVE DATE

This Ordinance will take effect and be in force from and after its approval as required by law. ORDAINED AND ENACTED by the Board of Supervisors of the Township of Worcester, Montgomery County, Pennsylvania this 21 day of February, 1996.

WORCESTER TOWNSHIP

By: John H. Graham
John H. Graham, Chairman
Board of Supervisors

Attest: George R. Lewis
George R. Lewis, Secretary

WORCESTER TOWNSHIP

ORDINANCE NO. 145

AN ORDINANCE GOVERNING MUNICIPAL MANAGEMENT OF ON-LOT SUBSURFACE SEWAGE DISPOSAL FACILITIES WITHIN THE TOWNSHIP OF WORCESTER, MONTGOMERY COUNTY, PA

The Board of Supervisors of the Township of Worcester, in the County of Montgomery and the Commonwealth of Pennsylvania, hereby ordains:

Section I. Short Title; Introduction; Purpose

- A. This ordinance shall be known and may be cited as "An ordinance providing for a Sewage Management Program for Worcester Township."
- B. In accordance with municipal codes, the Clean Stream Law (Act of June 27, 1937, P.L. 1987, No. 394 as amended, 35 P.S. ss691.1 to 691.1001), and the Pennsylvania Sewage Facilities Act (Act of January 24, 1966, P.L. 1535 as amended, 35 P.S. s750-1 et seq., known as Act 537), it is the power and the duty of Worcester Township to provide for adequate sewage treatment facilities and for the protection of the public health by preventing the discharge of untreated or inadequately treated sewage. The Official Sewage Facilities Plan for Worcester Township indicates that it is necessary to formulate and implement a sewage management program to effectively prevent and abate water pollution and hazards to the public health caused by improper treatment and disposal of sewage.
- C. The purpose of this ordinance is to provide for the regulation, inspection, maintenance and rehabilitation of on-lot sewage disposal systems; to further permit intervention in situations which may constitute a public nuisance or hazard to the public health; and to establish penalties and appeal procedures necessary for the proper administration of a sewage management program.

Section II. Definitions

- A. Authorized Agent: Employee of the Montgomery County Health Department, employee of the Township, professional engineer, plumbing inspector or any other qualified or licensed person who is authorized by the Township to function within specified limits as an agent of Worcester Township to administer or enforce the provisions of this ordinance.
- B. Board: The Board of Supervisors, Worcester Township, Montgomery County, Pennsylvania.
- C. Community Sewage System: A system, whether publicly or privately owned, for the collection of sewage or industrial wastes of a liquid nature from two or more lots, and for the treatment or disposal of the sewage or industrial waste on one or more of the lots or at any other site.

- D. Department: The Department of Environmental Protection of the Commonwealth of Pennsylvania (DEP).
- E. Health Department: The Montgomery County Department of Health.
- F. Individual Sewage System: A system of piping, tanks or other facilities serving a single lot and collecting and disposing of sewage in whole or in part into the soil or into Waters of the Commonwealth or by means of conveyance to another site for final disposal.
- G. Malfunction: A condition which occurs when an on-lot sewage disposal system discharges sewage onto the surface of the ground, into groundwaters of this Commonwealth, into surface waters of this Commonwealth, backs up into a building connected to the system or in any manner causes a nuisance or hazard to the public health or pollution of ground or surface water or contamination of public or private drinking water wells. Systems shall be considered to be malfunctioning if any condition noted above occurs for any length of time during any period of the year.
- H. Official Sewage Facilities Plan: A comprehensive plan for the provision of adequate sewage disposal systems, adopted by the Board and approved by the Pennsylvania Department of Environmental Protection, pursuant to the Pennsylvania Sewage Facilities Act.
- I. On-lot Sewage Disposal System: Any system for disposal of domestic sewage involving pretreatment and subsequent disposal of the clarified sewage into a subsurface soil absorption area or retaining tank; this term includes both individual sewage systems and community sewage systems.
- J. Person: Any individual, association, public or private corporation for profit or not for profit, partnership, firm, trust, estate, department, board, bureau or agency of the Commonwealth, political subdivision, municipality, district, authority, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties. Whenever used in any clause prescribing and imposing a penalty or imposing a fine or imprisonment, the term person shall include the members of an association, partnership or firm and the officers of any local agency or municipal, public or private corporation for profit or not for profit.
- K. Rehabilitation: Work done to modify, alter, repair, enlarge or replace an existing on-lot sewage disposal system.
- L. Sewage: Any substance that contains any of the waste products or excrement or other discharge from the bodies of human beings or animals and any noxious or deleterious substances being harmful or inimical to the public health, or to animal or aquatic life, or to the use of water for domestic water supply or for recreation or which constitutes pollution under the Act of June 22, 1937 (P.L. 1987, No. 394), known as "The Clean Streams Act," as amended.

- M. Sewage Management Area: Any Area or areas of the Township designated in the Official Sewage Facilities Plan adopted by the Board as an area for which a Sewage Management Plan is to be implemented.
- N. Sewage Management Program: A comprehensive set of legal and administrative requirements encompassing the requirements of this ordinance, the Sewage Facilities Act, the Clean Streams Law, the regulations promulgated thereunder and such other requirements adopted by the Board to effectively enforce and administer this ordinance.
- O. Subdivision: The division or redivision of a lot, tract or other parcel of land into two or more lots, tracts, parcels or other divisions of land, including changes in existing lot lines. The enumerating of lots shall include as a lot that portion of the original tract or tracts remaining after other lots have been subdivided therefrom.
- P. Township: The Township of Worcester, Montgomery County, Pennsylvania.
- Q. For the purpose of this ordinance, any term which is not defined herein shall have that meaning attributed to it under the Sewage Facilities Act and the Regulations promulgated thereto.

Section III. Applicability

- A. From the effective date of this ordinance, its provisions shall apply in any portion of the Township identified in the Official Sewage Facilities Plan as a sewage management area. Within such an area or areas, the provisions of this ordinance shall apply to all persons owning any property serviced by an on-lot sewage disposal system and to all persons installing or rehabilitating on-lot sewage disposal systems.

Section IV. Permit Requirements

- A. No person shall install, construct or request bid proposals for construction, or alter an individual sewage system or community sewage system or construct or request bid proposals for construction or install or occupy any building or structure for which an individual sewage system or community sewage system is to be installed, without first obtaining a permit from the Montgomery County Health Department, which permit shall indicate that the site and the plans and specifications of such system are in compliance with the provisions of the Clean Streams Law and the Pennsylvania Sewage Facilities Act and the regulations adopted pursuant to those Acts.

- B. No system or structure designed to provide individual or community sewage disposal shall be covered from view until approval to cover the same has been given by the Montgomery County Health Department. If 72 hours have elapsed, excepting Sundays and Holidays, since the Health Department received notification of completion of construction, the applicant may cover said system or structure unless permission has been specifically refused by the Health Department.
- C. Applicants for sewage permits shall be required to notify the Health Department of the schedule for construction of the permitted on-lot sewage disposal system so that inspection(s), in addition to the final inspection required by the Sewage Facilities Act may be scheduled and performed by the Health Department.
- D. No building or occupancy permit shall be issued for a new building which will contain sewage generating facilities until a valid sewage permit has been obtained from the Health Department. Final inspection and approval of the sewage system granted by the Montgomery County Health Department must be made prior to issuance of a "Use and Occupancy" permit by the Township.
- E. No building or occupancy permit shall be issued, and no work shall begin on any alteration or conversion of any existing structure, if said alteration or conversion will result in the increase or potential increase in sewage flows from the structure, until either the structure's owner received a permit for alteration or replacement of the existing sewage disposal system or until the structure's owner and the appropriate officials of the Township receive written notification from the Health Department that such a permit will not be required. The Health Department shall determine whether the proposed alteration or conversion of the structure will result in increased sewage flows.
- F. Sewage permits may be issued only by the Montgomery County Health Department.

Section V. Inspections

- A. Any on-lot sewage disposal system may be inspected by an authorized agent at any reasonable time as of the effective date of this ordinance.
- B. Such inspection may include a physical tour of the property, the taking of samples from surface water, wells, other groundwater sources, the sampling of the contents of the sewage disposal system itself and/or the introduction of a traceable substance into the interior plumbing of the structure served to ascertain the path and ultimate destination of wastewater generated in the structure.
- C. An authorized agent shall have the right to enter upon land for the purposes of inspections described in this section.

- D. An initial inspection shall be conducted by an authorized agent within one year of the effective date of this ordinance for the purpose of determining the type and functional status of each sewage disposal system in the sewage management area. A written report shall be furnished to the owner of each property inspected and a copy of said report shall be maintained in the Township records. A copy of this report shall also be sent to the MCHD.
- E. A schedule of routine inspections may be established to assure the proper functioning of the sewage systems in the sewage management area.
- F. An authorized agent shall inspect systems known to be, or alleged to be, malfunctioning. Should said inspections reveal that the system is indeed malfunctioning, the authorized agent shall order action to be taken to correct the malfunction. If total correction cannot be done in accordance with the regulation of DEP including, but not limited to, those outlined in Chapter 73 of Title 25 of the Pennsylvania Code or is not technically or financially feasible in the opinion of the authorized agent and a representative of DEP, then action by the property owner to mitigate the malfunction shall be required.
- G. There may arise geographic areas where numerous on-lot sewage disposal systems are malfunctioning. A resolution of these area-wide problems may necessitate detailed planning and a revision to the portion of the Sewage Facilities Plan pertaining to areas affected by such malfunctions. When a DEP authorized Official Sewage Facilities Plan Revision has been undertaken, mandatory repair or replacement of individual malfunctioning sewage disposal systems within the area affected by the revision may be delayed, pending the outcome of the plan revision process. However, immediate corrective action may be compelled whenever a malfunction, as determined by Township officials and/or the Department, represents a serious public health or environmental threat.

Section VI. Operation

- A. Only normal domestic wastes shall be discharged into any on-lot sewage disposal system. The following shall not be discharged into the system.
 - 1. Industrial waste.
 - 2. Automobile oil and other non-domestic oil.
 - 3. Toxic or hazardous substances or chemicals including, but not limited to, pesticides, disinfectants (excluding household cleaners), acids, paints, paint thinners, herbicides, gasoline and other solvents.
 - 4. Clean surface or groundwater, including water from roof or cellar drains, springs, basement sump pumps and french drains.

Section VII. Maintenance

- A. Each person owning a building served by an on-lot sewage disposal system which contains a septic tank shall have the septic tank pumped by a qualified pumper/hauler within one year of the effective date of this ordinance. Thereafter, that person shall have the tank pumped at least once every three years or whenever an inspection reveals that the septic tank is filled with solids or with scum in excess of 1/3 of the liquid depth of the tank. Receipts from the pumper/hauler shall be submitted to the Township within the prescribed one-year and three-year pumping periods.
- B. The required pumping frequency may be increased at the discretion of an authorized agent if the septic tank is undersized, if solids buildup in the tank is above average, if the hydraulic load on the system increases significantly above average, if a garbage grinder is used in the building, if the system malfunctions or for other good cause shown. If any person can prove that such person's septic tank had been pumped within three years of the one-year anniversary of the effective date of this ordinance, then that person's initial required pumping may be delayed to conform to the general three-year frequency requirement, except where an inspection reveals a need for more frequent pumping frequencies.
- C. Any person owning a property served by a septic tank shall submit, with each required pumping receipt, a written statement, from the pumper/hauler or from any other qualified individual acceptable to the Township, that the baffles in the septic tank have been inspected and found to be in good working order. Any person whose septic tank baffles are determined to require repair or replacement shall first contact the Health Department for approval of the necessary repair.
- D. Any person owning a building served by an on-lot sewage disposal system which contains an aerobic treatment tank shall follow the operation and maintenance recommendations of the equipment manufacturer. A copy of the manufacturer's recommendations and a copy of the service agreement shall be submitted to the Township within six months of the effective date of this ordinance. Thereafter, service receipts shall be submitted to the Township at the intervals specified by the Manufacturer's recommendations. In no case may the service or pumping intervals for aerobic treatment tanks exceed those required for septic tanks.
- E. Any person owning a building served by a cesspool or dry well in an area of numerous malfunctions, or in an area where a repair is not technically feasible, shall have that system pumped according to the schedule prescribed for septic tanks to eliminate potential pollution. As an alternative to this scheduled pumping of the cesspool or dry well, and pending any scheduled replacement of the substandard system as identified in the Official Sewage Facilities Plan, the owner may apply for a sewage permit from the Health Department for a septic tank to

be installed preceding the cesspool or dry well. For this interim repair system consisting of a cesspool or dry well preceded by an approved septic tank, only the septic tank must be pumped at the prescribed interval. It should be noted that this procedure is only considered a temporary solution by the MCHD, and all proposals for this procedure are reviewed on an individual basis.

- F. Additional maintenance activity may be required as needed including, but not necessarily limited to, cleaning and unclogging of piping, servicing and the repair of mechanical equipment, leveling of distribution boxes, tanks and lines, removal of obstructing roots and trees, the diversion of surface water away from the disposal area, etc.

Section VIII. System Rehabilitation

- A. No person shall operate or maintain an on-lot sewage disposal system in such a manner that it malfunctions. All liquid wastes, including kitchen and laundry wastes and water softener backwash, shall be discharged to a treatment tank. No sewage system shall discharge untreated or partially treated sewage to the surface of the ground or into the waters of the Commonwealth unless a permit for such discharge has been obtained from DEP.
- B. A written notice of violation shall be issued to any person who is the owner of any property which is found to be served by a malfunctioning on-lot sewage disposal system or which is discharging sewage without a permit.
- C. Within seven (7) days of notification by the Township that a malfunction has been identified, the property owner shall make application to the Health Department for a permit to repair or replace the malfunctioning system. Within thirty (30) days of initial notification by the Township, construction of the permitted repair or replacement shall commence. Within sixty (60) days of the original notification by the Township, the construction shall be completed unless seasonal or unique conditions mandate a longer period, in which case the Township shall set an extended completion date.
- D. The Montgomery County Health Department shall have the authority to require the repair of any malfunction by the following methods: cleaning, repair or replacement of components of the existing system, adding capacity or otherwise altering or replacing the system's treatment tank, expanding the existing disposal area, replacing the existing disposal area, replacing a gravity distribution system with a pressurized system, replacing the system with a holding tank, or any other alternative appropriate for the specific site.
- E. In lieu of, or in combination with, the remedies described in Subsection D above, the Health Department may require the installation of water conservation equipment and the institution of water conservation practices in structures served. Water using devices and appliances in the structure

may be required to be retrofitted with water saving appurtenances or they may be required to be replaced by water conserving devices.

- F. In the event that the rehabilitation measures in Subsections A through E are not feasible or effective, the owner may be required to apply to DEP for a permit to install an individual spray irrigation treatment system or a single residence treatment and discharge system. Upon receipt of said permit, the owner shall complete construction of the system within thirty (30) days.
- G. Should none of the remedies described in this Section be totally effective in eliminating the malfunction of an existing on-lot sewage disposal system, the property owner is not absolved of responsibility for that malfunction. The Township may require whatever action is necessary to lessen or mitigate the malfunction to the extent necessary.

Section IX. Liens

The Township, upon written notice from the Health Department that an imminent health hazard exists due to failure of a property owner to maintain, repair or replace an on-lot sewage disposal system as provided under the terms of this ordinance, shall have the authority to perform, or contract to have performed, the work required by the Health Department. The owner shall be charged for the work performed and, if necessary, a lien shall be entered therefor in accordance with law.

Section X. Disposal of Septage

- A. All septage originating within the sewage management area shall be disposed of in accordance with the requirements of the Solid Waste Management Act (Act 97 of 1980, 35 P.S. SS6018.101 et sec.) and all other applicable laws and at sites or facilities approved by DEP. Approved sites or facilities shall include the following: septage treatment facilities, wastewater treatment plants, composting sites and approved farmlands.
- B. Pumper/haulers of septage operating within the sewage management district shall operate in a manner consistent with the provisions of the Pennsylvania Solid Waste Management Act (Act 97 of 1980, 35 P.S. SS6018.101-6018.1003) and all other applicable laws.

Section XI. Administration

- A. The Township shall fully utilize those powers it possesses through enabling statutes and ordinances to effect the purposes of this ordinance.

- B. The Township shall employ qualified individuals to carry out the provisions of this ordinance, Those employees may include an administrator and such other persons as may be necessary. The Township may also contract with private qualified persons or firms, as necessary, to carry out the provisions of this ordinance.
- C. All permits, records, reports, files and other written material relating to the installation, operation and maintenance and malfunction of on-lot sewage disposal systems in the sewage management area shall become the property of, and be maintained by, the Township. Existing and future records shall be available for public inspection during regular business hours at the official office of the Township. All records pertaining to sewage permits, building permits, occupancy permits and all other aspects of the sewage management program shall be made available, upon request, for inspection by representatives of the Pennsylvania Department of Environmental Protection.
- D. The Township shall establish all administrative procedures necessary to properly carry out the provisions of this ordinance.
- E. The Township may establish a fee schedule, and authorize the collection of fees, to cover the cost to the Township of administering this program.

Section XII. Appeals

- A. Appeals from final decisions of the Township or any of its authorized agents under this ordinance shall be made to the Board of Supervisors, in writing, within thirty (30) days from the date of written notification of the decision in question.
- B. The appellant shall be entitled to a hearing before the Board of Supervisors at a regularly scheduled meeting, if a written appeal is received at least fourteen (14) days prior to that meeting. If the appeal is received within fourteen (14) days of that meeting, the appeal shall be heard at the following months' regularly scheduled meeting. The municipality shall thereafter affirm, modify or reverse the aforesaid decision, The hearing may be postponed for a good cause shown by the appellant or the Township. Additional evidence may be introduced at the hearing provided that it is submitted with the written notice of appeal.
- C. A decision shall be rendered, in writing, within thirty (30) days of the date of the hearing.

Section XIII. Penalties

Any person failing to comply with any provision of this ordinance shall be subject to a fine of not less than one hundred dollars (\$100) and costs, and not more than three hundred dollars (\$300) and costs, or in default thereof shall be confined in the county jail for a period of not more than thirty (30) days. Each day of noncompliance shall constitute a separate offense.

Section XIV. Repealer


All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

Section XV. Severability

If any section or clause of this ordinance shall be adjudged invalid, such adjudication shall not affect the validity of the remaining provisions which shall be deemed severable therefrom.

DULY ENACTED AND ORDAINED this 17th day of April, 1996 by the Board of Supervisors of the Township of Worcester, Montgomery County, Pennsylvania, in lawful sessions duly assembled.

WORCESTER TOWNSHIP
BOARD OF SUPERVISORS


John H. Graham, Chairman

Attest:


Chase E. Kneeland, Secretary

WORCESTER TOWNSHIP
ORDINANCE NO. 96 - 146

AN ORDINANCE AMENDING THE WORCESTER TOWNSHIP ZONING ORDINANCE OF 1988 BY REDEFINING FLAGLOT; BY ADDING DEFINITIONS FOR FOOTPRINT LOT AND FOOTPRINT LOT TOWNHOUSE DEVELOPMENT; BY AMENDING THE TRACT WIDTH, YARD SETBACK, MINIMUM DISTANCE BETWEEN BUILDINGS, BUILDING COVERAGE, PERMITTED USES OF THE BUFFER AREA, AND BUILDING LENGTH REQUIREMENTS IN THE R-150 RESIDENTIAL DISTRICT; BY AMENDING THE DISTANCE BETWEEN BUILDINGS, BUILDING COVERAGE AND IMPERVIOUS COVERAGE REGULATIONS IN THE MR MULTI-RESIDENTIAL DISTRICT; BY ADDING ADDITIONAL REGULATIONS FOR FOOTPRINT LOT TOWNHOUSE DEVELOPMENTS; BY LIMITING THE REQUIREMENT FOR OFF-STREET LOADING AND UNLOADING FACILITIES TO NON-RESIDENTIAL PROPERTIES; BY PERMITTING PRIVATE ROADWAYS AND DRIVEWAYS TO CROSS A FLOOD PLAIN WHERE NO OTHER ALIGNMENT IS POSSIBLE; BY PERMITTING BUILDING LOTS TO ABUT A PRIVATE STREET UNDER CERTAIN CIRCUMSTANCES; BY AMENDING THE FORMULA FOR THE CALCULATION OF THE MINIMUM LOT AREA ON A FLAGLOT; BY DELETING IN THEIR ENTIRETY SECTIONS 2514(C), 2515, 2516, 2519 AND 2520 OF THE ORDINANCE RELATED TO ON-SITE SEWAGE DISPOSAL SYSTEMS IN FRONT YARDS, CUL-DE-SAC LOT REGULATIONS, LOT DEPTH REQUIREMENTS, METAL BUILDINGS AND HOUSE TRAILERS; BY AMENDING THE PROVISIONS RELATED TO THE KEEPING OF MORE THAN FOUR DOGS ON A SINGLE PROPERTY; BY AMENDING THE PROVISIONS RELATED TO YARD REQUIREMENTS FOR A CORNER LOT; BY AMENDING THE REQUIRED DISTANCE REGULATIONS BETWEEN A DETENTION BASIN AND A RESIDENTIAL STRUCTURE; BY AMENDING THE PROVISIONS OF THE LIMITED INDUSTRIAL DISTRICT TO ALLOW COMMERCIAL KENNELS AS A PERMITTED USE ON A MINIMUM LOT AREA OF FIVE ACRES; BY INCREASING THE REQUIRED DISTANCE FROM A PROPERTY LINE TO A PRIVATE STABLE FROM 125 FEET TO 150 FEET; AND BY AMENDING SECTION 512 (B) (b) (3) OF THE WORCESTER TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE (NO. 74) BY ADDING A PROHIBITION AGAINST ON-SITE SEWAGE DISPOSAL SYSTEMS WITHIN A REQUIRED FRONT YARD OR WITHIN THIRTY (30) FEET OF ANY PROPERTY LINE.

The Board of Supervisors of Worcester Township hereby adopts an Ordinance amending Ordinance No. 100 known as the Worcester Township Zoning Ordinance of 1988 (as subsequently amended) as follows:

SECTION 1.

Section 301 (T) shall be deleted in its entirety and replaced with the following definition:

T. FLAGLOT: Any single-family, detached residential dwelling lot which has a lot width of less than 50 feet at any point between the building envelope for the lot and the street on which the lot proposes to obtain its access.

SECTION 2.

Section 301 of the Ordinance shall be amended by adding a new subsection U(a) as follows:

U(a) FOOTPRINT LOT: a Lot containing one (1) townhouse dwelling unit, the lot lines of which are coextensive with the exterior of the dwelling unit perimeter foundation walls and the center line of common walls between dwelling units.

SECTION 3.

Section 301 of the Ordinance shall be amended by adding a new subsection U(b) as follows:

U(b) FOOTPRINT LOT TOWNHOUSE DEVELOPMENT: the use of a parcel of land for a townhouse development with each individual townhouse dwelling unit on a footprint lot. In a footprint lot townhouse development, the term "lot" within Section 301.(D)(2) ("Yards"), Section 807.(F) ("Multi-Family Dwellings"), Section 2201 ("Location of Off-Street Parking"), Section 2507 ("Frontage"), Section 2528 ("Notwithstanding the reference to public roads"), and Section 2529 ("Corner Lots") shall mean and refer to the overall footprint lot townhouse development parcel and not to any individual footprint lot within the townhouse development. In addition, the term "property lines" within Section 2537 shall mean and refer to the overall footprint lot townhouse development parcel property lines and not to the property lines of any individual footprint lot within the footprint lot townhouse development.

SECTION 4.

The title of Section 807 (F)(1) shall be changed so as to hereafter read "Minimum lot area for determining permitted density."

SECTION 5.

Section 807(F)(2) shall be deleted in its entirety and replaced with the following:

- (2) Minimum tract width. On any property proposed for multi-family dwelling use, there shall be a tract width of not less than 500 feet at all points where a line measuring tract width (parallel to a street line) would pass through any portion of a permissible building envelope for a multi-family structure.

SECTION 6.

Section 807 (F)(3) shall be deleted in its entirety and replaced with the following:

- (3) Yard regulations for multi-family dwellings containing two or more dwelling units.
 - a. Front yard - Any building containing two or more multi-family dwelling units shall maintain a minimum front yard of 28 feet (where sidewalks are proposed to be located between the building and the street) or 24 feet (where sidewalks are not proposed to be located between the building and the street).

- b. Side yard - Any building containing two or more multi-family dwelling units shall maintain two side-yards not less than 15 feet wide each.
- c. Rear yard - Any building containing two or more multi-family dwelling units shall maintain a rear yard of not less than 20 feet.
- d. Minimum distances between buildings - Notwithstanding anything to the contrary in this Article, buildings containing two or more multi-family dwelling units shall maintain a minimum building separation of no less than thirty feet except where the Board of Supervisors determines that the front or rear of such a building is substantially parallel to the front or rear of a similarly used building, in which case the required building separation shall be no less than seventy-five feet.

SECTION 7.

Section 807(F)(4) shall be deleted in its entirety and replaced with the following:

- (4) Building coverage - For any property proposed to be developed for multi-family dwelling use, not more than 20% of the total tract area (exclusive of the ultimate right-of-way of public roads) may be occupied by buildings.

SECTION 8.

In Section 807(F)(5), the words "nor for recreational purposes" shall be deleted from sentence 4. In addition, beginning with the last sentence, the Section shall be changed to read as follows:

The buffer area may overlap the yards required for buildings containing two or more multi-family dwelling units. In addition, unroofed, open terraces and patios may project into the required buffer area not more than 10 feet.

SECTION 9.

Section 807(F)(6) shall be deleted in its entirety and replaced with the following:

- (6) Building length or depth - For buildings containing two or more multi-family dwelling units where each dwelling unit has a width of no less than 24 feet, the greatest dimension in length or depth of the entire building shall not exceed 150 feet. For any building containing two or more multi-family dwelling units in which any of such dwelling units has a width of less than 24 feet, the greatest dimension in length or depth of such building shall not exceed 120 feet.

SECTION 10.

Section 1203 of the Ordinance shall be re-entitled "Yard Regulations for Single-Family Detached Dwellings."

SECTION 11.

Section 1207 (F)(2) shall be amended so that the second sentence of this section shall hereinafter read as follows:

The distance at the closest point between any two buildings utilized for multi-family dwelling units shall be not less than 30 feet except that such minimum distance shall be increased to not less than 75 feet where the Board of Supervisors determines that the front or rear of any such building is substantially parallel to the front or rear of a similarly used building in which case the required building separation shall be no less than 75 feet.

SECTION 12.

Section 1204 of the Ordinance is hereby deleted in its entirety and replaced with the following:

Section 1204 - Coverage Regulations.

- a. Building Coverage - In the case of any lot proposed to be developed for a single-family detached dwelling, 20% shall be the maximum total building coverage on such a lot. In the case of a property proposed to be developed with buildings containing two or more multi-family dwelling units, 20% shall be the maximum total building coverage on the land within the lot lines of the property exclusive of land within the ultimate right-of-way of public roads.
- b. Impervious Coverage - In the case of any lot proposed to be developed for a single-family detached dwelling, 40% shall be the maximum total impervious coverage on such a lot. In the case of a property proposed to be developed with buildings containing two or more multi-family dwelling units, 40% shall be the maximum total impervious coverage on the land within the lot lines of the property exclusive of land within the ultimate right-of-way of public roads.

SECTION 13.

Section 1502 of the Ordinance shall be amended by adding a new subsection "F." which shall read as follows:

- F. Additional regulations for footprint lot townhouse developments. In footprint lot townhouse developments, the following additional regulations shall apply:

1. A building containing footprint lot townhouses may not exceed 6 townhouse dwelling units and may not exceed 150 feet in length or depth.
2. No building containing footprint lot townhouses shall be closer than 30 feet to any other similarly used building.
3. The driveway from a street to the private garage of each townhouse in a footprint lot townhouse development shall not be less than 24 feet in length measured at the center line of the driveway and from the edge of the cartway of the street to the front of the garage. Where sidewalks are proposed to be located between the garage and the street, such driveway shall not be less than 28 feet in length.
4. No building containing footprint lot townhouses shall be located closer than 15 feet to the edge of any street where the provisions of Subsection 1502.F.3. do not apply.

SECTION 14.

Section 2203 of the Ordinance shall be amended so that it hereafter shall read as follows:

Section 2203. Required Off-Street Loading and Unloading Facilities. In addition to required off-street parking spaces, every non-residential use permitted in this ORDINANCE shall be provided with off-street loading and unloading space which shall be completely separate and distinct from the required off-street parking spaces.

SECTION 15.

Section 2003.8. of the Ordinance shall be amended so that it hereafter reads as follows:

8. Public roadways, private roadways and driveways where no other realistic design or alignment is possible and only with the approval of applicable state agencies and the Supervisors.

SECTION 16.

Section 2004.F. shall be amended so that it hereafter reads as follows:

- F. Paved or all-weather parking lots.

SECTION 17.

The following language shall be added to the existing language of Section 2507:

Notwithstanding the requirement of this Section, a lot may abut a private street which has been built to specifications acceptable to the Board of Supervisors and the Township Engineer. In the case where a private street has been utilized to satisfy the frontage requirement of this Section, the supervisors may require satisfactory provision to be made (through deed restrictions, homeowner association declaration, condominium declaration, etc.) to insure the future maintenance and proper functioning of such private street.

SECTION 18.

Section 2508 of the Ordinance shall be deleted in its entirety and replaced with the following:

Section 2508 - Flaglots - For any flaglot as defined in this Ordinance, the minimum lot area requirement for such lot shall be calculated without including any area of the lot within the narrow access portion of the property by which the major part of the property (containing the building envelope) is connected to a street. The narrow access portion of a flaglot shall maintain a minimum width of 25 feet along its entire length.

SECTION 19.

Sections 2514 (C), 2515, 2516, 2519 and 2520 shall be deleted in their entirety.

SECTION 20.

Section 2524(A) of the Ordinance shall be deleted in its entirety and replaced with the following:

A. Not more than 4 dogs over three months old shall be kept on any lot except where a commercial dog kennel is otherwise permitted by this Ordinance or on a farm of over 10 acres (provided all dogs on such farm are privately owned by the property owner). The boarding, commercial breeding and sale of dogs shall take place only in such districts where commercial dog kennels are permitted.

SECTION 21.

The second and third sentences of Section 2529 of the Ordinance shall be deleted in its entirety and replaced with the following:

Of the remaining yards on such a lot, at least one such yard shall be treated as a rear yard and any other yards shall be treated as side yards.

SECTION 22.

The last sentence of Section 2536(A) of the Ordinance shall be deleted in its entirety and replaced with the following:

No detention basin shall be located closer than 50 feet to any building in a single-family residential district (except in the AGR District where such minimum distance shall be 75 feet) whether such building is on the same lot as the detention basin or on any adjacent lot.

SECTION 23.

The last sentence of Section 2536 (B) of the Ordinance is hereby deleted in its entirety and replaced with the following:

No detention basin shall be located closer to any building containing two or more multi-family dwelling units than the minimum distance required between buildings in the applicable zoning district.

SECTION 24.

The last sentence of Section 2536 (C) shall be amended so that the reference to "200 feet" shall be deleted and replaced with "50 feet."

SECTION 25.

Section 1801 (C) shall be amended so that it shall hereafter read: "C. Industrial Use or Commercial Kennel." In addition, Section 1802 (A) shall be amended to add the following language to the existing language: "...except a commercial kennel which shall be permitted on a minimum lot area of five acres."

SECTION 26:

In order to be consistent with Section 2506(A), Section 2506(B)(4) shall be amended to require that any building or structure used for the housing or stabling of horses and other animals shall be located in the rear yard not less than 150 feet from any property line.

SECTION 27:

Section 512 (B)(b)(3) of the Worcester Township Subdivision and Land Development Ordinance (Ord. No. 74) shall be amended by adding the following language at the conclusion of the existing text:

"No portion of an on-site sewage disposal system may be located within a required front yard or within 30 feet of any property line. No waiver will be granted from this prohibition unless it is demonstrated to the satisfaction

of the Supervisors that no other location for such system is possible."

SECTION 28. REPEALER.

The Worcester Board of Supervisors, by virtue of this Ordinance, hereby repeals all other portions of any other Ordinances or Resolutions of the Township insofar as they are inconsistent with this Ordinance.

SECTION 29. DISCLAIMER.

Nothing in this Ordinance shall be construed to affect any suit proceeding pending in any court, or any rights acquired or liabilities incurred, or any permit issued, or any cause or causes of action existing under the ordinances of the Township of Worcester prior to enactment of this Ordinance.

SECTION 30. SEVERABILITY.

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

SECTION 31. 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.

ORDAINED AND ENACTED by the Board of Supervisors of Worcester Township, Montgomery County, Pennsylvania, this 17th day of April, A.D. 1996.

WORCESTER TOWNSHIP
BOARD OF SUPERVISORS

By: John H. Graham
John H. Graham, Chairman

Attest: Chase E. Kneeland
Chase E. Kneeland, Secretary

ORDINANCE NO. 147
WORCESTER TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA

**AN ORDINANCE TO AMEND ORDINANCE NO. 74 OF WORCESTER TOWNSHIP,
ENTITLED "THE WORCESTER TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT
ORDINANCE OF 1975"**

BY ADDING REGULATIONS FOR STORMWATER MANAGEMENT

WHEREAS the Board of Supervisors of Worcester Township desires to promote protection of the Township land resources:

The Board of Supervisors of Worcester Township does hereby enact and ordain that Ordinance No. 74, the Subdivision and Land Development Ordinance of Worcester Township, is amended as follows:

Section 510: Storm Drains, Storm and Surface Drainage, is hereby stricken in its entirety and replaced with the following:

SECTION 510
STORMWATER MANAGEMENT

Section 510. STORMWATER MANAGEMENT

A. General Requirements.

- (1) Storm Drainage Required. A storm sewer system and all appurtenances shall be required to be constructed by the owner or subdivider in any area from which the surface or subsurface drainage could impair public safety or cause physical damage to adjacent lands or public property. The system shall be designed to collect water at any point where four (4) cubic feet per second or greater is accumulated at the bottom of all vertical grades and immediately upgrade from all street intersections. The system shall discharge to the nearest practical natural drainage channel or storm system. Where the nearest practical natural drainage channel or storm system is beyond the boundaries of the property being developed, the developer shall either (1)

provide the Township with copies of appropriate stormwater easements over any land between the property being developed and the nearest practical natural drainage channel or storm system (such easements to be satisfactory in form in the opinion of the Township Solicitor); or (2) return any stormwater which has been collected in a detention basin or other stormwater facility to a sheet flow condition before leaving the property being developed in such a manner as will not result in erosion or flooding of adjoining properties and in such a design as shall be approved by the Township Engineer.

- (2) Off-Site Improvements. Any increase in runoff may require necessary corrective measures, including deeds of easement, deemed appropriate by the Board of Supervisors to alleviate any off-site drainage problem affected by the subdivision or land development. The costs for such measures will be borne entirely by the developer or subdivider.
- (3) Total Watershed Evaluation. The future use of undeveloped areas upstream, as shown on the approved Township Comprehensive Plan, shall be taken into account in the design of all storm sewer systems. The capacity and maximum anticipated present flow of the capacity and maximum anticipated present flow of the body or system receiving the proposed system(s) discharge shall be calculated to verify its capability of receiving any additional flow caused by the development or subdivision. The runoff from any proposed development shall be subject to an evaluation which includes the anticipated runoff from other existing or proposed developments within the same watershed. Stormwater management facilities designed to serve more than one (1) property of development in the same watershed are encouraged. Consultation with the township is required prior to the design of such facilities.
- (4) Underdrains. All building foundations, grade slabs and cellar floors located in soils that have a community development limitation degree of moderate to severe seasonal high-water table, as defined by on-site soils test witnessed by the Township Engineer, shall be provided with an underdrain system. This system shall provide for drainage of the enclosed volume above the slab and relief of subsurface water to a depth of no less than six (6) inches below the slab or foundation bottom. The system shall consist of a perforated pipe field of the herringbone or gridiron configuration in coarse, gravel-filled trenches that are in direct contact with the slab or foundation subbase. The excavation shall provide a minimum of five one-hundredths (0.05) foot/foot slope to the gravel-filled trenches.

- (5) Drainage From Natural Sources. Water originating from other than natural sources, such as swimming pools, air-conditioning units, sump pumps or other dry-weather flow, shall be discharged into natural watercourses on the property or connected to the storm drainage system of the township. Pollutational matter may not be deposited into natural watercourses or storm drains.
- (6) Responsibility of Developer. Any developer or property owner is advised that (notwithstanding approved plans) they are ultimately responsible for a stormwater system which ultimately meets the requirements of the Pennsylvania Stormwater Act and does not cause erosion or flooding on adjoining properties. Notwithstanding approval by the Township Engineer or Board of Supervisors, if field conditions prove an approved plan to be unworkable or ineffective, the necessary corrections will still be the responsibility of the developer or property owner.

B. Stormwater Management Plan.

- (1) General Requirements. For all subdivisions and land development proposals, a stormwater management plan and report shall be submitted containing, but not limited to, the following:
 - (a) A suitable map of the total watershed (a United States Geological Survey Quadrangle Map is sufficient) with pre-development and post-development areas outlined.
 - (b) Suitable maps and drawings showing all existing and proposed drainage facilities affecting the subject property.
 - (c) A plan of the proposed stormwater drainage system attributable to the subdivision or land development.
 - (d) The design computations for the stormwater drainage systems, including storm-drain pipes and inlets, runoff control measures and culverts and drainage channels.
 - (e) A plan of the grading of the subject subdivision or land development.
 - (f) A plan of the erosion and sedimentation procedures to be utilized.
- (2) Stormwater Drainage Plan. A complete plan of the stormwater drainage system, showing all pipes, swales, channels, structures and detention basins, shall be submitted as part of the stormwater management plan.

The drainage areas into each inlet or structure must be delineated on the plan of the storm drainage system.

(3) Storm-Drain Pipes and Inlets. All pipe and inlets shall meet material capacity and construction specifications as outlined in the latest revisions of the PennDOT Form 408 and the PennDOT Design Manual.

(a) Design Flow Rate. The storm drain system shall be designed to carry a 50-year peak flow rate. The design 50-year peak flow rate into each inlet shall be indicated on the stormwater drainage plan. The 50-year flow rate shall be determined by the rational formula as follows:

$$Q = CIA$$

Where

Q = Peak runoff rate in cubic feet per second (cfs).

C = Runoff coefficient equal to the ratio of the peak runoff rate to the average rate of rainfall over a time period equal to the time of concentration.

I = Average rainfall intensity in inches per hour for a time equal to the time of concentration.

A = Drainage area in acres.

NOTE: Appropriate values of the runoff coefficient and rainfall intensity can be found in the Commonwealth of Pennsylvania Department of Transportation Design Manual, Part 2, Highway Design, Chapter 12.

(b) Overflow System. An overflow system shall be provided to carry flow to the detention basin when the capacity of the storm-drain pipe system is exceeded. The overflow system shall be of sufficient capacity to carry the difference between the 100-year and the 50-year peak flow rates.

(c) Inlet Capacity.

[1] All inlets must be designed to accommodate the 50-year peak flow rate. The capacity of all C-, M- or S-type inlets shall be determined from the Commonwealth of Pennsylvania Department of Transportation Design Manual, Part 2, Highway Design.

[2] The design capacity of all four (4) foot special inlets shall be five and five-tenths (5.5) cubic feet per second, and all 6 foot special inlets, the design capacity shall be six and five tenths (6.5) cubic feet per second. The capacity of each inlet shall be indicated on the stormwater drainage plan.

(d) Straight Pipe Sections. Wherever possible, all storm-drain pipes shall be designed to follow straight courses. No angular deflections of storm sewer pipe sections in excess of five degrees (5°) shall be permitted. No vertical curves shall be permitted in the storm-drain pipe system.

(e) Minimum Grade and Size. All storm-drain pipes shall be designed to maintain a minimum grade of one-half percent (½%). All storm pipes shall have a minimum inside diameter of fifteen (15) inches or a cross-sectional area of one hundred seventy-six (176) square inches, except that pipes under a fill of twenty-five (25) feet or greater shall not be less than twenty-four (24) inches or have a cross-sectional area of less than four hundred fifty-three (453) square inches.

Reinforced concrete pipe shall be used in all public rights-of-way and when the pipe is subject to vehicular or excessive overburden loading conditions; with corrugated metal pipe permitted only within field or lawn areas as approved by the Township Engineer.

(f) Pipe Capacity. The capacity of all pipe culverts shall, as a minimum, provide the required carrying capacity as determined by the following sources:

United States Department of Commerce
Bureau of Public Roads
Hydraulic Engineering Circular No. 5
Hydraulic Charts for the Section of Highway
Culverts

United States Department of Commerce
Bureau of Public Roads
Hydraulic Engineering Circular No. 10
Capacity Charts for the Hydraulic Design of
Highway Culverts

(g) Pipe Arches. Where headroom is restricted, equivalent pipe arches may be used in lieu of circular pipe.

(h) Allowable Headwater Depth. At all inlets or manholes, the maximum allowable headwater depth

shall be one (1) foot below the top of the inlet grate or the manhole cover.

- (i) Horizontal Pipe Deflections. A manhole or inlet shall be provided at all horizontal deflections in the storm pipe system exceeding five degrees (5°).
 - (j) Minimum and Maximum Cover. A minimum of three (3) feet of cover shall be maintained over all storm-drain pipes. The top of storm-drain pipes shall be at least one-half (½) foot below subgrade elevation. The maximum cover over storm-drain pipes shall be ten (10) feet unless special structural design calculations are submitted or approved.
 - (k) Match Crowns. The crowns of all pipes tying into an inlet or manhole shall be set at equal elevations.
 - (l) Diversion of Runoff. All storm-drain pipes shall be designed to carry the runoff into a detention basin or similar facility utilized to control the rate of runoff.
- (4) Runoff Control Measures.
- (a) Runoff Control. The rate of stormwater runoff from any proposed subdivision or land development shall not exceed the rate of runoff prior to development. Where, in the judgement of the Township Engineer, the quantity of stormwater runoff will cause detrimental downstream impact, quantity will be a consideration in the method of stormwater regulations. This standard shall be maintained for all storms, i.e., both high-frequency and low-frequency.
 - (b) Regional Runoff Control Facilities. The use of regional runoff control facilities which will combine and eliminate numerous smaller facilities is encouraged. Consultation with the Township is required prior to design of a regional runoff control facility.
 - (c) Groundwater Recharge. In general, all runoff control measures shall be designed to encourage groundwater recharge and shall be permitted only if suitable subsurface conditions are present. The on-site recharge of all stormwater runoff shall be required if the Board of Supervisors determines that conditions so warrant.
 - (d) Runoff Control Devices. The increased runoff which may result from subdivisions or land

developments shall be controlled by permanent runoff control measures that will provide the required runoff control specified above. All runoff control devices will be evaluated for the effectiveness to maintain the above-mentioned standard for all storms with a return period of up to one hundred (100) years.

In order to preserve community character, improve the environment and/or improve safety, the rate of runoff from subdivisions and land developments shall be controlled by one or more of the runoff control devices listed below. Any runoff control devices chosen for a specific site shall be appropriate for that site and shall be approved by the Township Board of Supervisors.

- [1] Underground seepage beds, provided such facilities meet the requirements outlined in Section 510.B(4)(e) for seepage beds.
- [2] Detention basins, provided the maximum slope of earthen detention basin embankments shall be five to one (5:1) and provided the basin meets the requirements outlined in Section 510.B(4)(f).
- [3] Wet ponds and other facilities designed to retain water year-round, provided such facilities will contain water year-round and provided the facility meets the requirements outlined in Section 510.B(4)(g).
- [4] Stormwater wetland basins, provided such facilities meet the requirements outlined in Section 510.B(4)(h).
- [5] Naturalized detention basins, provided such facilities meet the requirements outlined in Section 510.B(4)(i).

(e) Design Standards for Seepage Beds.

- [1] Storage volume shall be computed below the lowest elevation of the inflow pipe.
- [2] Seepage beds shall be designed to empty the total design storm value in twenty-four (24) hours or less.
- [3] Design consideration should not include infiltration rates in computing storage volume or a seepage bed. However, the infiltration rate shall be used to meet the requirements that the seepage bed and/or pit

shall empty in twenty-four (24) hours or less.

- [4] The seepage bed shall have a minimum of twelve (12) inches of cover and be located at least ten (10) feet from a basement wall and downhill from a building in the direction of surface runoff.
 - [5] Compaction of the seepage bed subgrade shall not reduce the soil infiltration rate.
 - [6] All seepage beds shall contain sediment traps accessible for maintenance, as required by the Township Engineer.
 - [7] An overflow system shall be provided for a storm exceeding the volume of storage and safe discharge at a noneroding velocity, converting a concentrated flow into a sheet flow.
 - [8] A high-permeability filter fabric shall surround the stone seepage bed to prevent migration of soil fines into the bed.
 - [9] Soil permeability tests (percolation tests) shall be made to a depth of not less than five (5) feet below the bottom of the seepage bed.
 - [10] Both horizontal and vertical seepage pits constructed of perforated pipes may be used. Perforations shall be not less than five-sixteenths (5/16) inch in diameter and provide an opening area not less than three and thirty-one hundredths (3.31) square inches per square foot of pipe surface. Provision shall be made for maintenance of each seepage pit.
 - [11] Infiltration seepage beds may be combined with stormwater management basins.
- (f) Design Standards for Detention Basins with Maximum Slopes of Five to One (5:1) on Embankments.
- [1] Design of Detention Basins. All detention basins shall be designed as per procedures developed by the United States Department of Agriculture, Soil Conservation Service, as outlined in its Technical Release No. 55, Urban Hydrology for Small Watersheds.
 - [2] Basin Design Criteria. The following design criteria shall be used in the design of all

detention basins in the Township. The basins shall be designed to detain the quantity of water resulting from a 100-year, 24-hour storm (see the Soil Conservation Service Technical Release No. 55), under full development conditions released at a maximum outflow rate equal to that resulting from a 10-year, 24-hour storm, under present conditions. All flows in excess of the above-mentioned standard shall flow over an emergency spillway. The Board of Supervisors, upon consultation with the Township Engineer, may choose to relax this criteria on the individual project basis, if it is conclusively demonstrated by the applicant that a relaxed criteria will provide a more beneficial overall stormwater management technique. However, in no case will the criteria be relaxed beyond allowing the quantity resulting from a 100-year, 24-hour storm, under full development conditions to be released at a maximum outflow rate equal to that resulting from a 100-year, 24-hour storm, under present conditions.

- [3] Perforated Riser. A perforated riser shall be provided at the outlet of all detention basins. The riser shall be constructed of metal or concrete. The riser shall extend to an elevation two (2) feet below the crest elevation of the emergency spillway. The perforated riser shall be designed so that the rate of outflow is controlled by the pipe barrel through the basin berm when the depth of water within the basin exceeds the height of the riser. Circular perforations with a maximum diameter of one (1) inch shall be spaced eight (8) inches vertically and twelve (12) inches horizontally. The perforations shall be cleanly cut and shall not be susceptible to enlargement. All metal risers shall be suitably coated to prevent corrosion. A trash rack or similar appurtenance shall be provided to prevent debris from entering the riser. All risers shall have a concrete base attached with a watertight connection. The base shall be of sufficient weight to prevent floatation of the riser. An anti-vortex device, consisting of a thin vertical plate normal to the basin berm, shall be provided on the top of the riser. A suitable perforated riser design is outlined in the Erosion and Sediment Control Handbook, Montgomery County Soil and Conservation Service, United States Department of Agriculture.

- [4] Maximum Depth of Detention Basins. In general, the maximum depth of water in a detention basin shall not exceed five (5) feet.
- [5] Emergency Spillway. Whenever possible, the emergency spillway for detention basins shall be constructed on undisturbed ground. Emergency spillways shall be constructed of reinforced concrete, vegetated earth, concrete rubble or other approved material. All emergency spillways shall be constructed so that the detention basin berm is protected against erosion. The minimum capacity of all emergency spillways shall be such that the combined capacity of the emergency spillway and the principal pipe barrel equal the peak flow rate from the 100-year design storm. The dimensions of the emergency spillway can be determined from the Montgomery County Erosion and Sediment Control Handbook. Emergency spillways shall extend along the upstream and downstream berm embankment slopes. The upstream edge of the emergency spillway shall be a minimum of three (3) feet below the spillway crest elevation. The downstream slope of the spillway shall, as a minimum, extend to the top of the berm embankment. The emergency spillway shall not discharge over earthen fill and/or easily erodible material.
- [6] Anti-Seep Collars. Anti-seep collars shall be installed around the principal pipe barrel within the normal saturation zone of the detention basin berms. The anti-seep collars and their connections to the pipe barrel shall be watertight. The anti-seep collars shall extend a minimum of two (2) feet beyond the outside of the principal pipe barrel. The maximum spacing between collars shall be fourteen (14) times the minimum projection of the collar, measured perpendicular to the pipe. The use of an O-ring pipe is required for all detention discharge pipes.
- [7] Freeboard. Freeboard is the difference between the design flow elevations in the emergency spillway and the top of the settled detention basin embankment. The minimum freeboard shall be two (2) feet.
- [8] Slope of Detention Basin Embankment. The maximum slope of earthen detention basin embankments shall be five to one (5:1). The top or toe of any slope shall be located a

minimum of five (5) feet from any property line. Whenever possible, the side slopes and basin shape shall be amenable to the natural topography. Straight side slopes and rectangular basins shall be avoided whenever possible.

- [9] Width of Berm. The minimum top width of detention basin berms shall be ten (10) feet.
 - [10] Slope of Basin Bottom. In order to ensure proper drainage of the detention basin, a minimum grade of two percent (2%) shall be maintained for all sheet flow. A minimum grade of one-half percent (.5%) shall be maintained for all channel flow.
 - [11] Low Flow Channel. Low flow channels shall be constructed on the basin floor extending from all inflow structures to the outflow structure. The low flow channel shall be constructed of a minimum of four (4) inches of concrete. The center of the low flow channel shall be lower than the outside edges by six (6) inches, thus creating a swale to carry the flow to the outflow structure, causing little or no erosion of the basin floor. A footer on both sides of the channel shall be placed to a minimum depth of six (6) inches.
 - [12] Energy Dissipators. Energy dissipating devices (rip-rap, end sill, etc.) shall be placed at all basin outlets.
 - [13] The distance from the highest free water surface of any detention basin or drainage facility to a dwelling unit shall be a minimum of one hundred (100) feet.
- (g) Design Standards for Wet Ponds and Other Facilities Designed to Retain Water Year-Round.
- [1] Wet ponds and other facilities shall meet all design standards outlined in Section 510.B(4)(f) for detention basins, except that embankments shall have a maximum slope of three to one (3:1).
 - [2] The minimum permanent pool level shall be maintained to allow sufficient depth throughout the year to reduce the growth of unwanted vegetation and mosquitoes.

- [3] The pond must be of sufficient size to allow the appropriate aquatic community needed to maintain a healthy pond ecology.
- [4] An outlet structure shall be designed to allow complete drainage of the pond for maintenance purposes.
- [5] Design of a detention facility with a permanent pool shall include the determination of the proposed site's ability to support a viable permanent pool. The design should account for such factors as the required rate and quality of dry weather inflow, the quality of stormwater inflow, seasonal and longer-term variations in groundwater table and effects of expected pollutant loadings. The Pennsylvania Fish Commission and Soil Conservation Service should be consulted during the design of these facilities.

(h) Design Standards for Stormwater Wetland Basins.

- [1] Stormwater wetland basins shall meet all design standards outlined in Section 510.B(4)(f) for detention basins, except that embankments shall have a maximum slope of three to one (3:1).
- [2] Wetland areas within stormwater wetland basins shall be designed in accordance with The Handbook of Constructed Wetlands, Volumes 1 and 5, United States Department of Agriculture, 1995.

(i) Design Standards for Naturalized Detention Basins.

- [1] Naturalized detention basins shall meet all design standards outlined in Section 510.B(4)(f) for detention basins, except that embankments shall have a maximum slope of three to one (3:1).
- [2] The detention basin shall be very free-form and curvilinear in shape so that from most edges of the basin, the whole basin will not be in view. When the natural topography lends itself to straight-sided detention basins, the basin shall contain an island or peninsula planted with trees which is large enough and appropriately placed to reduce the perceived size of the detention basin. Such basins shall have a perimeter length that is greater than or equal to the length derived

by the following formula, where x equals the area of the basin in square feet:

$$3.6\pi\sqrt{x/\pi}$$

As an alternative, naturalized detention basins may be created by constructing berms or using gabions to dam up stormwater in a natural depression or valley, provided the topography and natural vegetation in the remainder of the basin is left in its natural condition.

- [3] Naturalized planting materials, such as wild flowers and nonaggressive meadow grasses, which tolerate wet, intermittently wet and usually dry areas of the basin, shall be planted throughout the basin. Trees and shrubs may be planted in the basin where they will not interfere with the function of the basin.
- (j) Design Information. As part of the stormwater management plan and report, all design information shall be submitted including, but not limited to, the following:
- [1] General description of proposed facilities and the operation of the runoff control measures.
 - [2] All computations of the stormwater runoff before, during and after construction, including all supporting material.
 - [3] When applicable, a sketch of the berm embankment and outlet structure, indicating the embankment top elevation, embankment side slopes, top width of embankment, emergency spillway elevation, perforated riser dimensions and spacing of anti-seep collars.
 - [4] When applicable, design computations for the pipe barrel and perforated riser.
 - [5] A plot of the stage/storage (acre/feet versus elevation) and all supporting computations.
 - [6] Flood routing computations.
 - [7] When applicable, a detailed plan of the trash rack and anti-vortex device.

[8] A plan, at a scale of one (1) inch equals fifty (50) feet, showing the grading and landscaping around the detention basin.

(5) Culverts and Drainage Channels.

- (a) Design Flow Standard. All culverts and drainage channels shall be designed to carry a flow rate equal to a 50-year, 24-hour storm (Soil Conservation Service, Technical Release No. 55).
- (b) Erosion Prevention. All drainage channels shall be designed to prevent the erosion of the bed and bank areas. The flow velocity in all vegetated drainage channels shall not exceed the maximum permissible velocity to prevent erosion. Suitable bank stabilization shall be provided where required to prevent erosion of the drainage channels. Where storm sewers discharge into existing drainage channels at an angle greater than thirty degrees (30°) from parallel to the downstream channel flow, the far-side bank shall be stabilized by the use of rip-rap or masonry and/or concrete walls. The stabilization shall be designed to prevent erosion and frost heave under and behind the stabilizing media.
- (c) Maximum Side Slope. Any vegetated drainage channel requiring mowing of the vegetation shall have a maximum grade of three (3) horizontal to one (1) vertical on those areas to be mowed.
- (d) Design Standard. Because of the critical nature of vegetated drainage channels, they shall, as a minimum, conform to the design procedures outlined in the Montgomery County Erosion and Sediment Control Handbook. Several acceptable sources outline procedures for non-vegetated drainage channels, including the following:

Bureau of Public Roads
Hydraulic Engineering Circular No. 5
Hydraulic Charts for the Selection of Highway
Culverts

Federal Highway Administration
Hydraulic Engineering Circular No. 13
Hydraulic Design of Improved Inlets for
Culverts

(6) Detention Basin Landscaping.

- (a) Topsoil. A minimum of six (6) inches of topsoil material shall be placed on all areas affected by the basin construction (bottom of basin, side slopes, top of berm, etc.). The material must

meet the requirements of the Pennsylvania Department of Transportation Form 408 Specifications, as amended.

(b) Drainage Channels and Retention Areas. All storm drainage channels and retention areas, whether existing or proposed, shall be graded and planted to effectively naturalize area(s) so as to become an integral and harmonious part of the landscape by contour and type of plant material employed.

(c) Basin Landscaping. All basins shall be planted and landscaped in accordance with Section 514F.g of the Worcester Township Subdivision and Land Development Ordinance, as amended by Ordinance No. 131 on May 19, 1993 by the Township Board of Supervisors.

C. Disclaimer.

(1) Nothing in this Ordinance shall be construed to affect any suit or proceeding pending in any Court, or any rights acquired or liabilities incurred, or any permit issued, or any cause of causes of actions existing under the Ordinances of the Township of Worcester prior to enactment of this Ordinance.

D. Severability.

(1) The provisions of this Ordinance are severable and if any section, sentence, clause, part or provision thereof 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 as if such a legal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

E. Failure to Enforce Not a Waiver.

(1) The failure of the Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its right to future enforcement hereunder.

F. Ratification.

(1) Any Township ordinances which are not replaced, changed or affected by implication by the language of this Ordinance are hereby ratified and confirmed.

G. Effective Date.

- (1) This Ordinance shall take effect and be enforced from and after its approval as required by law.

ENACTED AND ORDAINED by the Board of Supervisors of Worcester Township, Montgomery County, Pennsylvania, this 17th day of April, 1996.

WORCESTER TOWNSHIP

By: John H. Graham
John H. Graham, Chairman

Attest:

Chase E. Kneeland
Chase E. Kneeland, Secretary

WORCESTER TOWNSHIP

ORDINANCE NO. 96 - 148

AN ORDINANCE AMENDING THE WORCESTER TOWNSHIP ZONING ORDINANCE OF 1988 BY AMENDING SECTION 2517, ULTIMATE RIGHT-OF-WAY, TO ALLOW THE BOARD OF SUPERVISORS TO REQUIRE THAT THE ULTIMATE RIGHT-OF-WAY BE DECREASED ON ANY ROAD, OR SECTION THEREOF, WHEN IT APPEARS THAT SUCH DECREASE IS DESIRABLE

The Board of Supervisors of Worcester Township hereby adopts an Ordinance amending Ordinance NO. 100 known as the Worcester Township Zoning Ordinance of 1988 (as subsequently amended) as follows:

SECTION I.

Section 2517 shall be amended to read as follows:

Section 2517. Ultimate Right-of-Way

The ultimate right-of-way of all public roads in the Township shall be as shown on the zoning map, as amended to conform with this Section, provided that in the approval of a subdivision plan the Board of Supervisors may require that the ultimate right-of-way be increased or decreased on any road, or section thereof, when it appears that such increase or decrease is desirable. No structure or fence or wall other than a mailbox may be erected in the ultimate right-of-way.

SECTION II. DISCLAIMER

Nothing in this Ordinance shall be construed to affect any suit or proceeding pending in Court, or any rights acquired or liabilities under the Ordinances of the Township prior to enactment of this Ordinance.

SECTION III. SEVERABILITY

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

ORDAINED AND ENACTED by the Board of Supervisors of Worcester Township, Montgomery County, Pennsylvania, this 31 day of MAY, 1996.

WORCESTER TOWNSHIP
BOARD OF SUPERVISORS

By: John H. Graham
John H. Graham, Chairman

Attest:

Chase E. Kneeland
Chase E. Kneeland, Secretary

WORCESTER TOWNSHIP

ORDINANCE NO. 96 - 149

AN ORDINANCE ESTABLISHING A SHADE TREE COMMISSION FOR WORCESTER TOWNSHIP TO PROMOTE THE BEAUTIFICATION OF PUBLIC SPACES AND ENCOURAGE GOOD PLANTING AND LANDSCAPING OF PRIVATE SPACES IN THE TOWNSHIP

The Board of Supervisors of Worcester Township hereby adopts an Ordinance establishing a shade tree commission as follows:

SECTION 1. Creation and membership.

The Board of Supervisors of Worcester Township, Montgomery County, Pennsylvania, does hereby create the Worcester Township Shade Tree Commission. This Commission shall have five (5) members who are also serving as the Planning Commission. The Planning Commission shall be appointed by the Board of Supervisors and shall serve on the Shade Tree Commission without compensation.

SECTION 2. Purpose.

The purpose of the Shade Tree Commission is to promote the beautification of public spaces and encourage well-designed planting and landscaping of private spaces in the township. In addition, the Commission will strive to:

- A. Develop a shade tree planting plan that meets the tree planting requirements of the Montgomery County Open Space Preservation Program.
- B. Provide a source of expertise available to residents for private planting and landscaping activities and that assists the township in its review of proposed land developments.
- C. Encourage public/private partnerships in tree planting and similar township beautification activities.
- D. Encourage special planting programs, such as an Avenue of Trees Program or designating an official tree of Worcester.
- E. Encourage volunteerism among interested citizens.

SECTION 3. Terms, vacancies; meetings.

When first established, the Board of Supervisors shall appoint to the Commission the Planning Commission members to serve and vacancies will be filled in accordance with Planning Commission Ordinance. The Commission shall meet from time to time as members determine to be necessary, such meetings being duly advertised and open to the public.

SECTION 4. Powers and duties.

- A. The Commission shall have the responsibility to plan and make recommendations for the planting, replacement, removal, protection and needed maintenance of shade trees on public roads and in public spaces in the township and to make similar recommendations for planting and landscaping of land developments in accordance with the Subdivision and Land Development Ordinance. It shall specifically be responsible for implementing new tree planting in accordance with the tree planting provisions of the Montgomery County Open Space Program. All plans and recommendations of the Commission shall be submitted to the Board of Supervisors for review and approval.
- B. Installation, maintenance, replacement or removal of all new and existing planting provided as part of land development or provided in public areas shall meet all applicable standards of the Subdivision and Land Development Ordinance. The Commission may recommend that the owner(s) of property be required to remove trees or parts thereof that, because of disease or a similar adverse condition, threaten to injure or destroy shade trees in a public right-of-way or other public space.
- C. Whenever the Commission formally recommends that the township plant, transplant, remove or prune shade trees on any street or public area, notice of the work proposed shall be announced at a Board of Supervisors' meeting. The announcement shall

specify in detail the public streets or public areas upon which the proposed action will occur.

SECTION 5. Officers, terms and reports.

- A. The Commission shall elect its own Chairman and Vice Chairman and create and fill such other offices (from its members) as it may determine. Officers shall serve annual terms and may succeed themselves.
- B. The Commission shall annually report in full its activities, transactions, expenses and related activities for the last fiscal year of the township. This report shall be submitted to the Township Board of Supervisors for review and approval.

SECTION 6. Disclaimer.

Nothing in this Ordinance shall be construed to affect any suit or proceeding pending in Court, or any rights acquired or liabilities under the Ordinances of the Township prior to the enactment of this Ordinance.

SECTION 7. Severability.

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

SECTION 8. 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 9. Amendment.

The Board of Supervisors, through this Ordinance, intends to amend all other Township ordinances or resolutions or parts thereof insofar as they are inconsistent with this Ordinance.

SECTION 10. Effective Date.

This Ordinance shall be effective upon its enactment.

ORDAINED AND ENACTED by the Board of Supervisors of Worcester Township, Montgomery County, Pennsylvania, this 19 day of JUNE, 1996.

WORCESTER TOWNSHIP

By: John H. Graham
John H. Graham, Chairman

Attest: Chase E. Kneeland
Chase E. Kneeland, Secretary

ORDINANCE 96-150

AN ORDINANCE TO APPROVE, ADOPT AND ENACT AN ORDINANCE CODIFICATION OF A COMPLETE BODY OF LEGISLATION FOR THE TOWNSHIP OF WORCESTER, COUNTY OF MONTGOMERY, COMMONWEALTH OF PENNSYLVANIA; TO PROVIDE FOR THE REPEAL OF CERTAIN LEGISLATION NOT INCLUDED THEREIN; TO SAVE FROM REPEAL CERTAIN OTHER LEGISLATION NOT INCLUDED THEREIN; AND TO PROVIDE PENALTIES FOR THE VIOLATION OF THE CODE OR CHAPTERS THEREOF

ARTICLE I
Adoption of Code

Be it enacted and ordained by the Board of Supervisors of the Township of Worcester, County of Montgomery, Commonwealth of Pennsylvania, and it is enacted and ordained as follows:

§ 1-1. Approval, adoption and enactment of Code.

Pursuant to Section 1601(d) [53 P.S. § 66601(d)] of the Second Class Township Code, the codification of a complete body of legislation for the Township of Worcester, County of Montgomery, Commonwealth of Pennsylvania, as revised, codified and consolidated into titles, chapters and sections by General Code Publishers Corp., and consisting of Chapters 1 through 150, together with an Appendix, are hereby approved, adopted, ordained and enacted as a single ordinance of the Township of Worcester, which shall be known and is hereby designated as the "Code of the Township of Worcester," hereinafter referred to as the "Code."

§ 1-2. Effect of Code on previous provisions.

The provisions of this Code, insofar as they are substantively the same as those of ordinances and resolutions in force immediately prior to the enactment of this ordinance, are intended as a continuation of such ordinances and resolutions and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior ordinance or resolution. All such provisions are hereby continued in full force and effect and are hereby reaffirmed as to their adoption by the Board of Supervisors of the Township of Worcester, and it is the intention of said Board of Supervisors that each such provision contained within the Code is hereby reenacted and reaffirmed as it appears in said Code. Only such provisions of former ordinances as are omitted from this Code shall be deemed repealed or abrogated by the provisions of § 1-3 below, and only new or changed provisions, as described in § 1-6 below, shall be deemed to be enacted from the effective date of this Code, as provided in § 1-15 below.

§ 1-3. Repeal of legislation not contained in Code.

All ordinances or parts of ordinances of a general and permanent nature adopted by the Township of Worcester and in force on the date of the adoption of this Code and not contained in the Code are hereby repealed as of the effective date given in § 1-15 below, except as hereinafter provided.

§ 1-4. Legislation saved from repeal; matters not affected by repeal.

The adoption of this Code and the repeal of ordinances provided for in § 1-3 of this ordinance shall not affect the following ordinances, rights and obligations, which are hereby expressly

saved from repeal; provided, however, that the repeal of ordinances pursuant to § 1-3 or the saving from repeal of ordinances pursuant to this section shall not be construed so as to revive any ordinance previously repealed, superseded or no longer of any effect:

- A. Any ordinance adopted subsequent to February 21, 1996.
- B. Any right or liability established, accrued or incurred under any legislative provision of the township prior to the effective date of this ordinance or any action or proceeding brought for the enforcement of such right or liability or any cause of action acquired or existing.
- C. Any offense or act committed or done before the effective date of this ordinance in violation of any legislative provision of the township or any penalty, punishment or forfeiture which may result therefrom.
- D. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this ordinance, brought pursuant to any legislative provision of the township.
- E. Any franchise, license, right, easement or privilege heretofore granted or conferred by the township or any lawful contract, obligation or agreement.
- F. Any ordinance appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond of the township or other instruments or evidence of the township's indebtedness.
- G. Any ordinance adopting an annual budget or establishing an annual tax rate.
- H. Any ordinance providing for the levy, imposition or collection of special taxes, assessments or charges.
- I. Any ordinance authorizing the purchase, sale, lease or transfer of property or acquiring property by acceptance of deed, condemnation or exercise of eminent domain.
- J. Any ordinance annexing land to the township.
- K. Any ordinance providing for or requiring the construction or reconstruction or opening of sidewalks, curbs and gutters.
- L. Any ordinance or part of an ordinance providing for laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, sidewalk, park or other public place or property or designating various streets as public highways.
- M. Any ordinance establishing water, sewer or other special purpose districts and designating the boundaries thereof; providing for a system of sewers or water supply lines; or providing for the construction, extension, dedication, acceptance or abandonment of any part of a system of sewers or water supply lines.
- N. Any ordinance providing for the making of public improvements.
- O. Any ordinance providing for the salaries and compensation of officers and employees of the township or setting the bond of any officer or employee.
- P. Any ordinance concerning changes and amendments to the Zoning Map.

Q. Any ordinance relating to or establishing a pension plan or pension fund for municipal employees.

§ 1-5. Inclusion of new legislation prior to adoption of Code.

All ordinances and resolutions of a general and permanent nature adopted subsequent to the date given in § 1-4A and/or prior to the date of adoption of this ordinance are hereby deemed to be a part of the Code and shall, upon being printed, be included therein. Attested copies of all such ordinances and resolutions shall be temporarily placed in the Code until printed supplements are included.

§ 1-6. Changes and revisions in previously adopted legislation; new provisions.

A. Nonsubstantive grammatical changes. In compiling and preparing the ordinances and resolutions of the township for adoption and revision as part of the Code, certain nonsubstantive grammatical and style changes were made in one (1) or more of said ordinances and resolutions. It is the intention of the Board of Supervisors that all such changes be adopted as part of the Code as if the ordinances and resolutions so changed had been previously formally amended to read as such.

B. Substantive changes and revisions. In addition to the changes and revisions described above, changes and revisions of a substantive nature are hereby made to various ordinances and resolutions included in the Code as set forth in Schedule A attached hereto and made a part hereof. These changes are made to bring provisions into conformity with the desired policies of the Board of Supervisors, and it is the intent of the Board of Supervisors that all such changes be adopted as part of the Code as if the legislation so changed have been previously formally amended to read as such. All such changes and revisions shall be deemed to be in effect as of the effective date of the Code specified in § 1-15.

C. General Nomenclature. The following nomenclature changes are hereby made throughout this Code:

- (1) The term “Justice of the Peace” is hereby changed to “District Justice.”
- (2) The term “Department of Environmental Resources” is hereby changed to “Department of Environmental Protection.”
- (3) The term “Department of Highways” is hereby changed to “Department of Transportation,” and the abbreviation “PDH” is hereby changed to “PennDOT.”

§ 1-7. Interpretation of provisions.

In interpreting and applying the provisions of the Code, they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare. Where the provisions of the Code impose greater restrictions or requirements than those of any statute, other ordinance, resolution or regulation, the provisions of the Code shall control. Where the provisions of any statute, other ordinance, resolution or regulation impose greater restrictions or requirements, the provisions of such statute, other ordinance, resolution or regulation shall control.

§ 1-8. Titles and headings; editor's notes.

A. Chapter and Article titles, headings and titles of sections and other divisions in the Code or in supplements made to the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the legislation.

B. Editor's notes indicating sources of sections, giving other information or referring to the statutes or to other parts of the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the legislation.

§ 1-9. Filing of copies of Code.

Three (3) copies of the Code in a post-bound volume shall be filed with the Ordinance Book in the office of the Township Secretary and shall remain there for use and examination by the public. Upon adoption, such copies shall be certified to by the Township Secretary, as provided by law, and such certified copies shall remain on file in the office of the Township Secretary, available to persons desiring to examine the same during all times while said Code is in effect.

§ 1-10. Amendments to Code.

Any and all additions, deletions, amendments or supplements to the Code, when passed and adopted in such form as to indicate the intention of the Board of Supervisors to be a part thereof, shall be deemed to be incorporated into such Code so that reference to the Code shall be understood and intended to include such changes. Whenever such additions, deletions, amendments or supplements to the Code shall be adopted, they shall thereafter be printed and, as provided hereunder, inserted in the post-bound book containing said Code as amendments and supplements thereto.

§ 1-11. Code books to be kept up-to-date.

It shall be the duty of the Township Secretary or someone authorized and directed by him or her to keep up-to-date the certified copies of the book containing the Code required to be filed in the office of the Township Secretary for the use of the public. All changes in said Code and all legislation adopted by the Board of Supervisors subsequent to the effective date of this codification which the Board of Supervisors shall adopt specifically as part of the Code shall, when finally adopted, be included therein by reference until such changes or new legislation are printed as supplements to said Code books, at which time such supplements shall be inserted therein.

§ 1-12. Publication of notices.

The Township Secretary, pursuant to law, shall cause to be published in the manner required a notice of the introduction and of the adoption of the Code in a newspaper of general circulation in the township. The enactment and application of this ordinance, coupled with the publication of the notices of introduction and adoption, as required by law, and the availability of copies of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

§ 1-13. Altering or tampering with Code; penalties for violation.

It shall be unlawful for anyone to improperly change or amend, by additions or deletions, or to alter or tamper with the Code or any part or portion thereof, in any manner whatsoever, which will cause the law of the township to be misrepresented thereby. Anyone violating this section of this ordinance shall, upon conviction thereof, be punished by a fine not exceeding six hundred dollars (\$600.), plus costs of prosecution, and, in default of payment thereof, by imprisonment for a term not exceeding thirty (30) days.

§ 1-14. Severability.

The provisions of this ordinance and of the Code adopted hereby are severable, and if any clause, sentence, subsection, section, Article, chapter or part thereof shall be adjudged by any court of competent jurisdiction to be illegal, invalid or unconstitutional, such judgment or decision shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation and application to the clause, sentence, subsection, section, Article, chapter or part thereof rendered. It is hereby declared to be the intent of the Board of Supervisors that this ordinance and the Code would have been adopted if such illegal, invalid or unconstitutional clause, sentence, subsection, section, Article, chapter or part thereof had not been included therein.

§ 1-15. Effective date.

All provisions of this ordinance and of the Code shall be in force and effect on and after, 1996.

Schedule A
(As referenced in § 1-6B)

(1) Chapter 1, General Provisions, Article II, General Penalty (Ord. No. 104).

(a) Section 1-17 is hereby amended to read as follows:

§ 1-17. Proceedings.

In addition to any other remedies provided by law, proceedings for the violation of ordinances of Worcester Township and for the collection of fines and penalties and the municipality's attorney's fees, to the extent permissible by law, imposed hereby shall be by suit or summary proceeding brought in the name of Worcester Township before the District Justice having jurisdiction and may be commenced by warrant or by summons, at the discretion of the District Justice before whom the proceeding is commenced. No warrant shall be issued except upon complaint on oath or affirmation specifying the ordinance for the violation of which the same is issued. All fines and penalties collected for the violations of township ordinances shall be paid over to the township treasury. Upon judgment against any person by summary conviction, or by proceedings by summons on default of the payment of the fine or penalty imposed and the costs, said person may be sentenced and committed to the county prison for a period not exceeding thirty (30) days.

(b) Section 1-18B is hereby added to read as follows:

B. This Article will not affect, amend, modify or repeal any provisions of the statutes of the Commonwealth of Pennsylvania.

(2) Chapter 4, Authorities, Municipal, Article I, North Penn Water Authority (Ord. No. 41).

(a) Former Section 7, dealing with the appointment of the first member of the Board of the Authority, is hereby deleted.

(3) Chapter 21, Planning Commission (Ord. No. 114).

(a) Section 21-2 is hereby amended to delete the words "that of a member of the Worcester Township Zoning Hearing Board or."

(4) Chapter 44, Animals, Article I, Dogs Running at Large (Ord. No. 29)

(a) Section 44-3 is hereby amended to delete the specific penalty provisions and to provide that said penalty shall be as set forth in Chapter 1, Article II, General Penalty.

(5) Chapter 49, Brush, Grass and Weeds (Ord. No. 108).

(a) Section 49-4 is hereby amended to delete the specific penalty provisions and to provide that said penalty shall be as set forth in Chapter 1, Article II, General Penalty.

(6) Chapter 52, Building Construction (Ord. No. 96).

(a) Section 52-2F is hereby amended to delete the specific penalty provisions and to provide that said penalty shall be as set forth in Chapter 1, Article II, General Penalty.

(b) Section 52-2H is hereby amended to remove the specific service fee and to provide that said fee shall be as set forth in the Fee Schedule.

(7) Chapter 78, Garage and Yard Sales (Ord. No. 79).

(a) Section 78-4B is hereby amended to remove the specific license fee and to provide that said fee shall be as set forth in the Fee Schedule.

(b) Section 78-5 is hereby amended to remove the specific fee for rescheduling a garage sale, yard sale or auction and to provide that said fee shall be as set forth in the Fee Schedule.

(c) Section 78-7A is hereby amended to remove the specific amount for surety and to provide that said fee shall be as set forth in the Fee Schedule.

(d) Section 78-8A is hereby amended to delete the specific penalty provisions and to provide that said penalty shall be as set forth in Chapter 1, Article II, General Penalty.

(8) Chapter 87, Hunting, Article I, Deer Hunting (Ord. No. 15).

(a) Section 87-3 is hereby amended to delete the specific penalty provisions and to provide that said penalty shall be as set forth in Chapter 1, Article II, General Penalty.

(9) Chapter 87, Hunting, Article II, Game Hunting (Ord. No. 26).

(a) Section 87-7 is hereby amended to delete the specific penalty provisions and to provide that said penalty shall be as set forth in Chapter 1, Article II, General Penalty.

(10) Chapter 102, Nuisances (Ord. No. 1).

(a) Section 102-6 is hereby amended to read as follows:

§ 102-6. Failure to comply; costs of removal.

Should such person, partnership, association or corporation fail, neglect or refuse to make such condition safe or to correct or remove it to the satisfaction of said Supervisors of the Township of Worcester, they, said Supervisors may abate or cause to be abated said nuisance, and the expense of such abatement shall be paid by such person, partnership, association or corporation. The cost of such abatement or correction or removal of such nuisance, together with a penalty as set forth in § 102-7 of this chapter, shall be recovered from such person, partnership, association or corporation by said Supervisors of the Township of Worcester by summary proceedings to be brought before a District Justice in said township.

(b) Section 102-7 is hereby amended to delete the specific penalty provisions and to provide that said penalty shall be as set forth in Chapter 1, Article II, General Penalty.

(11) Chapter 107, Parks and Recreation Areas (Ord. No. 124).

(a) Section 107-8 is hereby amended to delete the specific penalty provisions and to provide that said penalty shall be as set forth in Chapter 1, Article II, General Penalty.

(12) Chapter 110, Peace and Good Order (Ord. No. 87).

(a) Section 110-1F is hereby added to read as follows:

F. Firearms.

(1) Discharging by any person or permitting the discharge on any premises over which such person has domain or control any firearm, air gun, crossbow, weapon or other device or mechanism which propels a projectile with force in or over any public highway or place in Worcester Township or in or over any private place in Worcester Township, unless a suitable barrier shall exist or shall have been erected on such private place of sufficient size and density to prevent such projectile from passing through the same, and unless said firearm, air gun, device or mechanism is discharged toward, into or against said barrier in such a way and manner as to prevent said projectile from passing over, under or to either side of the same and so as to prevent danger to life, limb or property in the space between the point of discharge and said barrier.

(2) Nothing contained in this section shall be construed to prevent:

(a) The use of firearms where necessary for the protection of residents of the Township of Worcester and their families from danger and for the control of animals and wild life on their property.

(b) The legitimate use of firearms by police officers.

(c) The use of firearms in trap- or skeet shooting where shotguns are used and where from the point of discharge there is a clear semicircular range in the direction of fire of not less than six hundred (600) feet.

(d) The use of firearms by licensed gunmen during prescribed seasons, provided that such use is restricted to lands on which such gunmen have been given permission to enter and conduct such activities or by a resident on his own property.

(13) Chapter 113, Peddling and Soliciting (Ord. No. 105).

(a) Section 113-4 is hereby amended to remove the specific license fee and to provide that said fee shall be as set forth in the Fee Schedule.

(b) Section 113-5 is hereby amended to delete the words "twenty-five dollar (\$25.00)."

(c) Section 113-13 is hereby amended to delete the specific penalty provisions and to provide that said penalty shall be as set forth in Chapter 1, Article II, General Penalty.

(14) Chapter 122, Sewers, Article I, Holding Tanks (Ord. No. 54).

(a) Section 122-8 is hereby amended to delete the specific penalty provisions and to provide that said penalty shall be as set forth in Chapter 1, Article II, General Penalty.

(15) Chapter 126, Streets and Sidewalks, Article I, Sidewalk and Driveway Construction (Ord. No. 16).

(a) Section 126-5B is hereby amended to delete the specific penalty provisions and to provide that said penalty shall be as set forth in Chapter 1, Article II, General Penalty.

(16) Chapter 126, Streets and Sidewalks, Article II, Street Excavations (Ord. No. 69).

(a) Section 126-10 is hereby amended to delete the specific penalty provisions and to provide that said penalty shall be as set forth in Chapter 1, Article II, General Penalty.

(17) Chapter 130, Subdivision and Land Development (Ord. No. 74).

(a) Throughout this chapter, all references to the “Unit Property Act” are hereby change to the “Uniform Condominium Act, 68 Pa.C.S.A. § 3101 et seq.”

(b) In Section 130-6, the definitions of “application for development,” “condominium,” “floodplain,” “land development,” “lot,” “planned residential development,” “public notice” and “subdivision” are hereby amended to read as follows:

APPLICATION FOR DEVELOPMENT — Every application, whether preliminary, tentative or final, required to be filed and approved prior to the start of construction or development, including but not limited to an application for a building permit, for the approval of a subdivision plot or plan or for the approval of a development plan.

CONDOMINIUM — Real estate, portions of which are designed for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real estate is not a “condominium” unless the undivided interests in the common elements are vested in the unit owners. This form of ownership may be applied in residential, professional office, limited industrial and commercial land usage.

FLOODPLAIN — As defined in Chapter 150, Zoning.

LAND DEVELOPMENT — Any of the following activities:

- A. The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:
 - (1) A group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
 - (2) The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of or for the purpose of streets,

common areas, leaseholds, condominiums, building groups or other features.

B. A subdivision of land.

C. Development in accordance with 53 P.S. § 10503(1.1).

LOT — A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

PLANNED RESIDENTIAL DEVELOPMENT — An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units or combination of residential and nonresidential uses, the development plan for which does not correspond in lot size, bulk, type of dwelling or use, density or intensity, lot coverage and required open space to the regulations established in any one (1) district created, from time to time, under the provisions of Chapter 150, Zoning.

PUBLIC NOTICE — Notice published once each week for two (2) successive weeks in a newspaper of general circulation in the township. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.

SUBDIVISION — The division or redivision of a lot, tract or parcel of land by any means into two (2) or more lots, tracts, parcels or other divisions of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court the distribution to heirs or devisees, transfer of ownership or building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

(c) Section 130-31B is hereby added to read as follows:

B. If water is to be provided by means other than by private wells owned and maintained by the individual owners of lots within the subdivision or development, applicants shall present evidence to the Board of Supervisors or the Planning Commission, as the case may be, that the subdivision or development is to be supplied by a certificated public utility, a bona fide cooperative association of lot owners or by a municipal corporation, authority or utility. A copy of a certificate of public convenience from the Pennsylvania Public Utility Commission or an application for such certificate, a cooperative agreement or a commitment or agreement to serve the area in question, whichever is appropriate, shall be acceptable evidence.

(d) Section 130-32G(4) is hereby amended to change the internal reference from "Subsection A-3 of this Section" to Section 300 (see now § 130-7).

(e) Section 130-44 is hereby amended to read as follows:

§ 130-44. Fees and costs.

- A. A fee shall be set for each lot or dwelling unit appearing on the plan, as set forth on the Fee Schedule, as established by resolution of the Board of Supervisors from time to time.
- B. Final plan.
- (1) No fee will be charged for filing an improvement construction plan or a record plan, unless no preliminary plan has been filed, in which case the fees established for a preliminary plan will be charged. The subdivider, developer or builder will also be required to furnish a cash escrow, in an amount to be completed under Subsection B(2) below, but not less than five hundred dollars (\$500.), in order to guarantee the payment of:
- (a) Engineering services. The services of the Township Engineer, as provided in these rules and regulations. In addition, all costs for other engineering and professional certification as deemed necessary.
 - (b) Material and facilities tests. The actual cost of all drainage, water and/or material tests.
 - (c) Inspections. A fee, as set forth in the Fee Schedule, for each hour or portion thereof that the Township Building Inspector is engaged on the work.
 - (d) Dedications. Legal fees, advertising and other costs involved in the dedication of streets and public improvements to the township.
 - (e) Legal services. The services of the Township Solicitor for legal services incidental to the preliminary and final approval of plans of each subdivision or development or section thereof, and specifically including but not limited to the review of all plans, correspondence and permits; the preparation of subdivision and escrow agreements, easements, covenants and deeds; the attendance at any meetings with the Supervisors, the Planning Commission, the Township Engineer, the developer or the developer's representatives in connection with the development; and any telephone conferences in connection with any of the above.
- (2) Method of payment. The costs set forth in Subsections B(1)(a) through (e) above shall be estimated and escrowed at ten percent (10%) of the total construction cost of the public improvements required to be built under the improvement construction plan of the final plans unless, in the judgment of the Township Engineer, a greater amount is necessary to secure the payment of the expenses which the township is likely to incur in connection with the subdivision as described in Subsections B(1)(a) through (e) above. Such estimate shall be escrowed with the township in cash, and the township may draw upon the escrow as necessary to reimburse itself for the fees and costs set forth in Subsections B(1)(a) through (e) above. Simultaneously, with each such draw from the escrow of the township, the township shall send the developer an invoice (marked "paid") for the amount drawn specifying the particular fee, cost or expense for which the township has drawn payment or reimbursement. The developer shall at no time permit the cash escrow required by this subsection to be reduced below an amount reasonably estimated by the Township Engineer to be necessary to reimburse the

township for the remaining fees, costs and expenses which the township is reasonably likely to incur prior to the completion of the subdivision or land development. Within ten (10) days of the developer's receipt of notice from the township that the balance of the escrow required by this subsection is deemed inadequate to cover the reasonable costs and expenses likely to be incurred by the township, the developer shall post such additional moneys as have been specified in the notice. Subject to the dispute resolution procedure set forth in the Pennsylvania Municipalities Planning Code, as amended, the refusal to post such moneys as shall be requested by the township, shall be deemed a breach of the developer's obligations under the improvement agreement and shall entitle the township to withhold any requested inspections or permits until such time as the escrow has been increased as requested by the township.

(f) Section 130-46 is hereby amended to read as follows:

§ 130-46. Violations and penalties.

Any person, partnership or corporation who or which being the owner or agent of the owner of any lot, tract or parcel of land shall lay out, construct, open or dedicate any street, sanitary sewer, storm sewer, water main or other improvements for public use, travel or other purposes or for the common use of occupants of buildings abutting thereon or who sells, transfers or agrees or enters into an agreement to sell any land in a subdivision or land development, whether by reference to or by other use of a plat of such subdivision or land development or otherwise, or erect any building thereon, unless and until a final plat has been prepared in full compliance with the provisions of this chapter and of the regulations adopted hereunder and has been recorded as provided herein, shall be subject to a civil enforcement proceeding before a District Justice with jurisdiction over the township; and if a judgment is entered against such person, the members of such partnership or the officers of such corporation or the agent of any of them, said person or persons shall pay a judgment not exceeding five hundred dollars (\$500.) per lot or parcel or per dwelling within each lot or parcel, plus all court costs, including reasonable attorneys' fees incurred by the municipality as a result thereof. All judgments collected for such violations shall be paid over to the municipality whose ordinance has been violated. This remedy is in addition to any other remedies or penalties provided by law. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.

(g) Former Article VIII, dealing with condominiums and condominium conversions, is hereby deleted.

(18) Chapter 135, Taxation, Article I, Earned Income and Net Profits Tax (Ord. No. 60).

(a) In § 135-1A, the lead-in paragraph is hereby amended to read as follows:

A. On or after the effective date of this Article, unless otherwise expressly stated, the following terms shall have, for the purpose of this Article, the meanings ascribed to them in this section:

(b) In § 135-1A, the definition of "domicile" is hereby amended to read as follows:

DOMICILE — The place where one lives and has his permanent home and to which he has the intention of returning whenever he is absent. Actual residence is not necessarily “domicile,” for “domicile” is the fixed place of abode which, in the intention of the taxpayer, is permanent rather than transitory. “Domicile” is the voluntary fixed place of habitation of a person, not for a mere special or limited purpose, but with the present intention of making a permanent home.

(c) Section 135-5H is hereby amended to add the words “The officer shall, at least quarterly, distribute” to the beginning thereof.

(19) Chapter 135, Taxation, Article II, Realty Transfer Tax (Ord. No. 98).

(a) Section 135-15A(18) is hereby amended to change “the Internal Revenue Code of 1954” to “the Internal Revenue Code of 1954, as amended.”

(20) Chapter 150, Zoning (Ord. No. 100).

(a) Section 150-5A is hereby amended to add the R-AG-200 Residential-Agricultural District, the R-75 Residential District and the R-50 Residential Alternative District to the listing of districts.

(b) In § 150-9, the definitions of “apartment house,” “nonconformity” and “street” are hereby amended to read as follows:*

APARTMENT HOUSE — See “dwelling types and dwelling unit types,” Subsection E, “apartment house/garden apartment.”

NONCONFORMITY:

- A. **NONCONFORMING STRUCTURE** — A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.
- B. **NONCONFORMING USE** — A use, whether of land or of structure, which does not comply with the applicable use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation.

STREET — Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians, whether public or private.

follows: (c) The definition of “mobile home” is hereby added to § 150-9 to read as

MOBILE HOME — A transportable, single-family dwelling intended for permanent occupancy, contained in one (1) unit or in two (2) or more units designed to be joined into one (1) integral unit capable of again being separated for repeated

towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

(d) Section 150-51C is hereby amended to change the internal reference from Section 807-D to Section 807-F (see now § 150-57F).

(e) Section 150-107A is hereby amended to read as follows:

A. Agricultural, in accordance with the regulations and requirements of Article IV of this chapter.

(f) Section 150-112I(10) is hereby amended to read as follows:

(10) Parking lot incidental to any of the uses under this subsection.

(g) The first paragraph of § 150-148 is hereby amended to add the R-75 and R-50 Districts thereto.

(h) Section 150-175 is hereby amended to delete the words "over three [3] feet in height" therefrom.

(i) Section 150-177A is hereby amended to add the words "provided such use is accessory to an active use on a site having a lot area of at least ten (10) acres.

(j) Section 150-231 is hereby amended to read as follows:

§ 150-231. Violations and penalties.

Any person, partnership or corporation, including but not limited to the owner, general agent, contractor, lessee or tenant, who or which shall violate or permit a violation of any provision of this chapter or any other person who knowingly commits or takes part or assists in any such violation shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not more than five hundred dollars (\$500.) and not less than fifty dollars (\$50.), plus costs and attorney's fees. Each day that a violation is continued after notice thereof shall constitute a separate offense, unless the District Justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one (1) such violation until the fifth day following the date of the determination of the violation by the District Justice, and thereafter, each day that a violation continues shall constitute a separate violation. Nothing contained in this section shall limit or restrict the power and authority of the township to pursue remedies for violation of this chapter in civil proceedings before the Court of Common Pleas.

"I hereby certify this is a true and correct copy of the proposed ordinance."
Worcester Township Chase E. Kneeland
Chase E. Kneeland, Secretary.

ADOPTED THIS 21st DAY OF August, 1996

CERTIFICATION

TOWNSHIP OF WORCESTER

Office of the Township Secretary

I, CHASE E. KNEELAND, Township Secretary of the Township of Worcester, hereby certify that the chapters contained in this volume are based upon the original ordinances and resolutions of the Board of Supervisors of the Township of Worcester and that said ordinances and resolutions, as revised and codified, renumbered as to sections and rearranged into chapters, constitute the Code of the Township of Worcester, County of Montgomery, Commonwealth of Pennsylvania, as adopted by ordinance of the Board of Supervisors on...August 21....., 1996.

Given under my hand and the Seal of the Township of Worcester, County of Montgomery, Commonwealth of Pennsylvania, this 21st. day of August. 1996, at Worcester, Pennsylvania.

s/CHASE E. KNEELAND


Township Secretary

ORDINANCE NO. 96-151

**AN ORDINANCE REGARDING CIVIL PROCEDURES AND PENALTIES
FOR VIOLATION OF ORDINANCES IN THE TOWNSHIP**

WHEREAS, the Second Class Township Code was amended by Act 60 of 1995, effective May 7, 1996, clarifying that the enforcement of Township Ordinances is a civil, rather than a criminal procedure and;

WHEREAS, Section 1601 of the Second Class Township Code has accordingly been adopted,

NOW, THEREFORE, the Board of Supervisors of the Township of Worcester hereby enacts and ordains an Ordinance amending the Township Code as follows:

Section 1. Amendment.

From the effective date of this Ordinance, all procedures set forth in the Township Code that enforce the Township Ordinances and all penalty clauses in Ordinances of the Township of Worcester are hereby amended to refer only to civil procedures and civil penalties pursuant to Section 1601(c) of the Second Class Township Code and may be enforced pursuant to that Section. All penalty provisions and terms in the several Ordinances of the Township of Worcester shall be deemed to refer to civil violations rather than criminal violations.

Section 2. Repeal of Criminal Fines.

All references in the several Ordinances of the Township of Worcester to criminal procedures and criminal penalties are hereby repealed.

Section 3. Adoption of Civil Fines.

The several Ordinances of the Township of Worcester are hereby amended in that all penalty provisions and terms shall henceforth be deemed to refer to civil fines only, in the same amounts as all criminal fines repealed in the previous section.

Section 4. Compliance.

Police officers of the Township or the code enforcement officer of the Township shall initiate civil enforcement proceedings as required to achieve compliance with each Township Ordinance.

Section 5. Provisions Severable.

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

Section 6. Disclaimer.

Nothing in this Ordinance shall be construed to affect any suit or proceeding pending in Court, or any rights acquired or liabilities under the Ordinances of the Township prior to the enactment of this Ordinance.

Section 7. Repealer.

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

Section 8. Effective Date.

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

ADOPTED this 21st day of August, 1996.

Chase E. Husaland
Secretary

"I hereby certify this is a true and correct copy of the proposed ordinance."
Worcester Township Chase E. Husaland
Secretary.

WORCESTER TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE NO. 96-152

AN ORDINANCE AMENDING SCHEDULE 1 OF ORDINANCE NO. 122 OF WORCESTER TOWNSHIP (AN ORDINANCE ESTABLISHING SPEED RESTRICTIONS GENERALLY THROUGHOUT WORCESTER TOWNSHIP AND ESTABLISHING SPECIFIC SPEED LIMITS ON HEEBNER ROAD, SHEFLEY LANE AND CLYSTON ROAD) TO INCLUDE THE MAXIMUM SPEED LIMIT FOR GRIFFITH ROAD WHICH SHALL BE POSTED AT 35 MILES PER HOUR FOR ITS ENTIRE LENGTH.

The Board of Supervisors of Worcester Township does hereby enact and ordain:

SECTION 1 - AMENDMENT TO SCHEDULE 1 OF ORDINANCE NO. 122

Schedule 1 of the Worcester Township Ordinance No. 122 - establishing specific speed limits on Heebner Road, Shefley Lane and Clyston Road is hereby amended to read as follows:

Maximum Speed Limits

<u>Name of Street</u>	<u>Speed Limit</u>	<u>Location</u>
Heebner Road	35 mph	Entire Length
Shefley Lane	25 mph	Entire Length
Clyston Road	25 mph	Entire Length
Griffith Road	35 mph	Entire Length

SECTION 2 - DISCLAIMER

Nothing in this Ordinance shall be construed to affect any suit or proceeding now pending in any court, or any rights acquired or liabilities incurred, or any permit issued, or any cause or causes of action existing under the Ordinances of the Township prior to the enactment of this Ordinance.

SECTION 3 - SEVERABILITY

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

SECTION 4 - 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 5 - EFFECTIVE DATE

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

ORDAINED AND ENACTED by the Board of Supervisors of Worcester, Montgomery County, Pennsylvania, this 16th day of October, 1996.

WORCESTER TOWNSHIP

BY:



JOHN H. GRAHAM, Chairman
of the Board of Supervisors

ATTEST:



CHASE E. KNEELAND, Secretary

MHK:vbw
100196

WORCESTER TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE NO. 96-153

AN ORDINANCE AMENDING THE CODE OF WORCESTER TOWNSHIP, CHAPTER 150 (ZONING) BY CREATING A NEW RESIDENTIAL ZONING DISTRICT CALLED THE RPD RURAL PRESERVATION DISTRICT TO ENCOURAGE THE CLUSTERING OF SINGLE-FAMILY DETACHED DWELLINGS IN THE EXISTING AGR AGRICULTURAL DISTRICT BY PERMITTING DEVELOPMENT UNDER THE REGULATIONS OF THE RPD DISTRICT ON EXISTING AGR DISTRICT TRACTS; BY CREATING REGULATIONS FOR DEVELOPMENT UNDER THE NEW RPD DISTRICT WHICH IMPOSE A MINIMUM OPEN SPACE REQUIREMENT OF AT LEAST 35% OF THE TRACT PROPOSED FOR SUBDIVISION; BY PROVIDING OTHER REGULATIONS FOR DEVELOPMENT IN A RURAL PRESERVATION DISTRICT INCLUDING PERMITTED USES, OPEN SPACE STANDARDS, REGULATIONS FOR THE OWNERSHIP AND MAINTENANCE OF THE OPEN SPACE, AND BY PROVIDING DENSITY AND DIMENSIONAL STANDARDS FOR RESIDENTIAL DEVELOPMENT IN A RURAL PRESERVATION DISTRICT; BY ADDING DEVELOPMENT UNDER THE RPD RURAL PRESERVATION DISTRICT AS A CONDITIONAL USE IN THE AGR AGRICULTURAL DISTRICT; BY ADDING A DEFINITION OF "TRACT"; BY AMENDING THE DEFINITION OF LOT AREA CALCULATION; AND BY AMENDING CHAPTER 130 OF THE CODE (SUBDIVISION AND LAND DEVELOPMENT) BY ADDING ADDITIONAL LANDSCAPING REQUIREMENTS FOR DEVELOPMENT IN A RPD RURAL PRESERVATION DISTRICT CLUSTER DEVELOPMENT

The Board of Supervisors of Worcester Township hereby adopts an Ordinance amending the Worcester Township Code, Chapter 150 (Zoning) and Chapter 130 (Subdivision and Land Development) as follows:

SECTION 1. The Worcester Township Code, Chapter 150 (Zoning) is hereby amended to add a new Article XVIA entitled the "RPD Rural Preservation District" and providing for regulations within such new district as follows:

ARTICLE XVIA
RPD Rural Preservation District

Section 150-110.1 Declaration of Legislative Intent

In expansion of the Declaration of Legislative intent found in Article I, Section 150-2, of this Chapter, and the statement of Community Development Objectives found in Article I, Section 150-3, of this Chapter, the primary purpose of the Rural Preservation District (RPD) is to preserve rural community character and woodlands that would be lost under conventional development. Specific objectives are as follows:

- A. To preserve scenic views and elements of the Township's rural character, and to minimize perceived density, by minimizing views of new development from existing roads;
- B. To preserve open land, including those areas containing unique and sensitive natural features such as woodlands, steep slopes, streams, floodplains and wetlands, by setting them aside from development.
- C. To implement the goals of the Township's comprehensive plan and open space/recreation plan.
- D. To reduce erosion and sedimentation by the retention of existing vegetation, and the minimization of development on steep slopes.
- E. To create new woodlands through natural succession and reforestation where appropriate, and to encourage the preservation and improvement of habitat for various forms of wildlife.

Section 150-110.2 Permitted Uses.

In any zoning district where development is permitted under the regulations of the "RPD" Rural Preservation District, land may be used for the following purposes:

- A. Single-family detached dwellings may be clustered on tracts of 10 acres or more as set forth in this Article, provided at least 35% of the tract is kept in open space and all other requirements of the RPD Rural Preservation District are met.
- B. Open land, comprising a portion of an RPD residential development, in accordance with the requirements of Section 150-110.3.

Section 150-110.3 Open Land Standards

Protected open land shall meet the following standards:

- A. The following uses are permitted in open land areas:
- (1) Conservation of open land in its natural state (for example, woodland, fallow field or managed meadow);
 - (2) Agricultural uses, including raising of crops or livestock, and farm buildings, excluding residences, which are needed to serve an active, viable agricultural operation;
 - (3) Passive non-commercial recreation including, but not limited to, trails, picnic areas, community gardens, and lawn areas;
 - (4) Active, non-commercial recreation areas, such as play fields, playgrounds and courts, meeting the setback requirements in Section 150-110.5(B)(4), herein;
 - (5) Wells and sewage drainage fields;
 - (6) Private pasture for horses in accordance with the requirements of Section 150-177 of the Zoning Ordinance;
 - (7) Easements for drainage, access, sewer lines, water lines, or recreation;
 - (8) Stormwater management facilities for the proposed development, provided such facilities occupy no more than 10% of the required amount of open land;
 - (9) Parking areas where necessary to serve active recreation facilities with the appropriate number of spaces to be determined by the Board of Supervisors;
 - (10) Underground utility rights-of-way. Above-ground utility and road rights-of-way may pass through open land areas but shall not count toward the required minimum 35% total open land requirement.
- B. No portion of any building lot or road right-of-way area may be used for meeting the minimum required amount of open land.
- C. Open land areas shall be located between pre-existing public roads and the proposed homes. The proposed homes shall be located as far from pre-existing public roads as environmental conditions will allow. With the permission of the

Board of Supervisors, open space land may be located elsewhere in the subdivision subject to the following criteria:

- (1) When the open space shall be used for a public park or trail connection shown in the Township's Open Space Plan and/or Comprehensive Plan, this open space may be located away from existing public roads, with the proposed homes closer to existing public roads, provided the Township supervisors determine that the proposed park or trail area meets Township goals and policies.
 - (2) When there are significant woodlands, steep slopes, wetlands, floodplains and/or historic buildings that would be preserved or protected by relocating the open space, open space may be located away from existing public roads, provided the Township supervisors determine that the proposed preservation area meets Township goals and policies outlined in the Township's Open Space Plan and/or Comprehensive Plan.
- D. Safe and convenient pedestrian and maintenance access shall be provided to open land areas.
- E. Natural features shall generally be maintained in their natural condition, but may be modified to improve their appearance, functioning, or overall condition, as recommended by experts in the particular area being modified. Permitted modifications may include:
- (1) Reforestation.
 - (2) Woodland Management.
 - (3) Meadow Management.
 - (4) Buffer Area Landscaping.
 - (5) Streambank Protection.
 - (6) Wetlands Management.
- F. All open land areas that are not wooded shall be landscaped in accordance with the RPD landscaping requirements of the Township's Subdivision and Land Development Ordinance.

Section 150-110.4 Ownership and Maintenance of Common Facilities and Open Land

- A. All open land shall be permanently restricted from future subdivision and development. Under no circumstances shall any development be permitted in the open space at any time, except for those uses listed in Section 150-110.3, above.
- B. Ownership. The following methods may be used, either individually or in combination, to own common facilities; however, open land shall be initially

offered for dedication to the Township. Common facilities shall not be transferred to another entity except for transfer to another method of ownership permitted under this section, and then only when there is no change in the common facilities or in the open space ratio of the overall development. Ownership methods shall conform to the following:

- (1) Fee Simple Dedication to the Township. The Township may, but shall not be required to, accept any portion of the common facilities, provided that:
 - (a) There is no cost to the Township; and,
 - (b) The Township agrees to and has access to maintain such facilities.
- (2) Condominium Association. Common facilities may be controlled through the use of condominium agreements. Such agreements shall be in accordance with the Pennsylvania Uniform Condominium Act of 1980, as amended. All open land and common facilities shall be held as "common element".
- (3) Homeowner's Association. Common facilities may be held in common ownership by a homeowner's association, subject to all of the provisions for homeowner's associations set forth in Article VII, Section 705(f) of the Pennsylvania Municipalities Planning Code. In addition, the following regulations shall be met:
 - (a) The applicant shall provide the Township a description of the organization of the proposed association, including its by-laws, and all documents governing ownership, maintenance, and use restrictions for common facilities.
 - (b) The proposed association shall be established by the owner or applicant and shall be operating (with financial subsidization by the owner or applicant, if necessary) before the sale of any dwelling units in the development.
 - (c) Membership in the association shall be mandatory for all purchasers of dwelling units therein and their successors and assigns.
 - (d) The association shall be responsible for maintenance and insurance of common facilities.
 - (e) Written notice of any proposed transfer of common facilities by the association or the assumption of maintenance for common facilities

must be given to all members of the association and to the Township no less than thirty (30) days prior to such event.

- (f) The association shall have adequate staff to administer, maintain, and operate such common facilities.
- (4) Transfer to a Private Conservation Organization or Montgomery County. With permission of the Township, an owner may transfer either fee simple title of the open space or easements on the open space to a private non-profit conservation organization or Montgomery County provided that:
- (a) The conservation organization is acceptable to the Township and is a bona fide conservation organization intended to exist indefinitely;
 - (b) The conveyance contains appropriate provisions for proper reverter or retransfer in the event that the organization or Montgomery County becomes unwilling or unable to continue carrying out its functions.
 - (c) The open space is deed restricted against development and the Township is given the ability to enforce these restrictions; and,
 - (d) A maintenance agreement acceptable to the Township is established between the owner and the organization or Montgomery County.
- (5) Dedications of Easements to the Township. The Township may, but shall not be required to, accept easements for public use of any portion of the common facilities. In such cases, the facility remains in the ownership of the condominium association, homeowner's association, or private conservation organization while the easements are held in public ownership. In addition, the following regulations shall apply:
- (a) There shall be no cost of acquisition to the Township.
 - (b) Any such easements for public use shall be accessible to the residents of the Township.
 - (c) A satisfactory maintenance agreement shall be reached between the owner and the Township.
- C. Maintenance. Unless otherwise agreed to by the Board of Supervisors, the cost and responsibility of maintaining common facilities and open land shall be borne by the property owner, condominium association, homeowner's association, or conservation organization.

- (1) The applicant shall, at the time of preliminary plan submission, provide a plan for maintenance and operation of common facilities, in accordance with the following requirements:
 - (a) The plan shall define ownership;
 - (b) The plan shall establish necessary regular and periodic operation and maintenance responsibilities;
 - (c) The plan shall estimate staffing needs, insurance requirements, and associated costs, and define the means for funding the maintenance and operation of the open space on an on-going basis. Such funding plan shall include the means for funding- long-term capital improvements as well as regular yearly operating and maintenance costs;
 - (d) At the Township's discretion, the applicant may be required to escrow sufficient funds for the maintenance and operation costs of common facilities for up to one year; and,
 - (e) Any changes to the maintenance plan shall be approved by the Township Board of Supervisors.
- (2) In the event that the organization established to maintain common facilities, or any successor organization thereto, fails to maintain all or any portion of the common facilities in reasonable order and condition, the Township may, in accordance with Article VII, Section 705 of the Pennsylvania Municipalities Planning Code, assume responsibility for maintenance, in which case any escrow funds may be forfeited and any permits may be revoked or suspended.

The Township may enter the premises and take corrective action. The costs of such corrective action may be charged to the property owner, condominium association, homeowners association, conservation organization, or individual property owners who make up a condominium or homeowner's association and may include administrative costs and penalties. Such costs shall become a lien on said properties. Notice of such lien shall be filed by the Township in the office of the Prothonotary of the county.

Section 150-110.5 Density and Dimensional Standards

All development and use of land under the RPD District standards shall meet the following density and dimensional standards:

A. Density and Density Bonus

The following two steps shall be used to calculate density:

- (1) A yield plan, showing the maximum number of lots that could be developed, shall be prepared for the tract proposed for subdivision. This yield plan shall meet the lot size and other dimensional standards of Sections 150-12 through 150-14 of the "AGR" Agricultural District, as well as the lot area calculation and all other applicable standards of the Township's Zoning and Subdivision and Land Development ordinances.
- (2) The number of residential lots permitted under the yield plan shall be multiplied by 1.15 to determine the number of lots permitted under RPD zoning.
- (3) The number of residential lots permitted under the yield plan shall be multiplied by 1.25 to determine the number of lots permitted under RPD zoning where the total tract size is less than 50 acres; a significant contiguous, wooded area of at least 3 acres is being preserved; and where a pre-existing, estate home is being preserved on its own lot of no less than 4 acres.

B. Dimensional Standards

- (1) Minimum tract size for RPD development is 10 acres.
- (2) Minimum percent of common open land is 35% of gross tract area.
- (3) Standards for Residential Lots within an RPD Development:
 - (a) Minimum lot size is 30,000 square feet.
 - (b) Minimum lot width is 125 feet.
 - (c) Minimum front yard setback from abutting streets is 50 feet.
 - (d) Minimum side yard setback is 25 feet.
 - (e) Minimum rear yard setback is 50 feet.
 - (f) Minimum building setback from tract boundaries is 75 feet.
 - (g) Maximum building coverage is 12% of lot area.
 - (h) Maximum impervious coverage is 18% of lot area.

- (i) Flag lots shall be permitted but shall not exceed 10% of the total number of lots provided. On tracts where it can be demonstrated that no other configuration is reasonably possible, an additional 10% of the total number of lots may be flag lots if approved by the Board of Supervisors during the conditional use process.
- (4) Setback of Residential Lots from Pre-Existing Streets.

Residential lots within an RPD development must be set back from pre-existing public roads in accordance with the standards outlined below. The area between the residential lots and the pre-existing streets shall be open land and may be used to meet the 35% open land requirement.

- (a) Minimum setback of residential lots from pre-existing secondary collector and primary street ultimate rights-of-way, as defined by the Township, is 300 feet.
- (b) Minimum setback of residential lots from all other pre-existing street ultimate rights-of-way, as defined by the Township, is 200 feet.
- (c) Minimum setbacks set forth in subparagraphs (4)(a) and (4)(b) above may be reduced by 50% at the discretion of the Board of Supervisors when the criteria set forth in paragraphs 150-110.3(C)(1) and (C)(2) have been met.
- (d) All setback areas along external roads shall be landscaped to preserve scenic views and integrate the neighborhood into the surrounding landscape. This shall be done by deciduous reforestation, hedgerow preservation, use of naturalistic plantings and land forms, or other similar landscaping technique. All plantings should comply with the landscape ordinance in the Township's Subdivision and Land Development Ordinance.

Section 150-110.6 Sewage Facilities

Residential lots within an RPD development may be served by public sewers or individual on-site sewage disposal systems.

Section 150-110.7 Sketch Plan

All RPD developments shall submit a sketch plan which shows the following information:

- A. A yield plan showing the maximum number of lots that could be developed under the standards of the AGR Agricultural District.

- B. A calculation showing the maximum number of lots permitted under the RPD standards.
- C. The proposed layout of the residential lots and open space which plan shall include topography, any existing improvements, and all natural features on the site including streams, waters of the Commonwealth, floodplains, wetlands, woodlands and slopes in excess of ten percent (10%).
- D. The location of proposed open space, including a calculation showing the amount of required open space.

SECTION 2. Chapter 150 (Zoning) is hereby amended by replacing the existing language of Section 150-11(B) with the following:

- B. A Single-family detached dwelling.
 - (1) Single-family detached dwellings may be developed in accordance with the requirements of Article IV or, as a conditional use, may be clustered in accordance with the requirements of Article XVIA, the RPD Rural Preservation District.

SECTION 3. Chapter 150 (Zoning) is hereby amended by adding a new definition to Article III, Section 150-9 as follows:

TRACT - A lot that is the subject of a land development or subdivision application, a lot that has been the subject of a land development, or a lot that existed prior to a subdivision. The gross tract area shall consist of the total acreage within the lot lines.

SECTION 4. Chapter 150 (Zoning) is hereby amended by supplementing the existing definition of "Lot Area Calculation" in Section 150-9 so that it shall hereafter read as follows:

LOT AREA CALCULATION - In calculating the lot area for the minimum required size in all residential zoning districts, the following shall be excluded:

- A. Any area within a floodplain, wetlands, land continuously covered with water or land within any "Water of the Commonwealth."
- B. The access strip of a leg or flag lot.
- C. Any access portion of a lot with a width dimension of less than 70 feet.

- D. Area within the ultimate right-of-way of pre-existing public roads.
- E. The easement or right-of-way area associated with overhead utility lines or underground high pressure gas transmission lines.

SECTION 5. Chapter 150 (Zoning), Section 150-185 is hereby amended by adding an additional subparagraph "C" as follows:

- C. The minimum area, lot width and lot depth requirements of this Section shall not apply to lots clustered under the provisions of the RPD Rural Preservation District.

SECTION 6. Chapter 130 (Subdivision and Land Development) is hereby amended by adding the following new subsection to Section 130-28(G) as follows:

(10) RPD Cluster Landscaping Requirements

All RPD Rural Preservation District developments shall comply with the following requirements:

- (a) Developments shall provide street trees, drainage area and detention basin landscaping, service area landscaping, and individual lot landscaping, as required by Sections 130-28G.(4), (7), (8) and (9) of this Chapter.
- (b) Within all required setbacks between neighborhoods and along tract boundaries located within 200 feet of a neighborhood, a planted buffer area at least 25 feet in width shall be established. Where natural plant materials do not exist or are insufficient, the following plant materials shall be provided per 100 linear feet:
 - 4 canopy trees
 - 4 ornamental trees
 - 4 evergreen trees
- (c) Within all required setbacks from external road ultimate rights-of-way, a planted buffer area at least 25 feet in width shall be established. Where natural plant materials do not exist or are insufficient, the following plant materials shall be provided per 100 linear feet:

- 2 canopy trees
- 4 ornamental trees

10 evergreen trees

- (d) Plant materials may be arranged in an informal manner. An informal arrangement of native plant species combined with infrequent mowing is strongly encouraged, to create a low-maintenance naturalized landscape.

SECTION 7. REPEALER.

The Worcester Board of Supervisors, by virtue of this Ordinance, hereby repeals all other portions of any prior Ordinances or Resolutions of the Township insofar as they are inconsistent with this Ordinance.

SECTION 8. DISCLAIMER.

Nothing in this Ordinance shall be construed to affect any suit or proceeding pending in any court, or any rights acquired or liabilities incurred, or any permit issued, or any cause or causes of action existing under the Ordinances of the Township of Worcester prior to enactment of this Ordinance.

SECTION 9. SEVERABILITY.

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

SECTION 10. 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 11. EFFECTIVE DATE

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

ORDAINED AND ENACTED by the Board of Supervisors of Worcester Township,
Montgomery County, Pennsylvania this 17th day of September, 1997.

WORCESTER TOWNSHIP

ATTEST: _____

BY: John H. Graham
JOHN H. GRAHAM, CHAIRMAN

CHASE E. KNEELAND, SECRETARY

ATTEST: Chase E. Kneeland

JJC:slp/vbw
090297

NOTICE OF PUBLIC HEARING

ORDINANCE 96-153

NOTICE is hereby given that the Board of Supervisors of Worcester Township, at its regular meeting on September 17, 1997, at 7:30 P.M. in the Fairview Village Assembly Hall, 1031 Valley Forge Road, Worcester, Pennsylvania, will hold a public hearing on and will consider for adoption an Ordinance amending the Code of Worcester Township, Chapter 150 (Zoning) by creating a new Residential Zoning District called the RPD Rural Preservation District to encourage the clustering of single-family detached dwellings in the existing AGR Agricultural District by permitting development under the regulations of the RPD district or the AGR district on existing AGR tracts; by creating regulations for development under the new RPD district which impose a minimum open space requirement of at least 35% of the tract proposed for subdivision; by providing other regulations for development in a Rural Preservation District including permitted uses, open space standards, regulations for the ownership and maintenance of the open space, and by providing density and dimensional standards for residential development in a Rural Preservation District; by adding development under the RPD Rural Preservation District as a conditional use in the AGR Agricultural District; by adding a definition of "tract"; by amending the definition of lot area calculation; and by amending Chapter 130 of the Code (Subdivision and Land Development) by adding additional landscaping requirements for development in a RPD Rural Preservation District Cluster Development.

Copies of the full text of the proposed Ordinance are available for public inspection at the Worcester Township Administration Building, 1721 Valley Forge Road, Worcester, Pennsylvania

during normal business hours. In addition, the full text of the proposed Ordinance has been sent to the offices of the Norristown Times Herald newspaper and to the Montgomery County Law Library, both located in Norristown, Pennsylvania.

JAMES J. GARRITY, ESQUIRE

Wisler, Pearlstine, Talone,
Craig, Garrity & Potash, LLP
Solicitors for Worcester Township

WORCESTER TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE NO. 96- 154

AN ORDINANCE AMENDING SCHEDULE 1 OF ORDINANCE NO. 122 OF WORCESTER TOWNSHIP (AN ORDINANCE ESTABLISHING SPEED RESTRICTIONS GENERALLY THROUGHOUT WORCESTER TOWNSHIP AND ESTABLISHING SPECIFIC SPEED LIMITS ON HEEBNER ROAD, SHEFLEY LANE, CLYSTON ROAD AND GRIFFITH ROAD) TO INCLUDE THE MAXIMUM SPEED LIMIT FOR ADAIR DRIVE (25 MILES PER HOUR), METHACTON AVENUE (30 MILES PER HOUR) AND BERKS ROAD (40 MILES PER HOUR) WHICH SHALL BE POSTED FOR THEIR ENTIRE LENGTHS.

The Board of Supervisors of Worcester Township does hereby enact and ordain:

SECTION 1 - AMENDMENT TO SCHEDULE 1 OF ORDINANCE NO. 122

Schedule 1 of the Worcester Township Ordinance No. 122 - establishing specific speed limits on Heebner Road, Shefley Lane, Clyston Road and Griffith Road is hereby amended to read as follows:

Maximum Speed Limits

<u>Name of Street</u>	<u>Speed Limit</u>	<u>Location</u>
Heebner Road	35 mph	Entire Length
Shefley Lane	25 mph	Entire Length
Clyston Road	25 mph	Entire Length
Griffith Road	35 mph	Entire Length
Adair Drive	25 mph	Entire Length
Methacton Avenue	30 mph	Entire Length
Berks Road	40 mph	Entire Length

SECTION 2 - DISCLAIMER

Nothing in this Ordinance shall be construed to affect any suit or proceeding now pending in any court, or any rights acquired or liabilities incurred, or any permit issued, or any cause or causes of action existing under the Ordinances of the Township prior to the enactment of this Ordinance.

SECTION 3 - SEVERABILITY

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

SECTION 4 - 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 5 - EFFECTIVE DATE

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

ORDAINED AND ENACTED by the Board of Supervisors of Worcester, Montgomery County, Pennsylvania, this 18th day of December, 1996.

WORCESTER TOWNSHIP

BY:

John H. Graham
JOHN H. GRAHAM, Chairman
of the Board of Supervisors

ATTEST:

Chase E. Kneeland
CHASE E. KNEELAND, Secretary

WORCESTER TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE NO. 96- 155

AN ORDINANCE AMENDING CHAPTER 150 (ZONING), ARTICLE XX (FLOOD PLAIN CONSERVATION DISTRICT) BY IDENTIFYING A NEW MAP FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR THE DELINEATION OF FLOOD PLAINS WITHIN THE TOWNSHIP; AMENDING THE DEFINITION AND IDENTIFICATION OF AREAS OR SUBDISTRICTS WITHIN THE FLOOD PLAIN; AMENDING REQUIREMENTS FOR THE FLOODPROOFING OF STRUCTURES PROPOSED TO BE LOCATED OR SUBSTANTIALLY RENOVATED WITHIN THE FLOODPLAIN AREAS; AND ADDING DEFINITIONS OF "BASEMENT", "DEVELOPMENT", "HISTORIC STRUCTURE", "LOWEST FLOOR", "SUBSTANTIAL DAMAGE" AND "SUBSTANTIAL IMPROVEMENT."

The Board of Supervisors of Worcester Township does hereby enact and ordain:

SECTION 1 - AMENDMENT TO CODE

A. Sections 150-136(A) and (B) of the Code of the Township of Worcester are hereby amended so that they shall hereinafter read as follows:

150-136 Definition and Establishment of Flood Plain District

- A. The Floodplain district is defined and established as those areas of the Township subject to flooding as defined in subsections A(1), (2) and (3) listed below.
1. Those areas subject to inundation by the waters of the 100 Year Flood as delineated in the Flood Insurance Study (FIS) and the Flood Insurance Rate Map (FIRM) for the Township of Worcester, Montgomery County, Pennsylvania, as prepared by the Federal Emergency Management Agency (FEMA), Federal Insurance Administration (FIA), dated December 19, 1996, or the most recent revision thereof. The said floodplain shall be comprised of three (3) subdistricts as follows:
 - (a) FW (Floodway Area) - the areas identified as "Floodway" in the AE Zone in the Flood Insurance Study prepared by the FEMA. The term shall also include floodway areas which have been identified in other available studies or sources of information for those floodplain areas where no floodway has been identified in the Flood Insurance Study.

- (b) FF (Flood-Fringe Area) - the remaining portions of the one hundred (100) year floodplain in those areas identified as an AE Zone in the Flood Insurance Study, where a floodway has been delineated.

The basis for the outermost boundary of this area shall be the one hundred (100) year flood elevations as shown in the flood profiles contained in the Flood Insurance Study.

- (c) FA (General Floodplain Area) - the areas identified as Zone A in the FIS for which no one hundred (100) year flood elevations have been provided. When available, information from other Federal, State, and other acceptable sources shall be used to determine the one hundred (100) year elevation, as well as a floodway area, if possible. When no other information is available, the one hundred (100) year elevation shall be determined by using a point on the boundary of the identified floodplain area which is nearest the construction site in question.

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

* * * *

- B. The floodplain district shall be delineated on the Flood Insurance Rate Map (FIRM) which is hereby made a part of this chapter and is available for inspection at the Township offices.

* * * *

- B. Section 150-138(B) of the Code of the Township of Worcester is hereby amended so that it shall hereinafter read as follows:

Section 150-138. Permitted Uses

* * * *

- B. All permitted uses are subject to the floodproofing regulations and the Office of the Chief Engineer, United States Army. Any of the uses or development activity in subsection A above shall not be permitted within the

floodway unless the effect of such proposed activity on flood heights is fully offset by accompanying stream improvements. The floodproofing measures referred to in this paragraph are applicable only for non-residential structures since the residential structures must be elevated to or above the base flood elevation. Floodproofing measures for all non-residential structures shall satisfy the requirements of the completely dry spaces (W1) and essentially dry spaces (W2) classes referenced in the above regulations. The specific elevation and/or floodproofing requirements are set forth in Section 150-143(E) herein.

C. Section 150-139(G) of the Code of the Township of Worcester is hereby amended so that it shall hereinafter read as follows:

Section 150-139. Prohibited Uses

* * * *

G. No encroachment in the floodway district that would cause any rise in the One Hundred (100) Year base flood elevation.

D. Section 150-141 of the Code of the Township of Worcester is hereby amended so that the applicable sections thereof shall hereinafter read as follows:

Section 150-141. Application Procedure

A. A zoning permit shall be required before any construction or development is undertaken within any floodway district. An application for a zoning permit shall be filed with the zoning officer who shall make an initial determination on the proposal.

* * * *

(2) For uses other than those permitted in Section 150-138 of this chapter, an application seeking approval of a variance shall be forwarded to the Zoning Hearing Board along with the required studies or information and the findings of the zoning officer.

(3) If the proposed development is to be located within the floodway district, the application shall include a certification from a registered engineer that the development will not cause any increase in the one hundred year flood levels within the community or that any such increase will be fully offset by accompanying water course improvements.

* * * *

E. Section 150-143 of the Code of the Township of Worcester is hereby amended so that it shall hereinafter read as follows:

Section 150-143. Standards for Granting Variances

* * * *

- D. Any new structures permitted by a variance shall be constructed and placed on the lot so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum affect upon the flow and height of flood water.
- E. Any structure permitted by variance shall include floodproofing measures according to the following criteria:
 - (1)(a) A residential structure shall have the lowest floor including basement elevated up to or above the one hundred year flood elevations;
 - (1)(b) A non-residential structure shall have the lowest floor, including basement elevated up to or above the one hundred year flood elevation or be designed and constructed so that the space enclosed by such structure shall remain either completely or essentially dry during any flood up to that height as described in Section 150-138(B).

All plans and specifications for completely or essentially dry floodproofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with such standards.

* * * *

- (4) Space below the lowest floor.
 - (a) Fully enclosed space below the lowest floor (including basement) is prohibited.
 - (b) Partially enclosed space below the lowest floor (including basement) which will be used solely for the parking of a vehicle, building access, or incidental storage in an area other than a basement, shall be designed and constructed to allow for the automatic entry and exit of floodwaters for the purpose of equalizing hydrostatic forces on exterior walls. The term "partially enclosed space" also includes crawl spaces.

Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:

- (i) a minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.
- (ii) the bottom of all openings shall be no higher than one (1) foot above grade.
- (iii) openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

F. Any additions or improvements to existing structures permitted by variance and which are not substantial improvements shall be elevated to the greatest extent possible according to the provisions in Subsection E and applicable current federal and state regulations. However, any portion of the structure not so elevated shall be floodproofed in accordance with floodproofing regulations, United States Army EP 1165 2 314 and consistent with the requirements of Section 150-143(E)(1) of the Code of the Township of Worcester.

Any modification, alternation, reconstruction, or improvement, of any kind to an existing structure, to an extent or amount of fifty (50) percent or more of its market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of Section 150-143(E) of this Article.

I. The Zoning Hearing Board shall maintain a record of all variances, including the conditions and justification for issuing (also included shall be, where applicable, and where required pursuant to Section 150-143(E) herein, the elevation of the lowest floor and the elevation to which flood-proofing measures were carried for structures allowed by variance); and report the number of variances requested and granted in annual report to the Federal Insurance Administration.

F. Section 150-9 of the Code of Worcester Township shall be amended so that it shall hereinafter contain additional definitions as follows:

Section 150-9. Definitions.

* * * *

Base Flood

The flood which has been selected to serve as the basis upon which the floodplain management provisions of this chapter have been prepared; for purposes of this chapter, the one-hundred-year flood, as delineated in the Flood Insurance Study, Worcester Township, prepared by the Federal Insurance Administration, Federal Emergency Management Agency.

Base Flood Elevation

The one-hundred-year flood elevation, as referenced in the Flood Insurance Study, Worcester Township, prepared by the Federal Insurance Administration, Federal Emergency Management Agency. Within the approximated floodplain, the "base flood elevation" shall be established as a point on the boundary of the approximated floodplain closest to the construction site in question.

Basement

Any area of the building having its floor subgrade (below ground level) on all sides.

Development

Any man-made change to improved or unimproved real estate including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or the storage of equipment or materials.

Historic Structure

Any structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,
- (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (1) By an approved state program as determined by Secretary of the interior; or,
 - (2) Directly by the Secretary of the Interior in states without approved programs

Lowest Floor

The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

One-Hundred-Year Flood

A flood that has one (1) chance in one hundred (100) or a one-percent chance of being equaled or exceeded in one (1) year; for the purposes of this chapter, the one-hundred-year flood (base flood) as defined by the Federal Insurance Administration, Federal Emergency Management Agency.

Substantial Damage

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement

Any repair, reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred "substantial damage", as defined herein, regardless of the actual repair work performed. The term does not, however, include either:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or
- (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."

SECTION 2 - DISCLAIMER

Nothing in this Ordinance shall be construed to affect any suit or proceeding now pending in any court, or any rights acquired or liabilities incurred, or any permit issued, or any cause or causes of action existing under the Ordinances of the Township prior to the enactment of this Ordinance.

SECTION 3 - SEVERABILITY

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

SECTION 4 - 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 5 - EFFECTIVE DATE

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

ORDAINED AND ENACTED by the Board of Supervisors of Worcester, Montgomery County, Pennsylvania, this 18th day of December, 1996.

WORCESTER TOWNSHIP

BY: _____

John H. Graham
JOHN H. GRAHAM, Chairman
of the Board of Supervisors

ATTEST: _____

Chase E. Kneeland
CHASE E. KNEELAND, Secretary

MHK:vbw/slp
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