

ORDINANCE NO. 58

AN ORDINANCE ADOPTING REGULATIONS FOR THE SUBDIVISION AND LAND DEVELOPMENT OF LAND, THE LYING OUT, CONSTRUCTION, OPENING AND DEDICATION OF ROADS, STREETS, DRAINAGE FACILITIES, SANITARY SEWERS AND OTHER PUBLIC IMPROVEMENTS INCIDENT TO THE SUBDIVISION AND LAND DEVELOPMENT OF LAND WITHIN THE TOWNSHIP OF WORCESTER, MONTGOMERY COUNTY, PENNSYLVANIA; PROVIDING FOR THE ISSUANCE OF PERMITS AND PRESCRIBING PENALTIES FOR VIOLATIONS.

The Board of Supervisors of the Township of Worcester, Montgomery County, Pennsylvania, do enact and ordain as follows:

ARTICLE I

TITLE AND PURPOSE

Section 100. SHORT TITLE. This Ordinance shall be known and may be cited as "The Township of Worcester Subdivision and Land Development Ordinance of 1972".

Section 101. PURPOSE. This Ordinance and the regulations herein contained are adopted for the following purposes:

a. To assure sites suitable for building purposes and human habitation.

b. To assist orderly, efficient, intergrated and harmonious development of the Township.

c. To coordinate existing streets with proposed streets, parks or other features of the Township's official plan of streets and highways.

d. To provide adequate open spaces for traffic, recreation, light and air and for proper distribution of population.

e. To insure conformance of subdivision plans and land development plans with the public improvement plans of the Township in coordination of inter-municipal public improvement plans and programs which include the counties and the state.

f. To secure equitable handling of all subdivision and land development plans by providing uniform procedures and standards for observance both by subdividing of land developers on the one hand and the Board of Supervisors on the other.

SECTION 102. INTERPRETATION. The provisions of this Ordinance shall be held to be minimum requirements for the promotion of the above purposes. Where the provisions of this Ordinance impose greater restrictions than those of any other Ordinance or regulation, or resolution, the provisions of this Ordinance shall be controlling. Where the provisions of any other Ordinance, regulation or resolution impose greater restrictions than this Ordinance, the provisions of such other ordinance, regulation or resolution shall be controlling.

SECTION 103. VALIDITY. Should any section or provision of this Ordinance be declared by any court of competent jurisdiction to be invalid, such decision shall not affect the validity of the entire Ordinance as a whole, or any other parts thereof, the said Ordinance being severable to that extent.

ARTICLE II
DEFINITIONS

SECTION 200. GENERAL. Unless otherwise expressly stated, the following terms shall have the meanings indicated:

Words used in the singular include the plural and words in the plural include the singular. The word "person" includes a corporation and a partnership as well as an individual. The word "building" includes "structure" and shall be construed as if followed by the words "or part thereof". The word "street" includes "road", "lane", "avenue" and "highway", and shall mean the whole or any part thereof; and shall include bridge or culvert, cartway, gutter, curb, sidewalk and the whole legal width of the right-of-way; and "watercourse" includes "drain", "ditch" and "stream".

SECTION 201. DEFINITIONS. The following words and phrases as used in this Ordinance shall have the meanings indicated below except when such meanings are clearly out of context.

a. AGENT: Any person, other than the subdivider, who, acting for the subdivider, submits to the Township subdivision plans for the purpose of obtaining approval thereof. (See Subdivider)

b. Alley: A strip of land over which there is a minimum right-of-way width of twenty-five (25) feet, municipally or privately owned, on which no dwellings or stores front, serving as the secondary means of access to two or more properties.

c. APPLICANT: A landowner or developer, as hereinafter defined, who has filed an application for development including his heirs, successors and assigns.

d. Block: An area bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way or Boundary lines of the Township of Worcester.

e. BOARD: Shall mean the Board of Supervisors of the Township of Worcester.

f. BUILDER: A person, who is not necessarily the owner of the land or agent of the same, who by contract or other agreement is charged with the responsibility of construction of buildings or other structures, or of making any construction improvements on any parcel of land.

g. BUILDING SETBACK LINE: A line within a lot so designated on a subdivision plan and/or established by Deed or Zoning Ordinance, between which line and the right-of-way line of the street on which the lot abuts, a building shall not be erected. The greatest distance from the right-of-way line shall govern the setback line.

h. CARTWAY: The portion of a street or alley intended for vehicular use.

i. CLEAR SIGHT TRIANGLE: An area of unobstructed vision at street intersections defined by the right-of-way lines of the streets and by a line of sight to the right or left between points on their right-of-way lines at a given distance from the intersection of the right-of-way lines.

j. CONSTRUCTION PERMIT: Shall be written consent issued by the Township Secretary for construction shown on an approved construction plan.

k. CROSSWALK: A right-of-way municipally or privately owned, with a minimum width of ten (10) feet, which cuts across a block so as to furnish access for pedestrians to adjacent streets or properties.

l. CUL-DE-SAC: A street with one end open for public vehicular and pedestrian access and the other end terminating in a temporary or permanent turnaround.

m. DEVELOPER: (Same as Subdivider) A person who is the registered owner, or authorized agent of the owner of land to be subdivided. Written evidence of authorization, satisfactory in form to the Township Solicitor, shall be filed with the application and plan when signed by an agent of the registered owner.

n. DRAINAGE: The flow of water or liquid waste and the methods of directing such flow whether natural or artificial.

o. Driveway: A single passageway for each dwelling, providing access between a street and a parking area or garage within a lot.

p. EASEMENT: A grant by a property owner of the use of land for a specific purpose.

q. ENGINEER: A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed for a municipality, planning agency, or joint planning commission.

r. FRONTAGE: The length of the front property line of the lot, lots, or tract of land abutting a street.

s. GRADE: ~~A slope of a street, or other public way, specified in percent (%) and shown on plans as specified herein.~~

t. GRADE LANDING: The grade required at points of street intersections as specified herein.

u. IMPROVEMENT: Grading, paving, curbing, guttering, street lights, streetname signs, fire hydrants, water mains, gas mains, sanitary sewers, on-site sewage disposal facilities, storm drains, inlets and appurtenances, culverts, bridges, sidewalks, crosswalks, monuments, telephone and electric lines, shade trees, and all construction appurtenances incidental thereto.

v. LAND DEVELOPMENT: (i) The improvement of one or more contiguous lots, tracts or parcels of land for any purpose involving (a) a group of two or more buildings, or (b) the division of allocation of land between and among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, building groups or other features;

(ii) A division of land of lots for the purpose of conveying such lots singly or in groups to any person, partnership or corporation for the purpose of erection of building or buildings by such person, partnership or corporation.

w. LANDOWNER: The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee having a remaining term of not less than forty years, or other person having a proprietary interest in land, shall be deemed to be a landowner for the purposes of this act.

x. LOT: A tract or parcel of land intended for transfer of ownership, lease, building development or use.

y. LOT AREA: The area contained within the property lines of the individual parcels of land as shown on a subdivision plan, excluding any area within any right-of-way, but including the area of any easement.

z. MUNICIPAL AUTHORITY: The Board of Supervisors of Worcester Township, or a Pennsylvania Municipal Authority, if and when created.

aa. OWNER: The word "owner" as used herein shall mean a person who is the registered owner of real estate to be subdivided and/or developed in accordance with the provisions of this Ordinance.

bb. PLAN: (i) Tentative Sketch. A rough draft showing proposed streets and lots, preferably prepared by a registered engineer, surveyor, or qualified site planner, to be used as the basis of informal discussion between representatives of the Township and the subdivider.

(ii) Preliminary. A plan prepared by a registered engineer, surveyor, or qualified site planner, showing existing features of the land and proposed street and lot layout within and adjacent to a subdivision.

(iii) Final. A plan prepared for approval and recording by a registered engineer or surveyor showing right-of-way lines, easements, lot dimensions with bearings, lot numbers, and any other relevant information pertaining to the streets and drainage of a subdivision.

(iv) Improvement Construction. A plan prepared by a registered engineer or surveyor, showing the profile, horizontal details, and typical cross-sections of the streets and their appurtenances to be constructed or installed, and shall include fire hydrants, street lights, telephone, electric or other utility poles or conduits.

(v) Lot Location. A plan prepared for approval and recording by a registered engineer, or surveyor, showing lot lines, areas, right-of-way lines, easements, deed restrictions, existing buildings, applicable zoning limitations and any other relevant information pertaining to the lots and streets on which the lot abuts.

cc. PLANNING AGENCY: A planning commission, planning department or a planning committee of the governing body.

dd. PLANNING COMMISSION: Shall mean the Planning Commission of the Township of Worcester.

ee. PLAT: The map or plan of a subdivision or land development, whether preliminary or final.

ff. PUBLIC GROUNDS: Includes (i) parks, playgrounds, and other public areas; and (ii) sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities.

gg. RESUBDIVISION: Any subdivision or transfer of land, laid out on a plan which has been approved by the Board, which changes, or proposes to change property lines and/or public rights-of-way not in strict accordance with the approved plan.

hh. RIGHT OF WAY: A right-of-way is a strip of land occupied or intended to be occupied by a street, alley, cross-walk, sanitary or storm sewer, stream, drainage ditch, or for another special use. The usage of the term "right-of-way" for land plotting purposes in the Township of Worcester shall mean that every right-of-way hereafter established and shown on a final record plan is to be separate and distinct from the lots or parcels adjoining such right-of-way, and not included within the dimensions or areas of such lots or parcels. These rights-of-way, that involve maintenance by the Township of Worcester shall be dedicated to public use by the subdivider of the plan on which such rights-of-way are established.

ii. STREET: A general term used to describe a right-of-way, municipally or privately owned, serving as a means of vehicular and pedestrian travel, furnishing access to abutting properties and space for sewers and public utilities.

(i) Residential. A street used primarily as the principal means of access to adjacent residential properties.

(ii) Secondary. A street serving primarily as a means for travel between neighborhoods and as a feeder road for through highways.

(iii) Commercial. A street used primarily as the principal means of access to adjacent commercial properties, zoned or used for business or apartments.

(iv) Primary. A street connecting distant centers, serving large volumes of through fast moving traffic, preferably located outside or bounding the residential neighborhoods.

jj. STRUCTURE: Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

kk. SUBDIVIDER: A person who is the registered owner, or authorized agent of the owner of land to be subdivided. Written evidence of authorization, satisfactory in form to the Township Solicitor, shall be filed with the application and plan when signed by an agent of the registered owner.

ll. SUBDIVISION: The division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other division of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, transfer of ownership or building or lot development: Provided however, that the division of land for agriculture purposes into parcels of more than ten acres, not involving any new streets or easements of access, shall be exempt.

mm. ULTIMATE RIGHT-OF-WAY: The expected future right-of-way width, computed from the center line of an established right-of-way.

6.

ARTICLE III
SUBDIVISION CONTROL

SECTION 300. SUBDIVISION and/or LAND DEVELOPMENT OF A LOT OR CONSTRUCTION, OPENING OR DEDICATION OF A STREET. No subdivision and/or land development of any lot shall be affected and no street, alley, sanitary sewer, storm drain, water main, or other facilities in connection therewith shall be laid out, constructed or dedicated for public use or travel, or for the common use of occupants of buildings abutting thereon, except in strict accordance with the provisions of this Ordinance and the regulations set forth herein.

SECTION 301. SALE OF LOTS, ISSUANCE OF BUILDING PERMITS, OR ERECTION ON LOTS WITHIN SUBDIVISION OR LAND DEVELOPMENT. No lot in a land development and/or subdivision may be sold, no permit to erect, or repair any building upon land in any subdivision and/or land development may be issued, and no building may be erected in a subdivision and/or land development, unless and until a subdivision plan has been approved, and where required, recorded, and until the improvements required by the Board in connection therewith have either been constructed or the Township has been assured by means of a proper agreement, accompanied by a proper completion guarantee in the form of a bond, or a deposit of funds or securities in escrow sufficient to cover one hundred and twenty (120) per cent of the cost of the requisite improvements, as estimated by the Township Engineer, that the improvements will subsequently be installed. The agreement shall be that of the property, the subdivider, the developer or his agent, but shall be prepared by the Township Solicitor, at the owner's expense, and shall contain inter alia, that he will lay out and improve the roads, streets, lanes or alleys and construct all of the improvements including necessary lanes, or alleys and construct all of the improvements including necessary grading, paving, curbs, gutters, and other street improvements, including sidewalks, street lights, fire hydrants, water mains, street signs, storm sewers, and sanitary sewers when considered practicable and desirable by the Board of Supervisors to be installed for future connection with any proposed Township Sewer System. The agreement shall also provide the time within which said improvements must be completed, which time may, in the sole discretion, be extended by the Board of Supervisors. The agreement, and the guarantee of maintenance, shall contain a provision guaranteeing the proper drainage of waters from the property covered by the plan of subdivision and/or land development so as to eliminate and prevent the accumulation of surface waters thereon.

a. The Applicant shall furnish a bond in such amount, under such conditions, and with surety as shall be approved by the Board of Supervisors, to guarantee the performance of said contract and to secure the completion of the said improvements within the time therein specified, and upon acceptance of the said street or improvements, the Applicant shall provide a maintenance bond in such amount, under such conditions, and with surety as shall be approved by the Board of Supervisors, to guarantee the maintenance of the roads, streets, lands, or alleys, including grading, paving, curbs, gutters, sidewalks, street lights, street signs, storm sewers, and sanitary sewers for a period of not less than two years from the date of acceptance of the said roads, streets, or improvements by the

Township. In lieu of a bond, the Applicant may deposit cash or security with the Township or a bank or a trust company to guarantee performance of said contract and to secure completion of the improvements upon an escrow agreement to be prepared by the Township Solicitor and approved by the Board of Supervisors. The escrow agent for the deposit of such cash or securities shall be designated and selected by the Board of Supervisors. The foregoing provisions shall also apply to required tree planting.

b. No building, depending for egress or ingress upon improvements of any street or streets, herein provided for, shall be permitted to be occupied before such improvements are fully completed from a now existing paved street to and across the front of the lot on which said building is located, and/or to a sufficient depth along the side to service any driveway, driveways or parking spaces therein situate, provided however that the Board of Supervisors may require that the placing of the final course of blacktopping be delayed until construction of buildings is substantially completed along the street.

c. Where, owing to special conditions, literal enforcement of the foregoing requirements would result in unnecessary hardship, the Board may permit, in only that portion to be recorded, the sale of lots, issuance of permits, or erections of buildings, where a guarantee has been furnished, conditioned for the satisfactory completion of the improvements, in accordance with the provisions of this Ordinance and other Township regulations, in such portion or portions of the subdivision and/or land development, which the owner immediately intends to improve, and upon which he immediately intends to erect any building or structure, or from which he immediately intends to sell any lot or parcel fronting on an unimproved street; or the Board may grant other reasonable exceptions to the provisions as will not be contrary to the public interest, subject to conditions necessary to assure adequate streets and other improvements and to preserve the total continuity of the development.

ARTICLE IV

PLAN PROCESSING PROCEDURES

SECTION 400. GENERAL. The procedures set forth in this Article shall be strictly followed by all subdividers.

SECTION 401. SUBMISSION OF PLAN. Any owner, subdivider, developer or agent as hereinbefore described, who wishes to submit to the Township for a consideration of a subdivision plan or land development plan shall submit seven copies to be distributed upon submission as follows:

- a. One copy shall be submitted to the Montgomery Co. Plann. Commission.
- b. One copy shall be submitted to the Worcester Twp. Planning Commission.
- c. One copy shall be submitted to the Township Engineer.
- d. Three copies shall be submitted to the members of the Board of Supervisors.
- e. One copy shall be retained for the subdivision files.

SECTION 402. TENTATIVE SKETCH OR PRELIMINARY PLAN. A tentative sketch or preliminary plan can be submitted by any developer, owner, subdivision or agent thereof and may be submitted to the Township Engineer for informal discussion and suggestion as to general layout and preparation of Preliminary Plan. A tentative sketch shall be reviewed by the Planning Commission for conformance with this Ordinance and the Township Plan of Streets and Alleys. The Tentative Sketch may be used as a basis for preparing the Preliminary Plan.

a. PRELIMINARY PLAN. Any subdivider, developer, owner or agent thereof may submit preliminary plans in the same number as set forth in Section 401 above without the necessity of submitting a tentative sketch. A check made payable to the Township of Worcester in an amount estimated by the Township Secretary to cover the engineering expenses to be incurred by the Township, in the review of the plan, shall accompany the application. Should the amount paid be in excess of the expenses actually incurred, the overpayment shall be returned to the developer. And if the engineering costs incurred by the Township in reviewing the plan should exceed the amount paid, then such difference shall be paid by the applicant to the Township.

SECTION 403. FINAL PLAN.

a. SUBMISSION. Seven copies of the final plan together with two linens and seven copies of the final improvement construction plan shall be submitted to the Township Engineer. The final plan and improvement construction plan will be reviewed by all applicable Township departments and the Planning Commission within thirty days after submission to ascertain that all recommendations and requirements have been complied with. After review by the various departments, the plan will be presented to the Board with recommendations within the thirty day period aforementioned. The final plan will not formally be signed by the Board till after the requirements of Article III, Section 301 have been met. Not more than sixty days shall elapse between approval by the Board and the application for construction permit. Failure to do so within the time stated will result in voiding the approval, unless a time extension in writing is granted by the Board.

b. APPROVAL. The subdivider, developer, owner or agent thereof will be required to execute an affidavit; the approval of the Township will be evidenced by execution of the approval form on the original tracing by the proper Township officials. The subdivider will then have the plan recorded at the Office of the Recorder of Deeds of Montgomery County within thirty (30) calendar days of the date of

formal approval. Positive prints of the plan as recorded, and bearing the plan book, page and date of recording, in quadruplicate, two on linen and two on paper, shall be submitted to the Township Engineer immediately after the plan has been recorded. Failure to have the plan recorded within thirty (30) calendar days will result in voiding the approval.

c. DISAPPROVAL. If the Board disapproves the plan, the reasons therefore will be set forth in writing and given the subdivider who may, within thirty (30) days thereafter, appeal to the Court of Common Pleas of Montgomery County.

EFFECT OF APPROVAL:

1. After a subdivision plan has been duly recorded, the streets, parks and other public improvements shown thereon shall be regarded as a plotting on the Township Plan.

2. Streets, parks and other public improvements shown on a subdivision plan, that is recorded as provided herein, shall be deemed to be a private street, park or improvement until such time as the Township accepts them for use as a public street, park or other improvement.

3. Streets, parks and other improvements shown on a subdivision plan, may be offered for dedication to the Township by formal notation on the plan, unless the owner notes on the plan such improvements have been offered for dedication to the Township.

SECTION 404. IMPROVEMENT CONSTRUCTION PLAN.

a. Submission. Six (6) advance copies of the improvement construction plan may be filed with the Township Engineer for review by all applicable township departments and the Planning Commission in order that the subdivider may ascertain recommended conditions of approval prior to submission of the completed improvement construction plan.

b. Six (6) completed copies of the improvement construction plan shall be submitted to the Township Engineer. The plan will be reviewed by all applicable township departments and the Planning Commission in order that the subdivider may ascertain conditions of approval prior to the preparation of the final improvement construction plan. The plan will be reviewed within forty (40) days after submission and the recommendations submitted to the subdivider.

c. All copies of the improvement construction plan and the preliminary plan shall be submitted simultaneously to the Township Engineer with the same provisions for the final plans as stated in Section 403 (a) and (Supra).

d. APPROVAL OF WATER AND POWER RESOURCES BOARD. Whenever the storm drainage area above a contemplated storm drainage improvement contains one-half of one square mile or more, a permit must be obtained from the Water and Power Resources Board of the Commonwealth before an improvement construction permit can be issued by the township.

e. APPROVAL OF MUNICIPAL AUTHORITY. No sanitary sewer or sewage treatment plant shall be constructed nor shall any public water facilities be connected until the plans and specifications have been submitted to the Municipal Authority and the approval is obtained. Further, no construction shall be permitted of sanitary sewers or sewage treatment plants until approval has been secured from the Department of Environmental Resources of the Commonwealth of Pennsylvania in accordance with the Clean Streams Act.

f. APPROVAL. After approval by the Board, the improvement construction plan shall be submitted in conjunction with the final plan, after recording, in quadruplicate on paper to the Township Engineer, accompanied by an executed application in quadruplicate for a construction permit. A check, made payable to the Township Supervisors of Worcester Township for the fees of the improvement construction plan, which shall include Township engineering costs in reviewing plan, shall be attached to the application. If in order and the surety submitted by the subdivider is approved by the Township Solicitor, the construction permit will be issued by the Township Secretary.

g. LENGTH OF PERMIT. If more than six months have elapsed since the issuance of a construction permit and no improvements have been constructed, or if the improvements have been commenced and there has been no construction performed for a period of six months, the Board shall require that prior to any further construction, the plan shall be resubmitted and they may require changes and modifications to the plan. No building permits will be issued: all work on issued building permits will terminate; and no permit issued for continuation of construction improvements until such changes and modifications, if necessary, as are ordered by the Board have been incorporated in the plan, and when required, additional security posted to guarantee completion of the improvements. Provided that an extension of six months may be granted by the Board upon written request therefor.

h. TIME LIMIT FOR CONSTRUCTION. All construction improvements must be completed within two (2) years from the date of the issuance of construction permits, unless extension in writing is granted by the Board.

i. COMPLETION CERTIFICATE. After satisfactory completion of the work, the subdivider, developer, owner or the agent thereof, may file a completion certificate with the Township and, upon confirmation that the improvements are in accordance with the Township's specifications and, in fact, completed, said confirmation to be provided by the Township Engineer, the Township Secretary is authorized to release the guarantees or sureties on the bonds previously posted.

SECTION 405. LOT LOCATION PLAN.

a. SUBMISSION. Six (6) plans of the lot location plan shall be submitted to the Township Engineer. The plan will be reviewed by all township departments affected.

b. After review of the plan by the departments affected, the plan shall be presented to the Board with recommendations for its action. The approval of the Township will be evidenced by execution of the approval form on the original tracing by the proper township officials. The subdivider will then have the plan recorded in the Office of the Recorder of Deeds in Montgomery County within thirty (30) days of the date of formal approval. Positive prints of the plans as recorded, and bearing the plan book, page and date of recording, two on linen and four on paper, shall be submitted to the Township Engineer immediately after the plan has been recorded. Failure to have the plan recorded within thirty (30) calendar days will result in voiding the approval.

c. DISAPPROVAL. If the Board disapproves the plan, the reasons thereof will be set forth in writing and given to the subdivider who may, within thirty (30) days thereafter, appeal to the Court of Common Pleas of Montgomery County.

ARTICLE V

SUBDIVISION REGULATIONS

SECTION 500. GENERAL.

a. In reviewing the subdivision plans and/or land development plans, the Board of Supervisors may refer such plans to the Planning Commission for recommendations concerning the adequacy of the existing and proposed community facilities to serve the additional dwellings proposed by the subdivision or land development.

b. Subdividers are requested to give careful consideration to the desirability of providing adequate rights-of-way and paving on existing streets, and reserving areas and easements for facilities normally required in residential sections, including churches, libraries, schools and other public buildings, parks, playgrounds and playfields; shopping and local business centers; rights-of-way and easements for storm and sanitary sewer facilities in those areas that cannot be immediately joined to the existing storm and sanitary facilities in the Township.

c. Areas provided or reserved for such community facilities should be adequate to provide for building sites, landscaping and off-street parking as adequate to the use proposed. The Board of Supervisors reserves the right to accept or refuse offers of dedication for public uses.

SECTION 501. SUBDIVISION REGULATIONS. The Board of Supervisors shall adopt subdivision regulations in amplification of this Ordinance by resolution which shall include definitions: design standards for streets, alleys, sidewalks; blocks, lots, recreational and community assets, monuments, storm drains, culverts, bridges, light standards, street lights, fire hydrants, water mains, street signs, street trees and sanitary sewers; plan requirements and processing procedures for tentative sketch, preliminary plan and improvement construction requirements; and conditions of acceptance by the Township of sanitary sewers, storm sewers, streets and other improvements. Such duly adopted regulations shall have the same force in effect as the provisions of this Ordinance. The said regulations may be amended, modified or repealed by resolution of the Board of Supervisors.

ARTICLE VI

PENALTY

Any person, partnership or corporation who or which shall construct, open or dedicate any road or any drainage facility in connection therewith, for public use or travel, without having first complied with the provisions of this Ordinance or any person, partnership or corporation who or which shall sell, lease, change property lines or in any other ways engage in subdivision as defined by this Ordinance or land development as defined by this Ordinance, shall be guilty of a summary offense, and upon conviction thereof, before a Justice of the Peace or District Justice, such person or the members of such partnership or the officers of such corporation responsible for such violation, shall be sentenced to pay a fine not exceeding three hundred (\$300) dollars and the costs of prosecution, and in default thereof to undergo imprisonment in Montgomery County Prison for a term not exceeding thirty (30) days.

ARTICLE VII

REPEALER

All ordinances and parts of ordinances, regulations, resolutions in any Township enactments inconsistent herewith are hereinafter repealed.

ENACTED AND ORDAINED THIS SEVENTH DAY OF JANUARY, 1972, A. D.

BY:
BOARD OF SUPERVISORS OF WORCESTER TOWNSHIP

ATTEST:

Be It Resolved that the current subdivision regulations shall remain in effect, except in those instances where there is a conflict between the foregoing subdivision and land development ordinance and the current regulations, in which case the provisions of the foregoing ordinance shall prevail.

Passed this Seventh Day of January, 1972, A.D.

Board of Supervisors of Worcester Township

WORCESTER TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE NO. 59

REVISION TO THE ZONING MAP OF
ZONING ORDINANCE OF WORCESTER TOWNSHIP
ORDINANCE NO. 43 , AS AMENDED

AN ORDINANCE AMENDING THE ZONING MAP
ATTACHED TO ZONING ORDINANCE OF 1964
AS AMENDED

BE IT ORDAINED and ENACTED by the Board of Super-
visors of Worcester Township, and it is hereby ORDAINED and
ENACTED by authority of the same:

SECTION 1: That the following described area,
presently zoned Ag Agricultural, shall be and same hereby is
redesignated and reclassified as R-Ag 175^{Residential} on the zoning map
attached to and forming a part of the zoning ordinance of
Worcester Township, Ordinance No. , as amended:

ALL THAT CERTAIN tract or piece of land, Situate
in Worcester Township, Montgomery County, Pennsylvania bounded
and described according to a survey prepared by Hopkins and
Scott, Registered Surveyors, Kimberton, Pennsylvania dated
July 2, 1971 and revised August 5, 1971, as follows, to wit:-

BEGINNING at a point on the Southwesterly side of
Shearer Road an iron pin set in the line of lands now or late
of Donald A. and Mary J. Klein (the said Shearer Road intended
to be widened to the width of 55 feet); thence extending from
said point of beginning through the bed of Shearer Road the
following two courses and distances, viz: (1) North 54 degrees
51 minutes 40 seconds East 25 feet to a point in the original
center line of Shearer Road; (2) thence extending along the
original center line thereof, North 35 degrees 08 minutes 20
seconds West 370.35 feet to a spike; thence extending North 41
degrees 51 minutes 40 seconds East 30.79 feet to a point on the
Northeasterly side of Shearer Road, being the ultimate right-of-
way line; thence extending along the same, the following two
courses and distances, viz: (1) South 35 degrees 08 minutes 20
seconds East 436.84 feet to a point of curve; (2) on the arc of
a circle curving to the left having a radius of 357.28 feet the
arc distance of 78.16 feet to a point, a corner of Lot #20 on
said plan; thence extending along the same, North 29 degrees 38
minutes 15 seconds East 353.40 feet to a point; thence extending
still along Lot #20 and along the rear line of Lot # 21, North
35 degrees 08 minutes 20 seconds West 440.00 feet to a point in
line of land now or late of Maynard and Betty Jean Rothenberger;

thence extending along the same, North 41 degrees 51 minutes 40 seconds East 1338.86 feet to a field stone, a corner of lands now or late of the Union National Bank and Trust Company of Souderton, Trustee; thence extending along the same, South 48 degrees 54 minutes East 1315.46 feet to an iron pin; thence extending still along the same and along lands now or late of John E. and Veronica J. Gerstemmer, the two courses and distances, viz: (1) South 47 degrees 52 minutes West 887.17 feet to a field stone; and (2) South 20 degrees 41 minutes East 274.55 feet to an iron pin, a corner of lands now or late of the County of Montgomery; thence extending along the same the following two courses and distances, viz: (1) South 65 degrees 53 minutes West 1477.75 feet to a field stone; and (2) North 37 degrees 02 minutes 35 seconds West 283.52 feet to an iron pin, a corner of lands now or late of Arthur T. and Marlene R. Hann; thence extending along the same and lands of Donald A. and Mary J. Klein aforesaid, North 54 degrees 51 minutes 40 seconds East 395.53 feet to an iron pin; thence extending still along lands of said Donald A. and Mary J. Klein, North 35 degrees 08 minutes 20 seconds West 328.51 feet to an iron pin, the first mentioned point and place of beginning.

BEING Lots 1 to 19 inclusive; and Lot 22, as well as the bed of Shearer Road, and the new proposed road as shown on the aforesaid plan.

BEING the same premises which Abram A. Reiff and Malinda H. Reiff, his wife, by Indenture bearing date the 17th day of October, 1944 and recorded at Norristown, Pennsylvania in Deed Book 1610 Page 424, granted and conveyed unto Rolland H. Reiff and Florence V. Reiff, his wife, their heirs and assigns, in fee.

ALSO ALL THOSE TWO CERTAIN lots or pieces of ground situate in the Township of Worcester, County of Montgomery and Commonwealth of Pennsylvania being bounded and described according to a Subdivision Plan made for W. S. Rodkey by Hopkins & Scott, Registered Surveyors dated July 2, 1971 and last revised September 7, 1971 as follows, to wit:

BEGINNING at a point on the Northeasterly side of Chitling Road (55 feet wide at this point) a corner of land of Maynard & Betty Jean Rothenberger; thence extending from said point of beginning along land of Maynard & Betty Jean Rothenberger North 41 degrees 51 minutes 40 seconds East 350.00 feet to a point on line of Lot No. 22; thence extending along the same South 35 degrees 08 minutes 20 seconds East 440.00 feet to a point on the Northwesterly side of a sanitary and storm drainage easement; thence extending along the same South 29 degrees 38 minutes 15 seconds West 353.40 feet to a point on the Northeasterly side of Chitling Road; thence extending along the same the two following courses and distances, to wit: (1) on the arc of a circle curving to the right having a radius of 357.28 feet the arc distance of 78.16 feet to a point; and (2) North 35 degrees 08 minutes 20 seconds West 436.84 feet to the first mentioned point and place of beginning.

BEING Lots Nos. 20 and 21 on the aforesaid Plan.

SECTION 2: This ordinance shall in no other way alter, affect or modify the zoning ordinance of Worcester Township or the zoning map of Worcester Township.

ORDAINED AND ENACTED this 14th day of February 1972.

BOARD OF SUPERVISORS
WORCESTER TOWNSHIP

By: John O. Chambers
President

Attest:

Russell H. Deane
Secretary

ORDINANCE NO. 60

AN ORDINANCE IMPOSING A TAX FOR GENERAL REVENUE PURPOSES UPON SALARIES, WAGES, COMMISSIONS, NET PROFITS AND OTHER COMPENSATION EARNED DURING THE PERIOD BEGINNING JULY 1, 1972, AND ENDING DECEMBER 31, 1972, AND SUBSEQUENT CALENDAR YEARS, BY RESIDENTS AND NON-RESIDENTS OF WORCESTER TOWNSHIP AND THE NET PROFITS EARNED DURING THE SAME PERIOD OF BUSINESSES, PROFESSIONS AND OTHER ACTIVITIES CONDUCTED BY SUCH RESIDENTS AND NON-RESIDENTS

WHEREAS, it is determined that additional revenues are necessary for the general uses and purposes of the Township; and

WHEREAS, the authority is granted to the Township to impose said tax under the Act of the Legislature, Act No. 511, approved December 31, 1965 (P.L. 1257), known as "The Local Tax Enabling Act";

NOW, THEREFORE, the Board of Supervisors of Worcester Township do ENACT and ORDAIN as follows:

SECTION 1. DEFINITIONS:

A. Unless otherwise expressly stated, the following terms shall have, for the purpose of this ordinance, the meanings ascribed to them in this section.

(1) "Association" - a partnership, limited partnership, or any other unincorporated group of two or more persons.

(2) "Business" - an enterprise, activity, profession or any other undertaking of an unincorporated nature conducted for profit or ordinarily conducted for profit whether by a person, partnership, association, or any other entity.

(3) "Corporation" - a corporation or joint stock association organized under the laws of the United States, the Commonwealth of Pennsylvania, or any other state, territory, foreign country or dependency.

(4) "Current Year" - the calendar year for which the tax is levied.

(5) "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 place in which a man has voluntarily fixed the habitation of himself and his family, not for a mere special or limited purpose, but with the present intention of making a permanent home, until some event occurs to induce him to adopt some other permanent home.

In the case of businesses, or associations, the domicile is that place considered as the center of business affairs and the place where its functions are discharged.

(6) "Earned Income" - salaries, wages, commissions, bonuses, incentive payments, fees, tips and other compensation received by a person or his personal representative for services rendered, whether directly or through an agent, and whether in cash or in property ; not including, however, wages or compensations paid to persons on active military service, periodic payments for sickness and disability other than regular wages received during period of sickness, disability or payments arising under workmen's compensation acts, occupational disease acts and similar legislation, or payments commonly recognized as old age benefits, retirement pay or pensions paid to persons retired from service after reaching a specific age or after a stated period of employment or payments commonly known as public assistance, or unemployment compensation payments made by any governmental agency or payments to reimburse expenses or payments made by employers or labor unions for wage and salary supplemental programs, including, but not limited to, programs covering hospitalization, sickness, disability or death, supplemental unemployment benefits, strike benefits, social security and retirement.

(7) "Earned Income Tax Collector" - person, public employee or private agency designated by the Supervisors of Worcester Township to collect and administer the tax on earned income and net profits.

(8) "Employer" - a person, partnership, association, corporation, institution, governmental body or unit or agency, or any other entity employing one or more persons for salary, wage, commission or other compensation.

(9) "Net Profits" - the income from the operation of the business, profession, or other activity, except corporations, after provision for all costs and expenses incurred in the conduct thereof, determined either on a cash or accrual basis, in accordance with the accounting system used in such business, profession or other activity, without deduction of taxes based on income.

(10) "Non-Resident" - a person, partnership, association or other entity domiciled outside of Worcester Township.

(11) "Person or Individual" - a natural person.

(12) "Preceding year" - the calendar year before this current year.

(13) "Resident" - a person, partnership, association, or other entity domiciled in Worcester Township.

(14) "Succeeding Year" - the calendar year following the current year.

(15) "Taxpayer" - a person, partnership, association or other entity required hereunder to file a return of earned income or net profits or to pay a tax thereon.

B. In this ordinance, the singular shall include the plural and the masculine shall include the feminine and the neuter.

SECTION 2. IMPOSITION OF TAX. A tax for general purposes imposed on:

A. One (1%) percent of all earned income earned on and after July 1, 1972 by residents and non residents of Worcester Township.

B. One (1%) percent of the net profits earned on and after July 1, 1972, of businesses, professions and other activities conducted by residents and non-residents of Worcester Township.

C. The tax levied under this ordinance shall be applicable to earned income received and to net profits earned by residents in the period beginning July 1 of the current year and ending December 31 of the current year, or for taxpayers fiscal year beginning in the current year, and the tax shall continue in force on a calendar year basis or taxpayer fiscal year basis without annual re-enactment, unless the rate of the tax is subsequently changed. Worcester Township may, by Resolution, change the rate. Such change shall become effective on the date specified in the Resolution.

SECTION 3. DECLARATION AND PAYMENT OF TAX.

A. Tax on Net Profits.

(1) Every taxpayer making net profits shall file on or before October 31, 1972, a declaration of his estimated net profit during the period beginning July 1, 1972 and ending December 31, 1972. The income tax collector appointed by Worcester Township shall supply the required declaration forms and the taxpayer upon filing the same shall pay to the tax collector one-half of the tax estimated to be due in accordance with the estimate which will be paid no later than October 31, 1972. The balance of any tax due for the above period July 1, 1972 to December 31, 1972 shall be paid to the tax collector between January 1, 1973 and April 15, 1973. At the time of making the final payment, the taxpayer shall file with the income tax collector on a form prescribed by the income tax collector a final tax return showing the total amount of the net profits earned during the period July 1, 1972 and ending December 31, 1972; and the total amount of the tax due thereon; the total amount of tax paid with amount of the tax due thereon; the total amount of tax paid with the estimate; the balance of the tax due.

At the time of filing the return, taxpayer shall pay the balance of any tax due and owing to the earned income tax collector or shall make a demand for refund or credit in the case of any overpayment.

(2) Beginning with the calendar year January 1, 1973, every taxpayer who makes any net profits shall on or before April 30 of the then current year and each year thereafter make and file with the tax collector a declaration of his estimated net profits during the period beginning January 1, and ending December 31 of the then current year.

Taxpayer shall pay to the tax collector the total amount of tax determined to be due under the estimate as follows:

First payment on or before April 30 with declaration

Second payment on or before July 31

Third payment on or before October 31

Final payment with Final Return between January 1 and April 15

(3) If a taxpayer after the calendar year 1972 anticipates net profits after April 30 of the calendar year, then he shall make and file a declaration on or before July 31, October 31, and April 15 of the then current year whichever of these dates next follows the date on which the taxpayer first anticipates such net profits. Taxpayer shall pay to the tax collector in equal installments the amount of tax due thereon on or before the quarterly payment dates which remain after the filing of his first declaration.

(4) On April 15 of each calendar year, every taxpayer shall file with the tax collector a final income tax return showing the amount of the net profits earned during the period beginning (after 1972) January 1 of the then current year and ending December 31 of the then current year the total amount of tax due thereon and the total amount of tax heretofore paid with the estimated return. At the time of filing a final return, taxpayer shall pay to the earned income tax collector the balance of tax due or shall make demand for a refund or credit in the case of any overpayment. Any taxpayer may in lieu of paying the fourth quarterly installment of his estimated tax elect to make and file with the tax collector his final return on or before January 31 of the succeeding year and to pay the tax in full at that time.

(5) Worcester Township shall provide by Resolution regulations for the making and filing of adjusted declarations of estimated net profits for the payments of the estimated tax in cases where a taxpayer who has filed the declaration hereinabove required anticipates additional net profits not previously declared or finds that he has overestimated his anticipated net profits.

(6) Discontinuance of business - If a taxpayer discontinues his business before September 30 of the current year, he shall within thirty (30) days after the discontinuance of the business file his final return as hereinabove required and pay the tax due or make demand for the refund or credit in the case of an overpayment.

B. EARNED INCOME.

(1) Annual Earned Income Tax Return - Every taxpayer shall, on or before april 15 of the succeeding year, make and file with the earned income tax collector on a form prescribed, prepared and supplied by the earned income tax collector, a final return showing the total amount of earned income received during the period beginning July 1, 1972 and ending December 31, 1972 for the current year and for each year thereafter for the period beginning January 1 and ending December 31, the total amount of tax due thereon, the amount of the tax paid thereon, and the amount of the tax thereon that has been withheld in the event the provisions relating to withholding hereinafter set forth have been invoked by Worcester Township and the balance of the tax due. At the time of the filing of the final return, the taxpayer shall pay the balance of the tax due or may make a demand for refund or credit in the case of an overpayment.

(2) Earned Income Not Subject to Withholding - Every taxpayer who is employed for a salary, a wage, commission or other compensation and who has received any earned income not subject to the provisions relating to collection at the source, shall make and file the earned income tax collector on a form prescribed or approved by the earned income tax collector, a quarterly return on or before October 31, 1972, setting forth the aggregate amount of earned income not subject to withholding earned by him during the period July 1, 1972 to and including September 30, 1972, together with such other information as shall be required on the form supplied by the earned income tax collector. Every taxpayer who files a return at this time shall also pay to the earned income tax collector the amount of tax estimated to be due thereon.

(3) After the Calendar year 1972, every taxpayer who is employed for salary, wage, commission or other compensation who received any earned income not subject to the provisions relating to collection at the source shall make and file with the earned income tax collector on a form prepared, supplied and prescribed by the earned income tax collector a quarterly return on or before April 30 of the current year; July 31 of the current year;

October 31 of the current year and January 31 of the succeeding year setting forth the aggregate amount of earned income not subject to withholding by him during the three month periods ending March 31 of the current year, June 30 of the current year, September 30 of the current year and December 31 of the current year respectively and subject to the tax together with such other information as the earned income tax collector shall require. Every taxpayer who makes such a return shall at the time of the filing of the return with the earned income tax collector pay to the collector the amount of the tax shown as due thereon.

SECTION 4. COLLECTION AT SOURCE.

A. Every employer, as hereinbefore described and defined, shall be obligated from July 1, 1972 and thereafter so long as this ordinance is in effect to withhold from wages of employees subject to the tax imposed by this ordinance, the amount of tax due in accordance with the withholding procedure set forth hereinafter.

B. Every employer having an office, factory, workshop, branch, warehouse or other place of business within Worcester Township who employ one or more persons other than domestic servants for salary, wage, commission or other compensation, shall deduct at the time of payment thereof, the tax imposed by this ordinance on the earned income due his employee or employees, and shall on or before April 30 of the current year, July 31 of the current year, October 31 of the current year and January 31 of the succeeding year, file a return and pay to the earned income tax collector the amount of taxes deducted during the preceding three month periods ending March 31 of the current year, June 30 of the current year, September 30 of the current year, and December 31 of the current year respectively. Such return, unless otherwise agreed upon between the earned income tax collector and employer, shall show the name and social security number or identification number supplied by the tax collector of each such employee, the earned income of such employee during such preceding three month period, the tax deducted therefrom, the political subdivisions imposing the tax, the total earned income of all such employees during such preceding three month period, and the total tax deducted therefrom and paid with the return.

D. Any employer, who for two of the preceding four quarterly periods has failed to deduct the proper tax, or any part thereof, or has failed to pay over the proper amount of tax to Worcester Township, may be required by the earned income tax collector to file his return and pay the tax monthly. In such cases, payments of tax shall be made to the earned income tax collector on or before the last day of the month succeeding the month for which the tax was withheld.

E. On or before February 28 of the succeeding year, every employer shall file with the earned income tax collector.

(1) An annual return showing the total amount of earned income paid, the total amount of tax deducted, and the total amount of tax paid to the earned income tax collector for the period beginning January 1, of the current year and ending December 31 of the current year. (July 1, 1972 to December 31, 1972 for the first year).

(2) A return withholding statement for each employee employed during all or any part of the period beginning January 1 of the current year and ending December 31 of the current year, setting forth the employee's name, address social security number or identification number supplied by the tax collector, the amount of earned income paid to the employee during said period, the amount of tax deducted, the political subdivisions imposing the tax upon such employee, the amount of tax paid to the earned income tax collector. Every employer shall furnish two copies of the individual return to the employee for whom it is filed.

F. Every employer who discontinues business for any reason prior to December 31 of the current year shall, within thirty (30) days after the discontinuance of business, file the returns and withholding statements, hereinabove required and pay the tax due.

G. Every employer who willfully or negligently fails to or omits to make the deductions required by this section shall be liable for the payments of the taxes which he was required to withhold to the extent that such taxes have not been recovered from the employee.

H. The failure or omission of any employer to make the deductions required by this section shall not relieve any employee from the payment of the tax or from complying with the requirements of this ordinance to the filing of declarations and returns.

SECTION 5. EARNED INCOME TAX COLLECTOR - POWER, DUTIES AND REGULATIONS.

A. The office of earned income collector is hereby created by this ordinance and the Township of Worcester shall from time to time by separate resolution appoint a person or company to administer the provisions of this taxing ordinance who will be designated the "Earned Income Tax Collector".

B. The earned income tax collector shall be bonded as the Supervisors of Worcester Township may determine, said bond to cover all monies coming into his hands on behalf of Worcester Township, the costs of the bond to be paid by Worcester Township. Before entering upon his official duties, the earned income tax collector shall give and acknowledge the bond to the Township appointing him. Said bond shall be in compliance with Act 511 in all respects and subject to the approval of the Township Solicitor.

C. The earned income tax collector shall collect and receive all taxes, fines, penalties and interest thereon, shall furnish a receipt for payment when requested to do so by a taxpayer, and shall keep a record showing the amount received by him for each taxpayer under this ordinance, together with the date of the receipt of such payment.

D. The earned income tax collector is hereby empowered to prescribe rules and regulations relating to any matter or thing pertaining to the administration and enforcement of the provisions of this ordinance, subject, however, to the approval of the Supervisors of Worcester Township. Such rules and regulations shall be inscribed by the earned income tax collector into a book kept for that purpose and open to the inspection of the public and thereupon shall have the same force and effect as if it had been incorporated into this ordinance.

E. The earned income tax collector, or any other person designated by Worcester Township, is hereby authorized to examine any of the books, papers, and records of any employer, supposed employer, taxpayer, or supposed taxpayer in order to verify the accuracy of any return made, or if no return is made, to ascertain the amount of tax due by any person under this ordinance. Every such employer, supposed employer, taxpayer, or supposed taxpayer shall give to the earned income tax collector or such other authorized person the means, facilities and opportunities for such examination and investigations hereby authorized.

F. The earned income tax collector is authorized to examine any person under oath concerning any income which was or should have been returned for taxation, and shall have the power and is hereby authorized to issue subpoenas to compel the attendance of persons whom he deems necessary to examine as witnesses, and to compel the production of books, records and papers relating to any account being examined.

G. The earned income tax collector, or any other official or agent so designated by Worcester Township, shall have the power to reexamine returns, correct erroneous returns, consent to make refunds, and authorize the refunding of taxes erroneously or improperly collected from, or paid by, the taxpayers, for any period of time not to exceed six (6) years subsequent to the date of payment of the sum involved.

H. Any information gained by the earned income tax collector or any other official or agent of Worcester Township as a result of any return, investigation, hearing or examination required or authorized by this ordinance shall become confidential, except for official purposes, or except in accordance with proper judicial order, or as otherwise provided by law. Any disclosure of any such information, contrary to the provisions of this section, shall constitute a violation of this ordinance.

SECTION 6. SUIT FOR COLLECTION OF TAX.

A. The earned income tax collector may sue in the name of Worcester Township for the recovery of taxes due and unpaid under this ordinance.

B. Any suit brought to recover the tax imposed by this ordinance shall be begun within three (3) years after such tax is due, or within three (3) years after the declaration or return has been filed, whichever date is later; provided, however, that this limitation shall not prevent the institution of a suit for the collection of any tax due or determined to be due in the following cases:

(1) Where no declaration or return was filed by any person although a declaration or return was required to be filed by him under provisions of the ordinance, there shall be no limitation.

(2) Where an examination of the declaration or return by any person, or of other evidence relating to such declaration or return in the possession of the earned income tax collector, reveals a fraudulent evasion of taxes, there shall be no limitation.

(3) In the case of substantial understatement of tax liability of twenty-five (25%) percent or more, and no fraud, suit shall be begun within six (6) years.

(4) Where any person has deducted taxes under the provisions of this ordinance and has failed to pay the amount so deducted to the earned income tax collector, or where any person has willfully failed or omitted to make the deductions required by this ordinance, there shall be no limitation.

(5) This ordinance shall not be construed to limit Worcester Township from recovering the delinquent taxes by any other means provided in the Local Tax Enabling Act.

C. The earned income tax collector may sue for recovery of an erroneous refund, provided such suit is begun two (2) years after making such refund, except that the suit may be brought within five (5) years if it appears that any part of the refund was induced by fraud or misrepresentation of material fact.

SECTION 7. INTEREST AND PENALTIES. If for any reason, the tax is not paid when due, interest at the rate of six (6%) percent per annum on the amount of said tax and an additional penalty of one-half (1/2) of one (1%) percent of the amount of the unpaid tax for each month or fraction thereof during which the tax remains unpaid shall be added and collected. Where suit is brought for the recovery of any such tax, the person liable therefor shall, in addition, be liable for all costs of collection and for interest and penalties herein imposed.

SECTION 8. FINES AND PENALTIES FOR VIOLATIONS.

A. Any person who fails, neglects or refuses to make any declaration or return required by this ordinance, any employer who fails, neglects or refuses to register or to pay the taxes deducted from his employees, or fails, neglects or refuses to deduct withholding taxes from his employees, any person who refuses to permit the earned income tax collector or any agent designate by him to examine his books, records and papers and any person who knowingly makes any incomplete, false or fraudulent return, or to do anything whatsoever to avoid the full disclosure of the amount of his net profits of earned income in order to avoid the payment of the whole or any part of the tax imposed by this ordinance shall, upon conviction thereof, before any Justice of the Peace, or magistrate, or Court of competent jurisdiction, be sentenced to pay a fine of not more than Five Hundred (\$500.00) Dollars for each offense and costs, and, in default of payment such fine and costs to be imprisoned for a period not to exceed thirty (30) days.

B. Any person who divulges any information which is confidential under the provisions of this ordinance shall, upon conviction thereof before any Justice of the Peace, or Court of Competent jurisdiction be sentenced to pay a fine of not more than Five Hundred (\$500.00) Dollars for each offense and costs; and in default of payment of such fine and costs to be imprisoned for a period not exceeding thirty (30) days.

C. The penalties imposed under this section shall be in addition to any other penalty imposed by any other section of this ordinance.

D. The failure of any person to receive or procure forms required for making the declaration or returns required by this ordinance shall not excuse him from making such declaration or return.

SECTION 9. APPLICABILITY. This ordinance shall not apply to: personal property or persons to whom or which is beyond the legal power of the Township of Worcester to impose the tax herein provided; the net profits of any institution, organization, trust, association or foundation operated for public, religious, educational or charitable purposes; provided that this sub-section shall not operate to relieve or exempt any such entity from collection at source of earned income of its employees and remittance of such collections to the earned income tax collector.

SECTION 10. EFFECTIVE DATE. This ordinance shall become effective the first day of July, 1972, for the period July 1, 1972 to December 31, 1972 and for all calendar years thereafter.

SECTION 11. SEVERABILITY. The provisions of this ordinance are severable. If any sentence, clause, section or part of this ordinance is, for any reason, found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity, shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this ordinance. It is hereby declared to be the intention of Worcester Township that this ordinance would have been adopted if such unconstitutional, illegal or invalid sentence, clause, section or part thereof had not been included herein.

SECTION 12. REPEALER. Any resolution or ordinance or part of the same conflicting with the provisions of this ordinance are hereby repealed insofar as they may affect the provisions of this ordinance.

ORDAINED and ENACTED by the Supervisors of Worcester Township this thirty-first day of May, 1972

WORCESTER TOWNSHIP

BY JOHN O. CHAMBERS
VICE-CHAIRMAN

ATTEST: RUSSELL H. PLACE
SECRETARY

WORCESTER TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE NO. 61

REVISION TO THE ZONING MAP OF
ZONING ORDINANCE OF WORCESTER TOWNSHIP
ORDINANCE NO. _____, AS AMENDED

AN ORDINANCE AMENDING THE ZONING MAP
ATTACHED TO ZONING ORDINANCE OF 1964
AS AMENDED

BE IT ORDAINED and ENACTED by the Board of
Supervisors of Worcester Township, and it is hereby ORDAINED
and ENACTED by authority of the same:

SECTION 1: That the following described area,
part of which is presently zoned R-~~175~~¹²⁸ Residential, and part of
which is zoned R-Ag-175 Residential Agricultural, shall be and
same hereby is redesignated and reclassified as R-150 on the zoning
map attached to and forming a part of the zoning ordinance of Wor-
cester Township, Ordinance No. 61, as amended:

ALL THAT CERTAIN tract of land situate in the
Township of Worcester, County of Montgomery, Commonwealth of
Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a point at the northwest corner of
the tract in the centerline of Morris Road, then running along
the centerline of Morris Road S 54° 00' 16" E, approximately 230
feet to a point created by the intersection of the centerline of
West Point Pike with the centerline of Morris Road; then running
in a southeasterly direction along the centerline of the proposed
road connecting Bethel Road to West Point Pike, said centerline
describing a reverse curve of radii yet to be determined, to a point
in Bethel Road to be determined by the alignment of the proposed
connector road; then running along the centerline of Bethel Road
S 37° 04' 44" W, approximately 215 feet to a railroad spike; then
running along a line N 52° 55' 16" W, approximately 1,250 feet to
a point on the northerly boundary of the Mascaro tract which is
approximately 321 feet N 59° 34' 42" E from an iron pin; then
running N 59° 34' 42" E, approximately 1,182.98' to the point of
beginning.

CONTAINING: 20.00 acres of land, more or less.

BEING part of the land of Anthony Mascaro located
at the west corner of the intersection where Bethel Road joins
Morris Road.

SECTION 2: This ordinance shall in no other way

alter, affect or modify the zoning ordinance of Worcester Township or the zoning map of Worcester Township.

ORDAINED AND ENACTED this 9th day of
October, 1972.

BOARD OF SUPERVISORS
WORCESTER TOWNSHIP

BY:


President

Attest:


Secretary

**ORDINANCE NO. 62
WORCESTER TOWNSHIP**

**REVISION TO THE ZONING MAP OF ZONING ORDINANCE
OF WORCESTER TOWNSHIP ORDINANCE NO. 43 AS AMENDED**

**AN ORDINANCE AMENDING THE ZONING MAP ATTACHED
TO ZONING ORDINANCE OF 1964 AS AMENDED**

BE IT ORDAINED AND ENACTED by the Board of Supervisors of Worcester Township, and it is hereby Ordained and Enacted by authority of the same:

SECTION 1: That the following described area, presently zoned R-Ag 175, shall be and same hereby is redesignated and reclassified as R-150 on the zoning map attached to and forming a part of the zoning ordinance of Worcester Township, Ordinance No. 43 as amended:

ALL THAT CERTAIN tract of land situate in the Township of Worcester, County of Montgomery, commonwealth of Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a point in the center line of Germantown Pike (ultimate width 80 feet), said point being the intersection of said center line with the center line of E. Mount Kirk Avenue (ultimate width 60 feet); thence extending along said center line of Germantown Pike South 45 degrees 25 minutes 57 seconds East 1075.96 feet to a point in line of Section II; thence extending along said lands South 45 degrees 04 minutes 15 seconds West 1171.76 feet to a point in line of lands of Gabel Industries, Inc.; thence extending along said lands North 49 degrees 23 minutes 45 seconds West 538.92 feet to a point in the aforementioned center line of E. Mount Kirk Avenue; thence extending along said center line North 45 degrees 31 minutes 30 seconds East 1248.70 feet to the point and place of beginning.

CONTAINING: 30.033 acres of land, more or less.

BEING Section 1 on a plan of properties made for General Development Corporation by Urwiler & Walter, Inc. dated July 25, 1972 (a copy of said plan is attached hereto).

SECTION 2: This ordinance shall in no other way alter, affect or modify the zoning ordinance of Worcester Township or the zoning map of Worcester Township.

ORDAINED AND ENACTED this eleventh day of September 1972

Board of Supervisors
Worcester Township

By: Allan C. Myers
President

Attest:

Russell H. Place
Secretary

ORDINANCE NO. 63
WORCESTER TOWNSHIP

1972-63

REVISION TO THE ZONING MAP OF ZONING ORDINANCE
OF WORCESTER TOWNSHIP ORDINANCE NO. 43, AS AMENDED

AN ORDINANCE AMENDING THE ZONING MAP ATTACHED
TO ZONING ORDINANCE OF 1964 AS AMENDED

BE IT ORDAINED AND ENACTED by the Board of Supervisors of Worcester Township, and it is hereby Ordained and Enacted by authority of the same:

SECTION 1: That the following described area, part of which is presently zoned R-100 Residential, and part of which is zoned R-Ag-175 Residential Agricultural, shall be and same hereby is redesignated and reclassified as R-150 on the zoning map attached to and forming a part of the zoning ordinance of Worcester Township, Ordinance No. 61, as amended:

ALL THAT CERTAIN tract of land situate in the Township of Worcester, County of Montgomery, Commonwealth of Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a point at the northwest corner of the tract in the centerline of Morris Road, then running along the centerline of Morris Road South 54 degrees 00 minutes 16 seconds East, approximately 230 feet to a point created by the intersection of the centerline of West Point Pike with the centerline of Morris Road; then running in a southeasterly direction along the centerline of the proposed road connecting Bethel Road to West Point Pike, said centerline describing a reverse curve of radii yet to be determined, to a point in Bethel Road to be determined by the alignment of the proposed connector road; then running along the centerline of Bethel Road South 37 degrees 04 minutes 44 seconds west, approximately 215 feet to a railroad spike; then running along a line North 52 degrees 55 minutes 16 seconds West, approximately 1250 feet to a point on the northerly boundary of the Mascaro tract which is approximately 321 feet North 59 degrees 34 minutes 42 seconds East from an iron pin; then running North 59 degrees 34 minutes 42 seconds East, approximately 1182.98 feet to the point of beginning.

CONTAINING: 20.00 acres of land, more or less.

BEING part of the land of Anthony Mascaro located at the west corner of the intersection where Bethel Road joins Morris Road.

SECTION 2: This ordinance shall in no other way alter, affect or modify the zoning ordinance of Worcester Township or the zoning map of Worcester Township.

ORDAINED AND ENACTED this ninth day of October 1972

Board of Supervisors
Worcester Township
By: Allan C. Myers
President

Attest:
Russell H. Place
Secretary