

UPPER DUBLIN TOWNSHIP ORDINANCES

<u>No.</u>	<u>Date</u>	<u>Description</u>
1100	12/10/2002	Street Banners
1101	12/10/2002	Adult Oriented Businesses
1102	12/10/2002	Prohibit Smoking in Parks
1103	03/11/2003	Amendment to Adult Oriented Businesses
1104	03/11/2003	Wischman Avenue No Parking
1105	03/11/2003	Summit Avenue No Parking
1106	04/08/2003	Township Records (Right-to-Know Law)
1107	05/13/2003	Temporary Signs
1108	05/13/2003	Fort Washington Avenue No Parking
1109	06/12/2003	Revise Permit Fee Schedule
1110	06/12/2003	Dundee Drive No Parking
1111	07/08/2003	Open Space Fee
1112	07/08/2003	Abandonment Portion of Catlin Way
1113	07/08/2003	Home Occupations Zoning Amendment
1114	09/23/2003	Setback/Irregular Lot
1115	09/23/2003	Minor Home Occupations
1116	10/14/2003	Outdoor Storage
1117	11/11/2003	Amendment to Flag Lot Provision
1118	12/09/2003	Budget Ordinance 2004
1119	12/09/2003	Set Tax Rates 2004
1120	12/09/2003	Watercourses
1121	12/09/2003	Tattooing and Body Piercing

UPPER DUBLIN TOWNSHIP ORDINANCES

<u>No.</u>	<u>Date</u>	<u>Description</u>
1122	01/13/2004	Peddling and Soliciting
1123	02/10/2004	Establish Meeting Dates 2004
1124	02/10/2004	Plan Submission Requirements
1125	03/09/2004	Walnut Avenue Stop Sign
1126	03/09/2004	Obstruction of Highways
1127	05/11/2004	Age Restricted Housing
1128	05/11/2004	Zoning Map Change
1129	05/11/2004	No Smoking Township Building/Property
1130	05/11/2004	Solid Waste
1131	06/08/2004	Limekiln Pike Sidewalks
1132	06/15/2004	Uniform Construction Code
1133	07/13/2004	Amend Police Pension Plan
1134	07/13/2004	Approve \$1.2 Million Loan from Delaware Valley Regional Finance Committee
1135	07/13/2004	Arrowhead No Parking
1136	09/14/2004	Maple Glen Overlay District
1137	09/14/2004	Maple Glen Zoning Map Change
1138	09/14/2004	Amend Chapter 255, Zoning Stormwater & Impervious Cover
1139	09/14/2004	Amend Chapter 212, Subdivision & Land Development Stormwater
1140	09/14/2004	Amend Chapter 240, Watercourses Stormwater
1141	09/14/2004	Amend Chapter 206, Stormwater Management
1142	09/14/2004	Amend Miscellaneous Stormwater Chapters

UPPER DUBLIN TOWNSHIP ORDINANCES

<u>No.</u>	<u>Date</u>	<u>Description</u>
1143	09/14/2004	Amend Chapter 110, Permit Fees
1144	10/12/2004	Summit Avenue Parking Regulations
1145	12/14/2004	Budget Ordinance 2005
1146	12/14/2004	Set Tax Rates 2005
1147	02/08/2005	Establish Meeting Dates 2005
1148	04/12/2005	Dresher Overlay Drive Use Limitation
1149	04/12/2005	Morse Road No Parking
1150	04/19/2005	Jarrettown Overlay District
1151	04/19/2005	Jarrettown Overlay Zoning Map Change
1152	07/19/2005	Camp Hill Road Zoning Map Change – EC to MD
1153	08/09/2005	Barton Drive Stop Signs
1154	09/13/2005	2005 General Obligation Bond Issue
1155	09/13/2005	Age Restricted Housing Height
1156	10/11/2005	Bethlehem Pike No Parking
1157	12/13/2005	Budget Ordinance 2006
1158	12/13/2005	Set Tax Rates 2006
1159	01/10/2006	Truss Construction Ordinance
1160	01/10/2006	Emergency and Municipal Services Tax
1161	01/17/2006	2023 Limekiln Pike Zoning Map Amendment
1162	01/17/2006	2023 Limekiln Pike B-Residential Zoning Code Amendment
1163	02/14/06	Establish Meeting Dates 2006
1164	02/14/06	Zoning Map Amendment – 1401,1405, 1411 Dreshertown Road

UPPER DUBLIN TOWNSHIP ORDINANCES

<u>No.</u>	<u>Date</u>	<u>Description</u>
1165	02/14/06	Amend Fire Company Ordinance
1166	03/28/06	Pennsylvania Avenue/North Hills Rezoning Map Amendment
1167	05/23/06	521 N. Limekiln Pike (Loeb) Zoning Map Amendment
1168	06/13/06	Stop Regulations Wenner Way at Scott Lane
1169	08/08/06	Establish Planning Commission
1170	08/08/06	Camp Hill Road Zoning Map Change – MD to EC
1171	08/08/06	Stop Regulations Forsythe Drive at Hawthorne Lane, Dillon Road and Shaw Drive
1172	10/10/06	Stop Regulations Northbound Keisel Lane at Schirra Drive
1173	11/14/06	Open Space Preservation District
1174	11/14/06	Private Street Ordinance
1175	11/14/06	Historic Resource Ordinance
1176	12/12/06	Budget Ordinance 2007
1177	12/12/06	Set Tax Rates 2007
1178	01/09/07	Establish Meeting Dates 2007
1179	01/09/07	Parking Restrictions West Side of Fort Washington Avenue
1180	02/13/07	Parking Restrictions North Side of Hawthorne Lane
1181	02/13/07	Fort Washington Village District Zoning Map Change
1182	02/13/07	Fort Washington Village District Overlay
1183	04/10/07	Sexually Violent Predator
1184	07/10/07	Amend Upper Dublin Township Police Pension Plan
1185	09/25/07	Delinquent Real Estate Transfer Tax Collection

UPPER DUBLIN TOWNSHIP ORDINANCES

<u>No.</u>	<u>Date</u>	<u>Description</u>
1186	10/09/07	Vacate a Portion of Golden Drive
1187	11/13/07	Amend Conditional Use Procedures
1188	11/13/07	Maple Glen Zoning Change MHD - Mobile Home District
1189	11/13/07	Local Services Tax (LST)
1190	12/11/07	Budget Ordinance 2008
1191	12/11/07	Set Real Estate Tax Millage 2008
1192	12/11/07	Parking Restrictions on North Side of Meetinghouse Road
1193	12/11/07	Parking Restrictions on East and West Side of Joel Drive
1194	01/08/08	Establish Meeting Dates 2008
1195	03/11/08	Public School Amendments
1196	03/11/08	Historic Resource Inventory
1197	03/11/08	Parking Restrictions on West Side of Linden Avenue
1198	03/11/08	Parking Restrictions on Both Sides of Susquehanna Road
1199	03/11/08	Parking Restrictions on East Side of Fort Washington Avenue

AN ORDINANCE

NO. 1100

AN ORDINANCE Of The Township Of Upper Dublin Amending The Township Code To Permit The Erection Of Street Banners By Educational, Religious, Civic Or Other Non-Commercial Organizations Upon Receipt Of A Permit And Subject To Regulations Promulgated By The Upper Dublin Township Building Department.

The Board of Commissioners of the Township of Upper Dublin hereby ordains:

Section 1. The Code of the Township of Upper Dublin, Chapter 196, Signs, § 196-3, General sign regulations, shall be amended to provide as follows:

§ 196-3. General sign regulations.

No person may erect, install or maintain any sign visible from the exterior of any property or structure in the township if prohibited by this chapter or Chapter 255, and unless specifically permitted by Chapter 255. The following regulations shall apply to all signs in the township. Where another chapter of this Code contains a more restrictive provision relating to the same sign, the more restrictive provision shall govern.

A. No sign, other than official township street or directional signs or street banner signs, shall be erected or maintained within the sign setback area.

B. No sign shall project over any public sidewalk or street right of way, nor shall any sign extend beyond any property line; except, when a permit is issued by the Building Department, banners displaying a logo, slogan or design associated with an educational, religious, civic organization or similar non-commercial organization may be erected above a sidewalk in such uniform size and subject to such regulations as the Department of Building Regulations shall promulgate.

Section 2. The Code of the Township of Upper Dublin, Chapter 207, Streets and Sidewalks, Article III, Obstructions in Highway Boundaries, § 207-12.1, Signs, shall be amended to provide as follows:

§ 207-12.1. Signs.

No sign, other than official township street or directional signs or street banner signs, shall be erected or maintained within the legal right-of-way. Where a sign is not erected in the sign setback area, as defined in Chapter 255, it shall be presumed, unless proven otherwise, not to be in the legal right-of-way. No sign shall project over any public sidewalk, nor shall any sign extend beyond any property line, except a street banner for which a permit has been issued pursuant to Chapter 196.

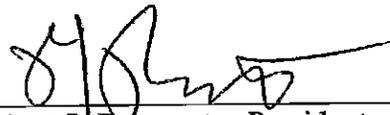
Section 3. Nothing in this Ordinance or in Chapters 196 or 207 of the Code of the Township of Upper Dublin, as hereby amended, shall be construed to affect any suit or proceedings in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Chapters 196 or 207 prior to the adoption of this amendment.

Section 4. 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 this 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 if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

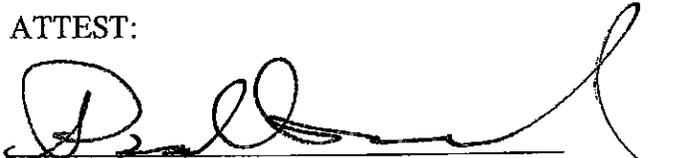
Section 5. This Ordinance shall take affect and be in force from and after its approval as required by law.

Approved by the Board this *10th* day of *December*, 2002.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN


Robert J. Pesavento, President

ATTEST:


Paul A. Leonard, Township Manager/Secretary

AN ORDINANCE
NO. 1101

AN ORDINANCE Amending the Code of the Township of Upper Dublin by the Addition of a New Chapter 193, Adult Oriented Businesses, to Control the Establishment, Siting, and Operation of Adult Oriented Businesses; to Promote the Health, Safety, and Welfare of the Public by Prescribing Definitions of Adult Oriented Businesses; Providing for Licensing and Regulation of Adult Oriented Businesses; and by Providing for Additional Miscellaneous Regulations for Adult Oriented Businesses.

The Board of Commissioners of the Township of Upper Dublin hereby ordains:

Section 1. The Code of the Township of Upper Dublin is hereby amended by the addition of Chapter 193, entitled Adult Oriented Businesses, which shall provide as follows:

Chapter 193
Adult Oriented Businesses

§193-1. Intent.

It is the intent of this Chapter to regulate adult oriented businesses in order to promote the health, safety, and welfare of the public, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of adult oriented businesses within the Township. The provisions of this Chapter have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including adult oriented materials. Similarly, it is not the intent nor effect of this Chapter to restrict or deny access by adults to adult oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of adult oriented entertainment to their intended market.

§193-2. Definitions.

Unless otherwise expressly stated, the following words and phrases shall be construed throughout this chapter to have the meanings indicated below:

ADULT ARCADE - Any place to which the public is permitted or invited wherein electronically, electrically, or mechanically controlled still or motion picture machines, projectors, video or laser disc players, or other image-producing devices are maintained to show for monetary consideration images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas."

ADULT CABARET - A nightclub, bar, restaurant, or similar commercial establishment which regularly features:

- A. Persons who appear in a state of nudity or semi-nude; or
- B. Live performances which are characterized by the exposure of "specified sexual activities" or "specified anatomical areas;" or
- C. Films, motion pictures, videocassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

ADULT MOTEL - A hotel, motel, or similar commercial establishment which offers bedroom accommodations to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas," and has a sign visible from the public right of way which advertises the availability of this adult type of photographic reproductions.

ADULT MOTION PICTURE THEATER - A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

ADULT ORIENTED BUSINESS - An adult arcade, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center.

ADULT THEATER - A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or semi-nude, or live performances which are characterized by the exposure of "specified sexual activities" or "specified anatomical areas."

EMPLOYEE - A person who performs any service on the premises of an adult oriented business on a full-time, part-time, or contract basis, whether or not the person is denominated on employee, independent contractor, agent, or otherwise and whether or not said person is paid a salary, wage, or other compensation by the operator of said business. Employee does not include a person exclusively on the premises for repair or maintenance of the premises or equipment on the premises, or for the delivery of goods to the premises.

ESCORT - A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

ESCORT AGENCY - A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.

ESTABLISHMENT - Includes any of the following:

- A. The opening or commencement of any adult oriented business as a new business;
- B. The conversion of an existing business, whether or not an adult oriented business, to any adult oriented business;
- C. The additions of any adult oriented business to any other existing adult oriented business; or
- D. The relocation of any adult oriented business.

LICENSEE - A person in whose name a license to operate an adult oriented business has been issued, as well as the individual listed as an applicant on the application for a license; and in the case of an employee, a person in whose name a license has been issued authorizing employment in an adult oriented business.

NUDE MODEL STUDIO - Any place where a person who appears semi-nude, in a state of nudity, or who displays "specified anatomical areas" and is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. Nude Model Studio shall not include a proprietary school licensed by the Commonwealth of Pennsylvania or a college, junior college, or university supported entirely or in part by public taxation; a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or in a structure:

- A. That has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing; and
- B. Where in order to participate in a class a student must enroll at least three days in advance of the class; and
- C. Where no more than one nude or semi-nude model is on the premises at any time.

NUDE, NUDITY, or a STATE OF NUDITY - The showing of the human male or female genitals, pubic area, vulva, anus, anal cleft, or cleavage with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernibly turgid state. For example, females are not nude if they wear a scant amount of clothing such as

“pasties” covering the nipples and a “G-string” covering the genitals. Males are not nude if they wear a scant amount of clothing such as a “G-string” covering the genitals.”

PERSON - An individual, proprietorship, partnership, corporation, association, or other legal entity.

SEMI-NUDE or in a SEMI-NUDE CONDITION - The showing of the female breast below a horizontal line across the top of the areola at its highest point or the showing of the male or female buttocks. This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, skirt, leotard, bathing suit, or other wearing apparel provided the areola is not exposed in whole or in part.

SEXUAL ENCOUNTER CENTER - A business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:

- A. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
- B. Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.

SPECIFIED ANATOMICAL AREAS:

- A. The human male genitals in a discernibly turgid state, even if completely and opaquely covered; or
- B. Less than completely and opaquely covered human genitals, pubic region, buttocks, or a female breast below a point immediately above the top of the areola.

SPECIFIED CRIMINAL ACTIVITY - Any of the following offenses:

- A. Prostitution or promotion of prostitution; dissemination of obscenity; sale, distribution, or display of harmful material to a minor; sexual performance by a child; possession or distribution of child pornography; public lewdness; indecent exposure; indecency with a child; engaging in organized criminal activity; sexual assault; molestation of a child; gambling; or distribution of a controlled substance; or any similar offenses to those described above under the criminal or penal code of other states or countries;
- B. For which:

- (1) Less than two years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense;
 - (2) Less than five years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, if the conviction is of a felony offense; or
 - (3) Less than five years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date, if the convictions are of two or more misdemeanor offenses or combination of misdemeanor offenses occurring within any 24-month period.
- C. The fact that a conviction is being appealed shall have no effect on the disqualification of the applicant or a person residing with the applicant.

SPECIFIED SEXUAL ACTIVITIES - Any of the following:

- A. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
- B. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation, or sodomy; or
- C. Excretory functions as part of or in connection with any of the activities set forth in (a) through (b) above.

SUBSTANTIAL ENLARGEMENT - The increase in the floor areas occupied by an adult oriented business by more than twenty-five percent (25%), as the floor areas exist on the date this ordinance takes effect.

TRANSFER OF OWNERSHIP OR CONTROL - Includes any of the following:

- A. The sale, lease, or sublease of an adult oriented business;
- B. The transfer of securities which constitute a controlling interest in the adult oriented business, whether by sale, exchange, or similar means; or
- C. The establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

§193-3. Classification.

Adult oriented businesses are classified as follows:

- A. Adult arcades;
- B. Adult cabarets;
- C. Adult motels;
- D. Adult motion picture theaters;
- E. Adult theaters;
- F. Escort agencies;
- G. Nude model studios; and
- H. Sexual encounter centers.

§193-4. License Requirements.

- A. A valid Adult oriented business license issued by the Township pursuant to this Chapter is required for any person to operate an adult oriented business.
- B. An application for a license must be made on a form provided by the Township.
- C. All applicants must be qualified according to the provisions of this Chapter. The application may request and the applicant shall provide such information (including fingerprints) as to enable the Township to determine whether the applicant meets the qualifications established in this Chapter.
- D. If a person who wishes to operate an adult oriented business is an individual, the person must sign the application for license as applicant. If a person who wishes to operate an adult oriented business is other than an individual, each individual who has a 10 percent or greater interest in the business must sign the application for a license as applicant. Each applicant must be qualified under §193-5 and each applicant shall be considered a licensee if a license is granted.
- E. The completed application for an adult oriented business license shall contain the following information and shall be accompanied by the following documents:
 - (1) If the applicant is:

- (a) An individual, the individual shall state his/her legal name and any aliases and submit proof that he/she is 18 years of age;
 - (b) A partnership, the partnership shall state its complete name, and the names of all partners, whether the partnership is general or limited, and a copy of the partnership agreement, if any;
 - (c) A corporation, the corporation shall state its complete name, the date of its incorporation, evidence that the corporation is in good standing under the laws of its state of incorporation, the names and addresses of all officers, directors, and principal stockholders (i.e. the stockholders beneficially owning a 10% or greater interest in a corporation, and the name of the registered corporate agent and the address of the registered office for service of process.
- (2) If the applicant intends to operate the adult oriented business under a name other than that of the applicant, he or she must state 1) the adult oriented business's fictitious name and 2) submit the required registration documents.
 - (3) Whether the applicant has been convicted of a specified criminal activity as defined in this ordinance, and, if so, the specified criminal activity involved, the date, place, and jurisdiction of each.
 - (4) Whether the applicant has had a previous license under this ordinance or other similarly adult oriented business ordinances from another municipality or jurisdiction denied, suspended, or revoked, including the name and location of the adult oriented business for which the permit was denied, suspended, or revoked, as well as the date of the denial, suspension, or revocation, and whether the applicant has been a partner in a partnership or an officer, director, or principal stockholder of a corporation that is licensed under this Chapter whose license has previously been denied, suspended, or revoked, including the name and location of the adult oriented business for which the permit was denied, suspended, or revoked as well as the date of denial, suspension, or revocation.
 - (5) Whether the applicant holds any other licenses under this Chapter or other similar adult oriented business code or regulation from another municipality or jurisdiction and, if so, the names and locations of such other licensed businesses.
 - (6) The single classification of license for which the applicant is filing.

- (7) The location of the proposed adult oriented business, including a legal description of the property, street address, and telephone number(s), if any.
- (8) The applicant's mailing address and residential address.
- (9) A recent photograph of the applicant(s).
- (10) The applicant's driver's license number, Social Security number, and/or his/her state or federally issued tax identification number.
- (11) A sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared, but it must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six (6) inches.
- (12) A current certificate and straight-line drawing prepared within thirty (30) days prior to application by a registered land surveyor depicting the property lines and the structures containing any existing adult oriented businesses within 1,000 feet of the property to be certified; the property lines of any established religious institution or place of worship, school, or public park or recreation area within 1,000 feet of the property to be certified. For purposes of this Section, a use shall be considered existing or established if it is in existence at the time an application is submitted.
- (13) If an applicant wishes to operate an adult oriented business which shall exhibit on the premises, in a viewing room or booth of less than one hundred fifty (150) square feet of floor space, films, video cassettes, other video reproductions, or live entertainment, which depict specified sexual activities or specified anatomical areas, then the applicant shall comply with the application requirements set forth in this chapter.

§193-5. License Issuance.

A. Within sixty (60) days after receipt of a completed adult oriented business license application, the Township shall approve or deny the issuance of a license to an applicant. The Township shall approve the issuance of a license to an applicant unless it is determined by a preponderance of the evidence that one or more of the following findings is true:

- (1) An applicant is under eighteen (18) years of age.

- (2) An applicant is overdue in payment to the Township of taxes, fees, fines, or penalties assessed against or imposed upon him/her in relation to any business.
 - (3) An applicant has failed to provide information reasonably necessary for issuance of the license or has falsely answered a question or request for information on the application form.
 - (4) An applicant has been denied a license by the Township to operate an adult oriented business within the preceding twelve (12) months or whose license to operate an adult oriented business has been revoked within the preceding twelve (12) months.
 - (5) An applicant has been convicted of a specified criminal activity defined in this Chapter.
 - (6) The premises to be used for the adult oriented business have not been approved by the Fire Marshal and the Code Enforcement Department as being in compliance with the applicable laws and codes.
 - (7) The license fee required by this Chapter has not been paid.
 - (8) An applicant of the proposed establishment is in violation of or is not in compliance with any of the provisions of this Chapter.
- D. The license, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, the address of the adult oriented business, and the classification for which the license is issued pursuant to §193-3. All licenses shall be posted in a conspicuous place at or near the entrance to the adult oriented business so that they may be easily read at any time
- E. The Township officials shall complete their certification that the premises is in compliance or not in compliance within sixty (60) days of receipt of the application by the Township.
- F. An adult oriented business license shall issue for only one classification as found in §193-3.
- G. An adult oriented business license granted pursuant to this Chapter shall be subject to annual renewal upon the written application of the applicant and a finding by the Township that the applicant has not been convicted of any specified criminal activity as defined in this Chapter or committed any act during the existence of the previous license, which would be grounds to deny the initial license application. The renewal of the license shall be subject to the payment of the fee as set forth in §193-6.

§193-6. Fees.

- A. Every application for an adult oriented business license (whether for a new license or for renewal of an existing license) shall be accompanied by a \$500.00 non-refundable application and investigation fee.
- B. In addition to the application and investigation fee required above, every adult oriented business that is granted a license (new or renewal) shall pay to the Township an annual non-refundable license fee of \$250.00 within thirty (30) days of license issuance or renewal.
- C. All license applications and fees shall be submitted to the Code Enforcement Department of the Township.

§193-7. Inspections.

An applicant or licensee shall permit representatives of the Police Department, Fire Marshal, Code Enforcement Department, or other Township departments or agencies to inspect the premises of an adult oriented business for the purpose of insuring compliance with the law, at any time it is occupied or open for business.

§193-8. License Expiration.

- A. Each license shall expire one year from the date of issuance and may be renewed only by making application as provided in §193-4. Application for renewal shall be made at least sixty (60) days before the expiration date, and when made less than sixty (60) days before the expiration date, the expiration of the license will not be affected.
- B. When the Township denies renewal of a license, the applicant shall not be issued a license for one year from the date of denial.

§193-9. License Suspension

The Township shall suspend a license for a period not to exceed thirty (30) days if it determines that a licensee or an employee of a licensee has violated or is not in compliance with any section of this Chapter.

§193-10. License Revocation.

- A. The Township shall revoke a license if a cause of suspension in §193-9 occurs and the license has been suspended within the preceding twelve (12) months.
- B. The Township shall revoke a license if it determines that:
 - (1) A licensee gave false or misleading information in the material submitted during the application process;
 - (2) The act of possession, use, or sale of controlled substances has occurred on the premises;
 - (3) The act of prostitution has occurred on the premises;
 - (4) An adult oriented business has operated on the premises during a period of time when the licensee's license was suspended;
 - (5) A licensee is delinquent in payment to the Township, County, or State for any taxes or fees past due.
 - (6) A licensee has refused to allow an inspection of the adult oriented business premises as authorized by this chapter.
- C. When the Township revokes a license, the revocation shall continue for one (1) year, and the licensee shall not be issued an adult oriented business license for one (1) year from the date the revocation became effective.

§193-11. License Transfer.

A licensee shall not transfer his/her license to another, nor shall a licensee operate an adult oriented business under the authority of a license at any place other than the address designated in the application.

§193-12. Location of Adult Oriented Businesses.

- A. No adult oriented business may be operated within 1,000 feet of:
 - (1) A church, synagogue, mosque, temple, or building which is used primarily for religious worship and related religious activities; or

- (2) The following public or private educational/child care facilities: child daycare facility, nursery school, preschool, kindergarten, elementary school, intermediate school, junior high school, middle school, high school, vocational school, secondary school, special education school; school includes the school grounds, but does not include facilities used primarily for another purpose and only incidentally as a school; or
 - (3) An entertainment business which is oriented primarily towards children or family entertainment.
- B. No adult oriented business may be operated, established, or substantially enlarged within 1,000 feet of another adult oriented business.
- C. No adult oriented business may be operated, established, or maintained in any building, structure, or portion thereof containing another adult oriented business.
- D. For the purpose of subsections A of this Section, measurement shall be made in a straight line, without regard to the intervening structures or objects, from the nearest portion of the building or structure used as the part of the premises where an adult oriented business is conducted, to the nearest property line of the premises of a use listed in subsection A. The presence of a municipal, county, or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this Section.
- E. For purposes of subsection B of this Section, the distance between any two adult oriented businesses shall be measured in a straight line, without regard to the intervening structures or objects or political boundaries, from the closest exterior wall of the structure in which each business is located.
- F. Any adult oriented business lawfully operating on the effective date of this Section, December 10, 2002, that is in violation of subsection A through E of this Section shall be deemed a nonconforming use. Such nonconforming uses shall not be increased, enlarged, extended, or altered except that the use may be changed to a conforming use. If two or more adult oriented businesses are within 1,000 feet of one another and otherwise in a permissible location, the adult oriented business which was first established and continually operating at a particular location is the conforming use and the later established business(es) is/are nonconforming.
- G. An adult oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to the grant or renewal of the adult oriented business license, of a use listed in subsection A of this Section within 1,000 feet of the adult oriented business. This provision applies only to the

renewal of a valid license, and does not apply when an application for a license is submitted after a license has expired or been revoked.

- H. No adult oriented business shall be operated in a manner that will permit the observation of any material or activities depicting, describing or relating to "specific sexual activities" or "specified anatomical areas" from any public way or from any location outside the building or area of such establishment. This provision shall apply to any display, decoration, sign, show window or other opening. No exterior door or window on the premises shall be propped or kept open at any time while the business is open, and any exterior windows shall be covered with opaque covering at all times.

§193-13. Exhibition of Adult Explicit Films, Videos, or Live Entertainment in Viewing Booths.

- A. A person who operates or causes to be operated an adult oriented business which exhibits on the premises in a viewing room of less than one hundred fifty (150) square feet of floor space, a film, video cassette, live entertainment, or other video reproduction, which depicts specified sexual activities or specified anatomical areas, shall comply with the following requirements:

- (1) Upon application for an adult oriented business license, the application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one or more manager's stations and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A manager's station may not exceed thirty-two (32) square feet of floor area. The diagram shall also designate the place at which the permit will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram should be oriented to the north or to some designated street or object and should be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six inches (6"). The Township may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.
- (2) The application shall be sworn to be true and correct by the applicant.
- (3) No alteration in the configuration or location of a manager's station may be made without the prior approval of the Township.

- (4) It is the duty of the licensee of the premises to ensure that at least one employee is on duty and situated in each manager's station at all times that any patron is present inside the premises.
- (5) The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises has two or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station.
- (6) It shall be the duty of the licensee to ensure that the view area specified in subparagraph (5) remains unobstructed by any doors, curtains, partitions, walls, merchandise, display racks, or other materials and, at all times, to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted in the application filed pursuant to subparagraph (1) of this Section.
- (7) No viewing room may be occupied by more than one person at any time.
- (8) The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than five (5.0) foot-candles as measure at the floor level.
- (9) It shall be the duty of the licensee to ensure that the illumination described above is maintained at all times that any patron is present in the premises.
- (10) No licensee shall allow openings of any kind to exist between viewing rooms or booths.
- (11) No person shall make or attempt to make an opening of any kind between viewing booths or rooms.
- (12) The licensee shall, during each business day, regularly inspect the walls between the viewing booths to determine if any openings or holes exist.
- (13) The licensee shall cause all floor coverings in viewing booths to be nonporous, easily cleanable surfaces, with no rugs or carpeting.

- (14) The licensee shall cause all wall surfaces and ceilings surfaces in viewing booths to be constructed of, or permanently covered by, nonporous, easily cleanable material. No wood, plywood, composition board, or other porous material shall be used within forty-eight inches (48") of the floor.

§193-14. Escort Agency Specific Requirements.

- A. An escort agency shall not employ any person under the age of 18 years.
- B. A person commits an offense if the person acts as an escort or agrees to act as an escort for any person under the age of 18 years.

§193-15. Nude Model Studio Specific Requirements.

- A. A nude model studio shall not employ any person under the age of 18 years.
- B. No person under the age of 18 years may appear semi-nude or in a state of nudity in or on the premises of a nude model studio. It is a defense to prosecution under this paragraph if the person under 18 years was in a restroom not open to public view or visible to any other person.
- C. No person may appear in a state of nudity, or knowingly allow another to appear in a state of nudity in an area of a nude model studio premises which can be viewed from the public right of way.
- D. A nude model studio shall not place or permit a bed, sofa, or mattress in any room on the premises, except that a sofa may be placed in a reception room open to the public.
- E. It is a defense to prosecution under this section that a person appearing in a state of nudity did so in a modeling class operated:
- (1) By a proprietary school, licensed by the Commonwealth of Pennsylvania; a college, junior college, or university supported entirely or partly by taxation;
 - (2) By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or
 - (3) In a structure:

- (a) Which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and
- (b) Where, in order to participate in a class, a student must enroll at least three (3) days in advance of the class; and
- (c) Where no more than one nude model is on the premises at any one time.

§193-16. Public Nudity.

No person may knowingly and intentionally, in an adult oriented business, appear in a state of nudity.

§193-17 Prohibition Against Children in an Adult Oriented Business.

No person may knowingly allow a person under the age of 18 years on the premises of an adult oriented business.

§193-18 Appeals

Upon the grant or denial of an application for a license, or the grant or denial of the renewal thereof, or upon the suspension or revocation of any license, an appeal may be taken to the Board of Commissioners. Such appeal shall be made in writing within thirty (30) days after such decision has been made, shall set forth the reasons therefor, shall be verified by affidavit and filed with the Township Secretary. The Board of Commissioners will schedule the date for a hearing at which time the appellant and his representatives shall have the right to appear and be heard.

§193-19. Penalties

Any person or persons, firm or corporations who or which shall fail to comply with any of the provisions of this chapter, including the procuring of a license to operate an adult oriented business within the Township of Upper Dublin, shall be liable, upon conviction for a first offense, to a fine of five hundred dollars (\$500.) for each and every day he, she, they or it shall operate an adult oriented business contrary to the provisions of this chapter; and for a second offense, and each and every offense thereafter, in a like manner to a fine of one thousand dollars (\$1,000.) for each and every day, together with costs of prosecution in each case.

A person who operates or causes to be operated an adult oriented business without a valid license or otherwise in violation of this chapter is subject to a suit for injunction as well

as prosecution for the civil violations set forth above. Each day an adult oriented business so operates is a separate offense or violation.

Section 2. 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 illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

Section 3. This Ordinance shall take effect and be in force from and after its approval as required by law.

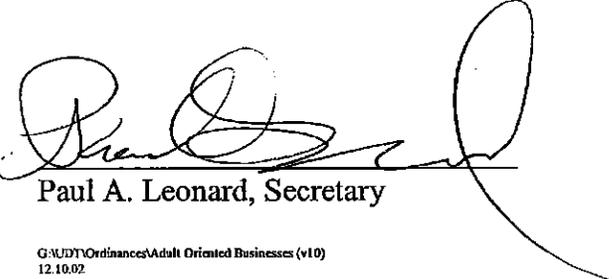
Approved this 10th day of December, 2002.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN



Robert J. Pesavento, President

Attest:



Paul A. Leonard, Secretary

GAUDT\Ordinances\Adult Oriented Businesses (v10)
12.10.02

AN ORDINANCE

NO. 1102

AN ORDINANCE To Amend The Code Of The Township Of Upper Dublin, Chapter 168, Parks And Recreation, Section 168-2, Rules And Regulations, To Define The Word "Smoking"; To Prohibit Smoking Anywhere Within Robbins Park, Mondauk Common, The Camphill & Highland Athletic Complex (CHAC), Mondauk Manor, And The Community Pool.

The Board of Commissioners of the Township of Upper Dublin hereby ordains:

Section 1. The Code of the Township of Upper Dublin, Chapter 168, Parks and Recreation, Section 168-2, Rules and regulations, shall be amended by the additional of a new subsection X, to provide as follows:

§ 168-2. Rules and regulations.

The following rules and regulations are set forth for the use of the parklands in the Township of Upper Dublin:

- X. Smoking. Smoking is defined as the carrying by a person of a lighted cigar, cigarette, pipe or other lighted smoking device. Smoking is prohibited anywhere within Robbins Park, Mondauk Common, the Camphill & Highland Athletic Complex (CHAC), Mondauk Manor, and the Upper Dublin Community Pool.

Section 2. Nothing in this Ordinance or in Chapter 168 of the Code of the Township of Upper Dublin, as hereby amended, shall be construed to effect any suit or proceedings in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Chapter 168 prior to the adoption of this amendment.

Section 3. 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 this 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 if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

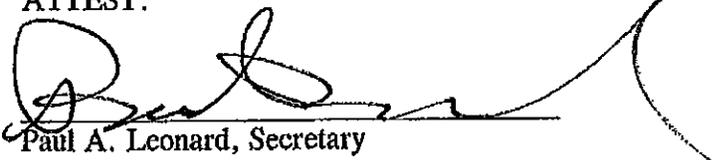
Section 4. This Ordinance shall take effect and be in force from and after its approval as required by law.

Approved by the Board this *10th* day of *December*, 2002.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN


Robert J. Pesavento, President

ATTEST:


Paul A. Leonard, Secretary

w:\borillatoc\sect16\regulation\amending
11.13.02

AN ORDINANCE
NO. 1103

AN ORDINANCE Amending the Code of the Township of Upper Dublin, Chapter 193 thereof, entitled Adult Oriented Businesses, to amend Section 193-2 "Definitions" to amend the definition of NUDE, NUDITY, or a STATE OF NUDITY; and to remove and reserve Section 193-16 "Public Nudity."

The Board of Commissioners of the Township of Upper Dublin hereby ordains:

Section 1. The Code of the Township of Upper Dublin, Chapter 193 thereof, entitled Adult Oriented Businesses, § 193-2 "Definitions," shall be amended by amending the definition of NUDE, NUDITY, or STATE OF NUDITY to provide as follows:

§193-2. Definitions.

* * *

NUDE, NUDITY, or a STATE OF NUDITY - The showing of the human male or female genitals, pubic area, vulva, anus, anal cleft, or cleavage with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernibly turgid state.

* * *

Section 2. The Code of the Township of Upper Dublin, Chapter 193 thereof, entitled Adult Oriented Businesses, § 193-16 "Public Nudity," shall be amended by removing and reserving § 193-16 as follows:

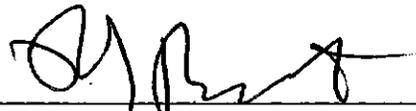
§193-16. (Reserved)

Section 3. 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 illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

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

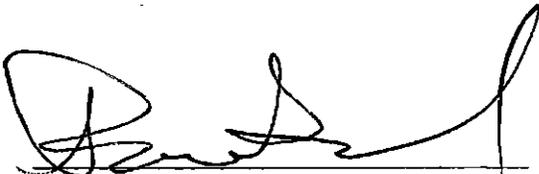
Approved this 17th day of March, 2003.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN



Robert J. Pesavento, President

Attest:



Paul A. Leonard, Secretary

GAUDT\Ordinances\Adult Oriented Businesses Ord Amendment 12.26.02

AN ORDINANCE
NO. 1104

AN ORDINANCE, TO AMEND THE CODE OF THE TOWNSHIP OF UPPER DUBLIN, CHAPTER 233, VEHICLES AND TRAFFIC, ARTICLE VIII, "SCHEDULES", SECTION 233-54, "PARKING PROHIBITED AT ALL TIMES" BY ADDING A "NO PARKING" RESTRICTION ON THE NORTH SIDE OF WISCHMAN AVE. FROM THE WEST CURB LINE OF TWINING ROAD WESTERLY FOR A DISTANCE OF 60 FEET.

The Board of Commissioners of the Township of Upper Dublin does hereby enact and ordain:

Section 1. The Code of the Township of Upper Dublin, Chapter 233 thereof, entitled Vehicles and Traffic, Article VIII, "Schedules", Section 233-54, Schedule XIII: Parking Prohibited at All Times, shall be amended to provide as follows:

§ 233-54. Schedule XIII: Parking Prohibited at All Times.

In accordance with the provisions of § 233-21, no person shall park a vehicle at any time upon any of the following described streets or parts thereof:

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>

Wischman Avenue	North	From the west curb line of Twining Road westerly for a distance of 60 feet

Section 2. Nothing in this Ordinance or in Chapter 233 of the Code of the Township of Upper Dublin, as hereby amended, shall be construed to affect any suit or proceeding in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Chapter 233 prior to the adoption of this amendment.

Section 3. 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 illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

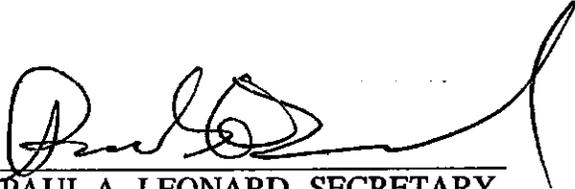
Section 4. This Ordinance shall take effect and be in force from and after its approval as

required by law.

ENACTED AND ORDAINED this *11th* day of *March*, 2003.

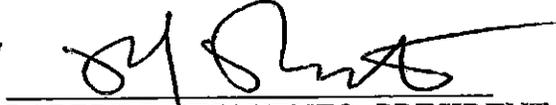
BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN

ATTEST:



PAUL A. LEONARD, SECRETARY

ud\ord\CH 233 VEHICLES & TRAFFIC\NoPark-Wischman-1.3.03


ROBERT J. RESAVENTO, PRESIDENT

AN ORDINANCE
NO. 1105

AN ORDINANCE, TO AMEND THE CODE OF THE TOWNSHIP OF UPPER DUBLIN, CHAPTER 233, VEHICLES AND TRAFFIC, ARTICLE VIII, "SCHEDULES," SECTION 233-56, "SCHEDULE XV: TIME LIMIT PARKING," BY ESTABLISHING A TWO-HOUR PARKING LIMIT, MONDAY TO SATURDAY BETWEEN 7 A.M. AND 3 P.M., ON THE WEST SIDE OF SUMMIT AVE. FROM 500 FT. NORTH OF PENNSYLVANIA AVE. TO THE SOUTH SIDE OF MONTGOMERY AVE. AND TO AMEND SECTION 233-54, "SCHEDULE XIII: PARKING PROHIBITED AT ALL TIMES," BY CREATING PARKING RESTRICTIONS ON THE WEST SIDE OF SUMMIT AVE. FROM THE NORTH SIDE OF MONTGOMERY AVE. TO A POINT 35 FEET NORTH AND ON BOTH SIDES OF SUMMIT AVE. FROM A POINT 452 FEET NORTH OF THE NORTH SIDE OF MONTGOMERY AVE. TO A POINT 652 FEET NORTH.

The Board of Commissioners of the Township of Upper Dublin does hereby enact and ordain as follows:

Section 1. The Code of the Township of Upper Dublin, Chapter 233 thereof, entitled Vehicles and Traffic, Article VIII, "Schedules", Section 233-56, Schedule XV: Time Limit Parking, shall be amended to provide as follows:

§ 233-56. Schedule XV: Time Limit Parking

In accordance with the provisions of § 233-23, no person shall park a vehicle or allow the same to remain parked upon any of the streets or parts thereof described below, between the hours specified, for longer than the time indicated below:

Name of Street	Side	Time Limit; Hours/Days	Location
Summit Avenue	West	2 hours/ Mon. to Sat. From 7 a.m. to 3 p.m.	From 500 ft. north of Pennsylvania Ave. to the south side of Montgomery Ave.

Section 2. The Code of the Township of Upper Dublin, Chapter 233 thereof, entitled Vehicles and Traffic, Article VIII, "Schedules", Section 233-54, Schedule XIII: Parking Prohibited at All Times,

shall be amended to provide as follows:

§ 233-54. Schedule XIII: Parking Prohibited at All Times.

In accordance with the provisions of §233-21, no person shall park a vehicle at any time upon any of the following described streets or parts thereof:

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
Summit Avenue	West	From the north side of Montgomery Ave. to a point 35 ft. north
Summit Avenue	East and West	From a point 452 ft. north of the North side of Montgomery Ave. to a point 652 ft. north.

Section 3. Nothing in this Ordinance or in Chapter 233 of the Code of the Township of Upper Dublin, as hereby amended, shall be construed to affect any suit or proceeding in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Chapter 233 prior to the adoption of this amendment.

Section 4. 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 illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

Section 5. This Ordinance shall take effect and be in force from and after its approval as required by law.

ENACTED AND ORDAINED this *11th* day of *March*, 2003.

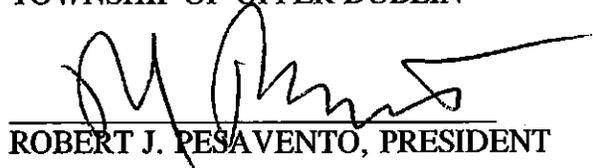
BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN

ATTEST:



PAUL A. LEONARD, SECRETARY

ud\ord\CH 233 VEHICLES & TRAFFIC\ParkingLimit-Summit



ROBERT J. PESAVENTO, PRESIDENT

AN ORDINANCE

NO. 1106

AN ORDINANCE To Amend The Code Of Upper Dublin Township By Creating A New Chapter 43, Entitled Township Records; Setting Forth Definitions For Commission, Committee, Public Records And Records; Approving The Schedule For Retention Of Public Records As Promulgated By The Local Government Records Committee; Setting Forth The Manner Of Copying, Retaining And Disposing Of Township Records; Providing For The Manner By Which Public Records May Be Accessed; Designating The Township Secretary As The Official Charged With Responsibility For Complying With Requests For Public Records; Adopting A Policy For Accessing Public Records; Providing For A Schedule Of Fees For The Cost Of Copying Public Records; And Requiring That The Policy For Accessing Public Records, Together With The Schedule Of Fees, Shall Be Posted In The Township Building.

The Board of Commissioners of the Township of Upper Dublin hereby ordains:

Section 1. The Code of the Township of Upper Dublin is hereby amended by the addition of a new Chapter 43, entitled Township Records, to provide as follows:

Chapter 43, TOWNSHIP RECORDS

ARTICLE I, General Provisions

§ 43-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

COMMISSION -- The Pennsylvania Historical and Museum Commission.

COMMITTEE -- The Local Government Records Committee established by the Municipal Records Act, the Act of December 19, 1996, P.L. 1158.

PUBLIC RECORDS -- Any account, voucher or contract dealing with the receipt or disbursement of funds by the Township of Upper Dublin or its acquisition, use or disposal of services or of supplies, materials, equipment or other property and any minute, order or decision by the Township fixing the personal or property rights, privileges, immunities, duties or obligations of any person or group of persons: Provided, that the term "public record" shall not mean any report, communication or other paper, the publication of which would disclose the institution, progress or result of an investigation undertaken by the Township in the performance of its official duties, except those reports filed by the Township pertaining to safety and health in industrial plants; it shall not include any record document, material, exhibit, pleading, report, memorandum or other paper, access to or the publication of which is prohibited, restricted or forbidden by statute, law or order or decree of court, or which would operate to the prejudice or impairment of a person's reputation or personal security, or which would result in the loss by the Commonwealth of Pennsylvania or any of its political subdivisions (including the Township) or commissions or State or municipal authorities of Federal funds, excepting therefrom however the record of any conviction for any criminal act.

RECORDS -- Any papers, books, maps, photographs of other documentary materials, regardless of physical form or characteristics, made or received by Upper Dublin Township in pursuance of law or in connection with the exercise of its legitimate functions and the discharge of its responsibilities.

Article II. Retention and Disposal

§ 43-2. Disposition of original documents which have been reproduced; records.

Whenever any officer, commission or agency of the Township shall have photographed, microphotographed or microfilmed any record with the approval of and in conformance with standards established by the Committee, the original documents may be destroyed by burning or other disposition may be made thereof, provided that the Commission shall first have given its written consent by certificate to such destruction or other disposition, and provided that each individual act of destruction or other disposition shall first be approved by resolution of the Board of Commissioners. A record of items destroyed or disposed of shall be kept for reporting purposes and shall list the date and method of disposal, a description of the record sufficient for identification, inclusive dates and quantity (cubic feet).

§ 43-3. Adoption of Retention and Distribution Schedule.

A certain document, three copies of which have been and are presently on file in the office of the Secretary of the Township, being marked and designated "Retention and Distribution Schedule," and all amendments thereto, as proposed by the Commission and approved and promulgated by the Committee, be and is hereby adopted as part of this chapter as the schedule for the retention and disposition of original or reproduced records.

§ 43-4. Retention and disposal of records.

All public documents, whether in the form of the original document or in a reproduced form as provided for in § 43-2 of this chapter, shall be retained for the time periods set forth in the schedule adopted by § 43-3 of this chapter. When the retention period has expired, the documents may be destroyed by burning or other disposition may be made thereof, provided that the Commission shall first have given its written consent to such destruction or other disposition and shall have certified that such destruction or disposal is in accordance with the established schedule, and provided that each individual act of destruction or other disposition shall be first approved by resolution of the Board of Commissioners. A record of items destroyed or disposed of shall be kept for reporting purposes and shall list date and method of destruction or disposal, a description of the record sufficient for identification, inclusive dates and quantity (cubic feet).

§ 43-5. Retention of records independently.

Nothing in this chapter shall prevent the Township from retaining records longer than the periods provided in schedules approved by Board of Commissioners.

Article III, Public Records.

§ 43-6. Access to public records. Access to the public records of Upper Dublin Township shall be governed by the Right To Know Law of the Commonwealth of Pennsylvania, Act of June 21, 1957, as amended, and by the following regulations promulgated under the authority of that Act:

A. All requests for public records shall be made in writing to the Township Secretary and submitted in person, by mail, or by facsimile. The request shall identify with reasonable particularity the document or documents sought, whether the documents are to be made available for inspection and/or duplication, and the medium in which the record is requested to be provided..

B. The Township Secretary shall initially determine if the document or documents is in the Township's possession, and if so, whether one or more of the following factors would prevent a response to the request within five business days:

1. The request requires redaction of the public record.
2. The request requires retrieval of records stored in remote location.
3. Bona fide and specified staffing limitations inhibit a timely response.
4. A legal review is necessary to determine if the record is a public record.
5. The requester has not complied with the agency's policies regarding access.
6. The requester refuses to pay the applicable fees.

C. Within five business days of the receipt of the request, the Township Secretary shall respond to the request either by notifying the requester that the document is not in the Township's possession, or that the request is denied, or that the request is being reviewed, specifying one or more of the reasons set forth in (B) hereinabove, but will be available at an anticipated date no less than 35 days from the date the request was received, or that the document will be available for inspection at the Township during normal business hours. Whenever records are made available for access, the Public Information Officer shall not be required to maintain them for that purpose for a period in excess of 30 days prior to returning them to storage.

1. If the request is denied, whether initially or after review, the Public Information Officer shall so notify the requester in a writing which shall include:

- (a) A description of the record requested.
- (b) The specific reasons for the denial, including a citation of supporting legal authority. If the denial is the result of a determination that the record requested is not a

public record, the specific reasons for that determination by the Township.

(c) The typed or printed name, title, business address, business telephone number and signature of the public official or public employee on whose authority the denial is issued.

(d) The date of the response.

(e) The procedure to appeal the denial of access under the act.

2. The Township Secretary shall maintain a schedule of fees for the official certification of copies, and for the duplication of records by photocopying, printing from electronic media or microfilm, copying onto electronic media, transmission by facsimile or other electronic means and for any other means of duplication. Duplication fees shall be reasonable and based on prevailing fees for comparable services provided by local business entities. If it is estimated by the Township Secretary that the fees will exceed \$100, or if there is a balance due the Township for fees billed as the result of prior requests, the requester shall be required to remit the estimated and or past due fees prior to being given access to the records. Otherwise the requester will be required to remit the actual fees for certification, duplication and postage, if applicable, at the time the records are delivered. In addition to the fees set forth in the schedule of fees, a requester may be charged costs the Township necessarily incurs in complying with the request, other than a fee for the cost of determining whether a record is a public record subject to access.

§ 43-7. Posting.

The regulations set forth in §43-6 above, together with the schedule of fees maintained pursuant to this Article, shall be posted in the Township Building.

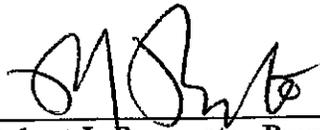
Section 2. Nothing in this Ordinance or in the Code of the Township of Upper Dublin, as hereby amended, shall be construed to affect any suit or proceedings in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Code prior to the adoption of this amendment.

Section 3. 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 this 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 if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

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

Enacted by the Board of Commissioners of Upper Dublin Township this *8th* day of *april*, 2003.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN



Robert J. Pesavento, President

ATTEST:



Paul A. Leonard, Township Manager/Secretary

AN ORDINANCE

NO. 1107

AN ORDINANCE To Amend The Code Of The Township Of Upper Dublin, Chapter 196, Signs, To Provide That No Signs May Be Placed On Utility Poles Except With The Permission Of The Owner Of The Pole And Otherwise Not In Violation Of State Law; To Remove The Limitations Previously Imposed on Temporary Signs Not Involving Commercial Speech; And Providing A Definition Of "Commercial Speech."

The Board of Commissioners of the Township of Upper Dublin hereby ordains:

Section 1. The Code of the Township of Upper Dublin, Chapter 196, Signs, Section 193-3, General sign regulations, subsections E, M and N, shall be amended to provide as follows:

§ 196-3. General sign regulations.

No person may erect, install or maintain any sign visible from the exterior of any property or structure in the township if prohibited by this chapter or Chapter 255, and unless specifically permitted by Chapter 255. The following regulations shall apply to all signs in the township. Where another chapter of this Code contains a more restrictive provision relating to the same sign, the more restrictive provision shall govern.

* * * * *

- E. No signs shall be placed on utility poles without the permission of the owner of the pole or in violation of state statute.

* * * * *

- M. All signs shall be constructed of durable materials and shall be maintained in safe condition and repair at all times. No sign shall be constructed of cloth, canvas, light fabric, cardboard, wallboard or other like materials unless a sign permit is obtained from the Director of Code Enforcement.

- N. Temporary signs shall not be erected in the sign set back area or on township property. Tacking, posting or otherwise affixing temporary signs upon poles, trees, buildings, fences or other

structures shall be prohibited without the consent of the property owner.

O. Temporary business signs, such as special event signs, banners, portable signs and commemorative flags, containing commercial speech, including the announcement of a grand opening, going-out-of-business sale or other special promotional event, shall comply with the following additional standards:

- (1) The area of the temporary business sign shall not exceed 25 square feet.
- (2) The property or business shall display only one temporary business sign at any one time.
- (3) The following display frequencies for temporary business signs shall be observed:
 - (i) Portable signs may be displayed only once during the calendar year for a period of time not exceeding 14 calendar days.
 - (ii) All other temporary business signs, such as special event signs, banners or commemorative flags may be displayed no more than two times during the calendar year for periods of time not exceeding 14 calendar days.
- (4) The property or business owner shall obtain a permit from the Township to display a temporary sign and shall deposit with the Township the sum of \$100, which sum shall be returned to the owner upon removal of the sign or shall be retained by the township upon the failure to remove within the time limits prescribed herein.
- (5) For purposes of this subsection, commercial speech is that which does no more than propose a commercial transaction, e.g. an undertaking intended for profit, directly or indirectly, in connection with any business.

Section 2. Nothing in this Ordinance or in Chapter 196 of the Code of the Township of Upper Dublin, as hereby amended, shall be construed to affect any suit or proceedings in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Chapter 196 prior to the adoption of this amendment.

Section 3. 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 this 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 if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

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

Approved by the Board this *13th* day of *May*, 2003.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN



Robert J. Pesavento, President

ATTEST:



Paul A. Leonard, Township Manager/Secretary

AN ORDINANCE
NO. 1108

AN ORDINANCE, TO AMEND THE CODE OF THE TOWNSHIP OF UPPER DUBLIN, CHAPTER 233, VEHICLES AND TRAFFIC, ARTICLE VIII, "SCHEDULES", SECTION 233-54, "PARKING PROHIBITED AT ALL TIMES" BY RESTRICTING PARKING ON THE WEST SIDE OF FT. WASHINGTON AVENUE FROM THE NORTHERLY CURBLINE OF SUSQUEHANNA ROAD, IN A NORTHERLY DIRECTION, FOR A DISTANCE OF 140 FEET.

The Board of Commissioners of the Township of Upper Dublin does hereby enact and ordain:

Section 1. The Code of the Township of Upper Dublin, Chapter 233 thereof, entitled Vehicles and Traffic, Article VIII, "Schedules", Section 233-54, Schedule XIII: Parking Prohibited at All Times, shall be amended to provide as follows:

§ 233-54. Schedule XIII: Parking Prohibited at All Times.

In accordance with the provisions of §233-21, no person shall park a vehicle at any time upon any of the following described streets or parts thereof:

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
	* * * * *	
Ft. Washington Avenue	West	From The Northerly Curbline of Susquehanna Rd., in a Northerly Direction, A Distance of 140 Ft.

* * * * *

Section 2. Nothing in this Ordinance or in Chapter 233 of the Code of the Township of Upper Dublin, as hereby amended, shall be construed to affect any suit or proceeding in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Chapter 233 prior to the adoption of this amendment.

Section 3. 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

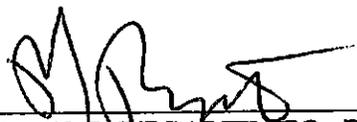
sections, sentences, clauses, parts, or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted as if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

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

ENACTED AND ORDAINED this *13th* day of *May*, 2003.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN

ATTEST:



ROBERT J. PESAVENTO, PRESIDENT



PAUL A. LEONARD, SECRETARY
udlord\CH 233 VEHICLES & TRAFFIC\WfWashAve-No Parking

AN ORDINANCE

NO. 1109

AN ORDINANCE To Amend The Code Of The Township Of Upper Dublin, Chapter 110, Entitled Fees, To Revise The Permit Fee Schedule For Residential Rental Units.

The Board of Commissioners of the Township of Upper Dublin does hereby enact and ordain:

Section 1. The Code of the Township of Upper Dublin, Chapter 110 thereof, entitled Fees, Section 110-4, "Basic housing fees", shall be amended to provide as follows:

§ 110-4. Basic housing fees.

[1] For rental units within an apartment or condominium building, a permit fee of \$30.00 per building plus \$15.00 per unit shall be paid every two years.

[2] For a rental unit within a single or two family dwelling, a permit fee of \$40.00 per unit shall be paid every two years.

Section 2. Nothing in this Ordinance or in Chapter 110 of the Code of the Township of Upper Dublin, as hereby amended, shall be construed to affect any suit or proceeding in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Chapter 110 prior to the adoption of this amendment.

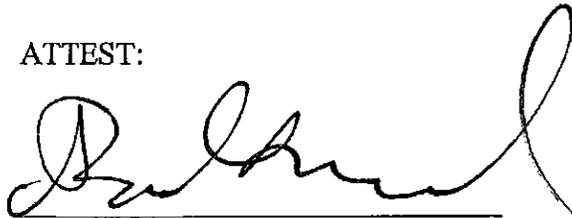
Section 3. The provisions of this Ordinance are severable, and if any section, sentence, clause, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, 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 illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

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

ENACTED AND ORDAINED this 12th day of June, 2003.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN

ATTEST:



PAUL A. LEONARD, SECRETARY



ROBERT J. PESAVENTO, PRESIDENT

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AN ORDINANCE
NO. 1110

AN ORDINANCE, TO AMEND THE CODE OF THE TOWNSHIP OF UPPER DUBLIN, CHAPTER 233, VEHICLES AND TRAFFIC, ARTICLE VIII, "SCHEDULES", SECTION 233-54, SCHEDULE XIII: "PARKING PROHIBITED AT ALL TIMES" BY ADDING A "NO PARKING" RESTRICTION ON THE WEST SIDE OF DUNDEE DRIVE FROM THE SOUTHERLY CURB LINE OF WOODLAND ROAD SOUTHERLY FOR A DISTANCE OF 70 FEET.

The Board of Commissioners of the Township of Upper Dublin does hereby enact and ordain:

Section 1. The Code of the Township of Upper Dublin, Chapter 233 thereof, entitled Vehicles and Traffic, Article VIII, "Schedules", Section 233-54, Schedule XIII: Parking Prohibited at All Times, shall be amended to provide as follows:

§ 233-54. Schedule XIII: Parking Prohibited at All Times.

In accordance with the provisions of § 233-21, no person shall park a vehicle at any time upon any of the following described streets or parts thereof:

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>

Dundee Drive	West	From the southerly curb line of Woodland Road, southerly for a distance of 70 feet

Section 2. Nothing in this Ordinance or in Chapter 233 of the Code of the Township of Upper Dublin, as hereby amended, shall be construed to affect any suit or proceeding in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Chapter 233 prior to the adoption of this amendment.

Section 3. 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 illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

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

ENACTED AND ORDAINED this 12th day of June, 2003.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN

ATTEST:



PAUL A. LEONARD, SECRETARY

ud\ord\CH 233 VEHICLES & TRAFFIC\NoPark-Dundee-5\29.03


ROBERT J. PESAVENTO, PRESIDENT

AN ORDINANCE

NO. 111

AN ORDINANCE Amending The Code Of The Township Of Upper Dublin, Chapter 110, Fees, To Increase The Open Space Contribution Fee For Each Dwelling Unit In A Residential Development Comprising Three Or More Units To \$1500.

The Board of Commissioners of the Township of Upper Dublin hereby ordains:

Section 1. The Code of the Township of Upper Dublin, Chapter 110, entitled Fees, §110-13, Subdivision and land development, subsection D(1), shall be amended to provide as follows:

§ 110-13. Subdivision and land development.

In accordance with Chapter 212, Subdivision and Land Development, the following fees shall be charged:

* * * * *

D. Open space contribution.

(1) There shall be paid to the township as a contribution for the purchase and maintenance of open space, parks, and recreation areas, a fee in the amount of \$1,500 for each dwelling unit constructed by a developer comprising three or more units.

Section 2. Nothing in this Ordinance or in Chapter 110 of the Code of the Township of Upper Dublin, as hereby amended, shall be construed to affect any suit or proceedings in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Chapter 110 prior to the adoption of this amendment.

Section 3. 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 this 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 if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

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

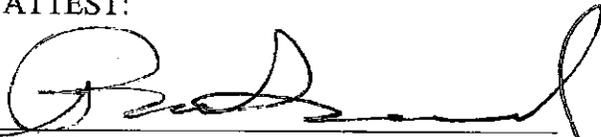
Enacted by the Board of Commissioners of Upper Dublin Township this *8th* day of *July*, 2003.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN



Robert J. Pesavento, President

ATTEST:



Paul A. Leonard, Secretary/Township Manager
Ordinance Chapter 110 Section 110-13
3.27.03

AN ORDINANCE

NO. 1112

AN ORDINANCE To Vacate And Abandon An Unimproved Portion Of A Certain Right-Of-Way Known And Designated As Catlin Way, In The Township Of Upper Dublin, Being A 796 Sq. Ft. Unimproved Area On The Westerly Side Thereof, Located Approximately 240 Feet North Of The Center Line Of Twin Pond Drive, As Set Forth On A Plan Of Subdivision Of The Pileggi Tract.

The Board of Commissioners of the Township of Upper Dublin, having determined following a public hearing that it is necessary for the public convenience, general benefit and welfare that an unimproved portion of a public street known as Catlin Way be vacated, does hereby enact and ordain:

Section 1. That an unimproved portion of Catlin Way, consisting of an area 796 sq.ft. in size, described as follows:

All that certain piece of ground Situate in the Township of Upper Dublin, County of Montgomery, State of Pennsylvania, bound and described according to a Final Plan of Subdivision of Pileggi Tract, prepared by Woodrow & Associates Inc., North Wales, Pennsylvania, dated November 15, 2002, last revised May 6, 2003, as follows, to wit:

- Beginning at a point on the Westerly side of Catlin Way (50 feet wide), said point being the corner of Lot 2 of the aforementioned subdivision, and a corner of lands of Lawrence B & Elisabeth R Grossman, said point being the Point and Place of Beginning;
- Thence from the first mentioned Point and Place of Beginning, along the Westerly side of Catlin Way, along an arc of a a circle curving to the left with a radius of 175.00 feet and an arc length of 97.15 feet to a point;
- Thence leaving the Westerly side of Catlin Way, north 44 degrees 47 minutes 00 seconds East, a distance of 92.87 feet to a point along the line dividing these lands and lands of Lawrence B & Elisabeth R Grossman;
- Thence along said line dividing the aforementioned lands, South 43 degrees 46 minutes 00 seconds East, a distance of 26.41 feet to the first mention Point and Place of Beginning.

Containing 796 Sq. Ft. / 0.02 ACRES, more or less.

and as further identified on a plan attached hereto as Exhibit "A", located approximately 240 feet north of the center line of Twin Pond Drive, is hereby vacated and abandoned for public use according to the General Road Laws of the Commonwealth of Pennsylvania, clear and unencumbered ownership thereof to revert to the owner of the adjacent property, known as the Pileggi Tract. Said portion of roadway shall be deleted from the Township Plan of Streets upon the filing of a report of these proceedings.

Section 2. Within ten (10) days after passage of this Ordinance, notice thereof shall be given by handbills posted in conspicuous places along the street or highway referenced herein in the vicinity of the area hereby vacated, which notice shall state the fact of the passage or approval of this ordinance and the date thereof.

Section 3. Nothing in this Ordinance shall be construed to affect any suit or proceeding in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing prior to the adoption of this amendment.

Section 4. 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 illegal, invalid, or unconstitutional section, sentence, clause, part or provision had not been included herein.

Section 5. This Ordinance shall take effect and be in force from and after its approval as required by law.

Approved by the Board this 8th day of July, 2003.

BOARD OF COMMISSIONERS
TOWNSHIP OF UPPER DUBLIN

BY: 
Robert J. Pesavento, President

ATTEST:


Paul A. Leonard, Secretary

AN ORDINANCE

NO. 1113

AN ORDINANCE Amending The Zoning Code Of The Township Of Upper Dublin By Providing An Amended Definition Of Home Occupation And Specifically Permitting No Impact Home Occupations In All Dwellings, Subject To Restrictions.

The Board of Commissioners of the Township of Upper Dublin hereby ordains:

Section 1. The Code of the Township of Upper Dublin, Chapter 255, entitled Zoning, Article I, General Provisions, § 255-7, Definitions, the definition of Home Occupation, shall be amended to provide as follows:

HOME OCCUPATION -- Any lawful occupation constituting, either entirely or partly, the livelihood of a person, which is conducted in the practitioner's principal residence as an incidental use. Two people sharing a dwelling unit as their principal residence shall each be permitted to practice.

Section 2. The Code of the Township of Upper Dublin, Chapter 255, entitled Zoning, Article IV, Accessory Buildings, Structures and Uses, § 255-27, Dwellings, shall be amended by the addition of a new paragraph 4.1, to provide as follows:

Article IV. Accessory Buildings, Structures and Uses.

§ 255-27. Dwellings.

The following uses shall be accessory to dwellings:

* * * * *

H. Professional office.

* * * * *

I. No Impact Home Occupation, subject to the following requirements:

- (1) No person except a resident practitioner shall work on the premises in connection with the use.
- (2) The home occupation shall be conducted entirely within a building. All such activities shall occupy no more than 500 square feet of floor area.
- (3) No commercial traffic visits shall be permitted, except for incidental delivery vehicles.
- (4) No goods shall be publicly displayed on the premises. No inventory, except samples or handicrafts and artwork produced on the premises, shall be maintained on the premises.
- (5) There shall be no outside storage of materials or equipment.
- (6) The existence of the use must not be visible from the exterior of the property.
- (7) No sign may be displayed associated with the business.
- (8) Before instituting the use, a certificate of occupancy authorizing the home occupation must be obtained.

Section 3. Nothing in this Ordinance or in Chapter 255 of the Code of the Township of Upper Dublin, as hereby amended, shall be construed to affect any suit or proceedings in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Chapter 255 prior to the adoption of this amendment.

Section 4. 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 this 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 if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

Section 5. This Ordinance shall take effect and be in force from and after its approval as required by law.

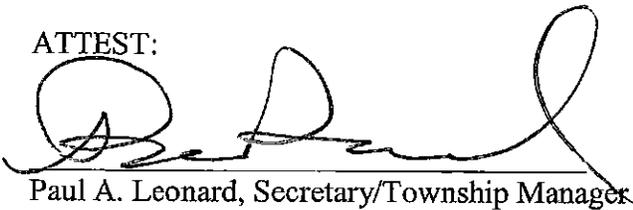
Enacted by the Board of Commissioners of Upper Dublin Township this ^{9th} day of *July*, 2003.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN



Robert J. Pesavento, President

ATTEST:



Paul A. Leonard, Secretary/Township Manager

ud\ora\Chapter 255\home occupations
3.26.03

AN ORDINANCE

NO. 1114

AN ORDINANCE To Amend The Code Of Township Of Upper Dublin, Chapter 212, Subdivision And Land Development, By Prohibiting The Creation Of A Street Which Would Impose A Greater Setback Requirement On An Abutting Property; And By Prohibiting The Creation Of An Excessively Irregular Lot, Defined As One Which Is Not Four Sided, Or Which Has A Boundary Line More Than 2.5 Times The Length Of The Opposite Or Any Adjacent Boundary Line.

The Board of Commissioners of the Township of Upper Dublin hereby ordains:

Section 1. The Code of the Township of Upper Dublin, Chapter 212, Subdivision and Land Development, Article IV, Design Standards, §212-15, Streets, subsection A, Street System, shall be amended by the addition of a new paragraph (11), to provide as follows:

Article IV. Design Standards

§ 212-15. Streets. All new streets and widened portions of all existing rights-of-way intended for public use shall be dedicated to the township. Streets shall be designed and constructed in compliance with the following requirements:

A. Street system.

* * * * *

(11) Setbacks. No street may be created within a tract that would impose on an abutting property an increased set back requirement under the provisions of Chapter 255 of the Township Code.

Section 2. The Code of the Township of Upper Dublin, Chapter 212, Subdivision and Land Development, Article IV, Design Standards, §212-21, Lots on public and private streets, shall be amended by revising the section heading, by revising subsection D and by adding a new subsection H, to provide as follows:

Article IV. Design Standards

§ 212-21. Lots

D. Frontage. Every lot shall have frontage along the right-of-way of a public street or a private street and shall have the minimum frontage required by Chapter 255 of the Township Code on each street on which the lot abuts.

H. Excessively irregular. A lot may not be created which is excessively irregular unless reasonably dictated by the topography of the land or other natural feature. An excessively irregular lot is one which is not four sided, or which has a boundary line the length of which is more than 2.5 times the length of the opposite or any adjacent boundary line.

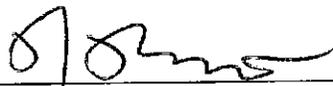
Section 3. Nothing in this Ordinance or in Chapter 212 of the Code of the Township of Upper Dublin, as hereby amended, shall be construed to affect any suit or proceedings in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Chapter 212 prior to the adoption of this amendment.

Section 4. 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 this 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 if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

Section 5. This Ordinance shall take affect and be in force from and after its approval as required by law.

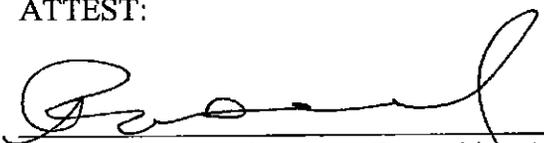
Enacted by the Board of Commissioners of Upper Dublin Township this 23rd day of September, 2003.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN



Robert J. Pesavento, President

ATTEST:



Paul A. Leonard, Secretary/Township Manager
ud\ord\chapter 212§212-15&§212-21
9.23.03

AN ORDINANCE

NO. 1115

AN ORDINANCE To Amend The Upper Dublin Township Code To Remove The Provision For Further Professional Offices In Residence Districts And To Provide For Minor Home Occupations, Defined As An Occupation That Permits No More Than One Commercial Visit Per Hour Or More Than Four Such Visits Per Day And Which Operates Between The Hours Of 9:00 A.M. And 9:00 P.M.; And To Provide Conditions Under Which Minor Home Occupations Are Permitted, Including A Requirement That They Be Separated From One Another And From An Existing Professional Office By A Minimum Distance Of 500 Feet.

The Board of Commissioners of the Township of Upper Dublin hereby ordains:

Section 1. The Code of the Township of Upper Dublin, Chapter 255, Article IV, Accessory buildings, structures and uses, §255-27 – Dwellings, subsection H – Professional office, paragraph (1), shall be amended to provide as follows:

§ 255-27. Dwellings

H. Professional office.

(1) A professional office which does not qualify as a minor home occupation is permitted in a single-family dwelling, or in a building accessory thereto, if authorized as a special exception by the Zoning Hearing Board prior to August 1, 2003, subject to the following:

(a) The professional office will be used only by a practitioner licensed by the Commonwealth of Pennsylvania as a doctor, lawyer, dentist, psychologist, psychiatrist, engineer, architect, accountant or a rabbi, priest or minister affiliated with a local religious institution.

(b) The profession will be conducted, managed and operated primarily by a resident of the dwelling.

(c) No more than a total of four individuals will work or assist in the office; no more than two of these individuals will be nonresidents of the dwelling.

(d) The office will be located in the dwelling or in a building accessory thereto.

(e) The gross office space will not exceed 600 square feet.

(f) Only one sign will be displayed on the subject premises for the office, and that sign will not be larger than six inches by 18 inches bearing the name and occupation, in words only, of the practitioner.

(g) Parking shall be provided as required by Article XIX of this chapter.

(h) The required parking spaces will be paved with an all-weather material as required by the Township Code; however, the Zoning Hearing Board may determine that a certain number of the required spaces may be held in reserve and remain unpaved until one or all of the reserved required spaces become necessary at some time in the future, with such determination to be left to the discretion of the property owner.

(i) The additional requirements for the professional office parking will be provided in the side or rear yard only. The setback of the parking area and the approaches thereto will be no closer to an adjacent lot than an accessory building in the same zoning district may be located pursuant to this chapter.

(j) All driveways will be constructed to permit the turning of vehicles on the lot so as to avoid the necessity of backing into the street.

(k) Any increased water runoff from the subject property caused by construction to the professional office or the additional parking therefor will be fully recharged on the subject property.

- (1) Landscaped plantings sufficient to screen the parking area from adjacent lots will be provided and maintained. A plan of such landscaping shall accompany the zoning application.

Section 2. The Code of the Township of Upper Dublin, Chapter 255, Article IV, Accessory buildings, structures and uses, § 255-27 – Dwellings, shall be amended by the addition of a new subsection J, to provide as follows:

§ 255-27. Dwellings

* * * * *

J. Minor home occupation. A minor home occupation is a home occupation which involves no more than one commercial visit per hour and a maximum of four commercial visits to the premises per day, with all visits falling between the hours of 9:00 a.m. and 9:00 p.m. A minor home occupation is permitted subject to the following requirements:

- (1) The use shall be located in the principal residence of the practitioner. No person except a resident practitioner (or employee which the practitioner is required by law to have on the premises) shall work on the premises in connection with the use.
- (2) The use shall be conducted within a building. All such activities shall occupy no more than 500 square feet of floor area.
- (3) Parking shall be provided as required by Article XIX of this chapter.
- (4) No goods shall be publicly displayed on the premises. No inventory, except samples or handicrafts and artwork produced on the premises, shall be maintained on the premises.
- (5) There shall be no outside storage of materials or equipment, except that one business vehicle employed in the home occupation may be maintained on the property if it is parked off of the street and behind the required front yard setback.
- (6) The existence of the use must not be visible from the exterior of the property, except that a single, non-illuminated sign no more than 84 square inches in area on either side may be erected to display only the name or names of the practitioner(s) and the address.

(7) Before instituting the use, a certificate of occupancy authorizing the home occupation must be obtained.

(8) In all Residence Districts, no minor home occupation shall be located within 500 feet of a professional office or any other minor home occupation measured by the shortest distance between the lot on which the proposed use will be located and the lot or lots which contain the existing use. The requirement of this subsection shall not be imposed if the applicant establishes, upon application to the Zoning Hearing Board for a special exception, either that the proposed use is located in a neighborhood which is not primarily residential in character or that the proposed use will not have a substantial tendency to commercialize the neighborhood.

Section 3. Nothing in this Ordinance or in Chapter of the Code of the Township of Upper Dublin, as hereby amended, shall be construed to affect any suit or proceedings in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Chapter 255 prior to the adoption of this amendment.

Section 4. 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 this 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 if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

Section 5. This Ordinance shall take affect and be in force from and after its approval as required by law.

AN ORDINANCE

NO. 1116

AN ORDINANCE To Amend The Zoning Code Of The Township Of Upper Dublin To Prohibit Outdoor Storage Or Storage Of, Within Or Upon A Trailer Other Than By A Contractor In CR Commercial Districts, Except Where Specifically Permitted.

The Board of Commissioners of the Township of Upper Dublin hereby ordains:

Section 1 The Code of the Township of Upper Dublin, Chapter 255, entitled Zoning, Article XIV – CR Commercial District, § 255-93, Class L, Subsection A, (6), shall be amended to provide as follows:

Article XVI – CR Commercial District

§ 255-93. Class L.

A. In Class L a building may be erected, altered or used and a lot or premises may be used for any of the following purposes and no other:

(6) Greenhouse, garden center, or landscape nursery, including an outdoor area for the sale and storage of plants and materials..

Section 2 The Code of the Township of Upper Dublin, Chapter 255, entitled Zoning, Article XIV – CR Commercial District, § 255-94, Class I, Subsection A, (2) and (3), shall be amended to provide as follows:

Article XVI – CR Commercial District

§ 255-94. Class I.

A. In Class L a building may be erected, altered or used and a lot or premises may be used for any of the following purposes and no other:

* * * * *

(2) New automobile sales and service agency, including used car lot and repair shop, adjacent to and in connection therewith, and including the outdoor storage of new and used automobiles.

(3) Sale of lumber, plumbing and other building materials and supplies, and the outdoor storage thereof.

* * * * *

Section 3. The Code of the Township of Upper Dublin, Chapter 255, entitled Zoning, Article XIV – CR Commercial District, shall be amended by the addition of a new § 255-96.1 – Outdoor Storage, to provide as follows:

Article XVI – CR Commercial District

* * * * *

§ 255-96.1. Outdoor Storage. Except where specifically authorized in this Article, the temporary or permanent storage of goods and materials must occur within a wholly enclosed building. The outdoor storage of, within or upon a trailer or other storage vehicle, other than by a contractor working under a valid building permit, is expressly prohibited.

Section 4. Nothing in this Ordinance or in Chapter 255 of the Code of the Township of Upper Dublin, as hereby amended, shall be construed to affect any suit or proceedings in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Chapter 255 prior to the adoption of this amendment.

Section 5. 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 this 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 if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

Section 6. This Ordinance shall take effect and be in force from and after its approval as required by law.

Enacted by the Board of Commissioners of Upper Dublin Township this ^{12th} day of
October, 2003.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN



Robert J. Pesavento, President

ATTEST:



Paul A. Leonard, Secretary/Township Manager

ud\ord\chapter 255-96.1\outdoor storage
9.23.03

AN ORDINANCE

NO. 1117

AN ORDINANCE To Amend The Zoning Code Of The Township Of Upper Dublin To Clarify The Conditions And Requirements For The Grant By The Board Of Commissioners Of Conditional Use Approval To Create A Rear Lot By Subdivision, Including The Addition Of A Provision That No Such Rear Lot Can Be Created If It Would Increase The Number Of Conforming Lots Otherwise Permitted.

The Board of Commissioners of the Township of Upper Dublin hereby ordains:

Section 1. The Code of the Township of Upper Dublin, Chapter 255, entitled Zoning, Section 255-23. Street access required, shall be amended to provide as follows:

§ 255-23. Street access required; rear lots.

No zoning permit shall be issued to construct a structure on any lot unless the lot abuts on a public street or on a private street pursuant to § 255-18 of this chapter, and the width of the lot from the street line to the building line is no less than the minimum required width at the building line. The Board of Commissioners may grant conditional use pursuant to the provisions of Article XXV to construct a structure on a lot which does not meet these width requirements (a rear lot), provided the following conditions are met:

- A. There is a direct access from the street to the building line through an open space on the same lot.
- B. Such open space shall be at least 25 feet wide at the street line and shall extend at no less than that width from the street line to the building line.
- C. Such open space shall be capable of accommodating pedestrian and vehicular traffic by means of an all-weather paved travel lane.
- D. The minimum lot width shall be measured parallel to the street at the point of the proposed building closest to the street and shall extend the full depth of the building, plus an additional 25 feet.

E. Such open space shall be capable of accommodating the construction and use of public utilities, including storm and sanitary sewage facilities.

F. The interior of the lot not abutting the street shall be required to connect to sanitary sewer lines when constructed in the street, and the owner shall agree in writing to be subject, following construction, to an assessment for the cost of the sanitary sewer as assessed by the proper authority on the same basis as the lots abutting the aforesaid open space on the street but limited to a frontage not in excess of the width of a lot as defined for a lot in the zoning district in which the open space is located.

G. The interior lot shall be at least 10% larger than the size required in the zoning district and, in determining compliance with the requirements of this chapter, the lot area of the open space between the street line and the point on a line drawn radial thereto where the minimum lot width is reached shall not be included, except with respect to those requirements relating to impervious surface.

H. A rear lot may not be approved by subdivision unless a conforming lot could otherwise be created. Every application for conditional use to approve a rear lot shall be accompanied by a yield plan sealed by a registered civil engineer showing subdivision of the parcel into conforming lots.

I. The Board of Commissioners shall designate which yard will be the front yard of a rear lot.

J. The applicant must submit credible evidence satisfactory to the Board of Commissioners that the creation of the rear lot furthers the land use goals and requirements of this chapter and of chapter 212 of the Upper Dublin Code.

Section 2. Nothing in this Ordinance or in Chapter 255 of the Code of the Township of Upper Dublin, as hereby amended, shall be construed to affect any suit or proceedings in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Chapter 255 prior to the adoption of this amendment.

Section 3. 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 this 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 if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

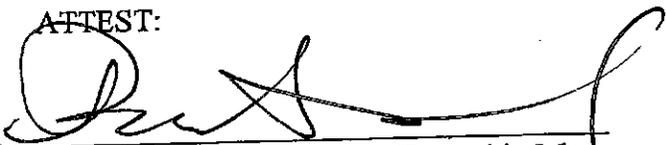
Section 4. This Ordinance shall take affect and be in force from and after its approval as required by law.

Enacted by the Board of Commissioners of Upper Dublin Township this 11th day of November, 2003.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN


Robert J. Pesavento, President

ATTEST:


Paul A. Leonard, Secretary/Township Manager

udford\chapter 255\255-23 - Rear Lots
7.11.03

ANNUAL BUDGET OF THE TOWNSHIP OF UPPER DUBLIN FOR THE YEAR 2004

AN ORDINANCE OF UPPER DUBLIN TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA APPROPRIATING SPECIFIC SUMS ESTIMATED TO BE REQUIRED FOR THE SPECIFIC PURPOSES OF THE MUNICIPAL GOVERNMENT, HEREINAFTER SET FORTH, DURING 2004.

The Board of Commissioners of the Township of Upper Dublin does hereby ENACT AND ORDAIN as follows:

SECTION 1: That for the expenses for the fiscal year 2004 the following amounts are hereby appropriated from the revenues available for the current year for the specific purposes set forth below, which amounts are more fully itemized in the budget form.

SUMMARY OF ALL ESTIMATED RECEIPTS

Receipts from Current Tax Levy	12,821,056
Receipts from Taxes of Prior Years	32,000
Other Revenues and Receipts	<u>6,181,511</u>
TOTAL ESTMATED RECEIPTS AND CASH	19,034,567

SUMMARY OF ALL APPROPRIATIONS

GENERAL GOVERNMENT	
Administration and Finance	1,798,417
Treasurer and Tax Collector	19,515
Library	688,965
Municipal Buildings	<u>266,956</u>
TOTAL	2,773,853
PROTECTION TO PERSON AND PROPERTY	
Police	4,533,748
Fire	1,137,258
Emergency Services	<u>249,361</u>
TOTAL	5,920,367

SANITARY SEWER	26,000
SANITATION	2,290,868
CODE ENFORCEMENT	447,365
HIGHWAY AND ENGINEERING	2,433,264
PARKS AND RECREATION	1,412,139
DEBT SERVICE	1,257,412
NON EXPENDABLE TRUSTS	18,400
CAPITAL PROJECTS	
General Capital	904,064
Storm Sewer Management Projects	1,390,000
Open Space	<u>106,585</u>
	TOTAL
	2,400,649
COMMUNITY CONTRIBUTIONS	<u>54,250</u>
TOTAL APPROPRIATIONS	19,034,567

SECTION 2: An estimate of the specific items making up the amounts appropriated to the respective departments is on file in the office of the Township of Upper Dublin, Montgomery County, Pennsylvania.

SECTION 3: That an Ordinance, or part of an Ordinance, conflicting with this Ordinance be and the same is hereby repealed insofar as the same affects this Ordinance.

SECTION 4: Nothing in this Ordinance shall be construed to affect any suit or processing in any Court, any rights acquired or liability incurred, any permit issued, or any causes of action existing prior to the adoption of this amendment.

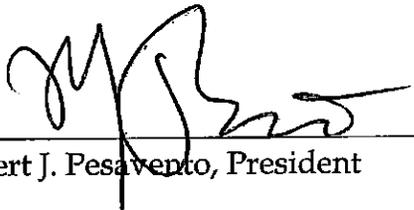
SECTION 5: The provisions of this Ordinance are severable, and if any section, sentence, clause, part or provision thereof shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of the Court shall not affect or impair the remaining sections, sentences, 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 illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

SECTION 6: This Ordinance shall take effect and be in force from and after January 1, 2004.

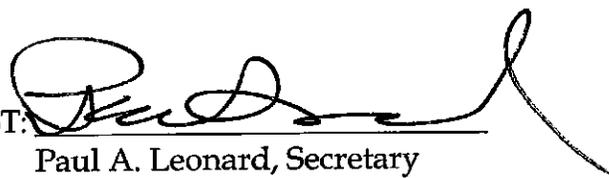
ENACTED AND ORDAINED THIS 9th day of December 2003.

BOARD OF COMMISSIONERS
UPPER DUBLIN TOWNSHIP

BY: _____


Robert J. Pesavento, President

ATTEST: _____


Paul A. Leonard, Secretary

AN ORDINANCE OF UPPER DUBLIN TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA, FIXING THE TAX RATE FOR THE YEAR 2004 FOR GENERAL PURPOSES, THE TAX RATE FOR THE YEAR 2004 FOR DEBT SERVICE, THE TAX RATE FOR THE YEAR 2004 FOR FIRE PROTECTION, THE TAX RATE FOR THE YEAR 2004 FOR PARKS AND RECREATION AND ESTABLISHING DISCOUNTS AND PENALTIES THEREFOR.

The Board of Commissioners of the Township of Upper Dublin does hereby ENACT AND ORDAIN as follows:

SECTION 1: Tax Rate for General Purposes

That a tax be and the same is hereby levied on all property and occupation within the said municipality subject to taxation for the fiscal year 2004, as follows:

Tax rate for General Purposes, the sum of 2.450 mils
on each dollar of assessed valuation, or the sum of 24.50 cents
on each one hundred dollars of assessed valuation.

The same being summarized in tabular form as follows:

	<u>Mils on Each Dollar of Assessed Valuation</u>	<u>Cents on Each One Hundred Dollars of Assessed Valuation</u>
Tax Rate for General Purposes	2.450	24.50

SECTION 2: Tax Rate for Debt Service

That a tax be and the same is hereby levied on all property and occupation within the said municipality subject to taxation for the fiscal year 2004, as follows:

Tax rate for Debt Service, the sum of 0.376 mils
on each dollar of assessed valuation, or the sum of 3.760 cents
on each one hundred dollars of assessed valuation.

The same being summarized in tabular form as follows:

	<u>Mils on Each Dollar of Assessed Valuation</u>	<u>Cents on Each One Hundred Dollars of Assessed Valuation</u>
Tax Rate for Debt Service	.376	3.760

SECTION 3: Tax Rate for Fire Protection

That a tax be and the same is hereby levied on all property and occupation within the said municipality subject to taxation for the fiscal year 2004, as follows:

Tax rate for Fire Protection, the sum of	0.221 mils
on each dollar of assessed valuation, or the sum of	2.210 cents
on each one hundred dollars of assessed valuation.	

The same being summarized in tabular form as follows:

	<u>Mils on Each Dollar of Assessed Valuation</u>	<u>Cents on Each One Hundred Dollars of Assessed Valuation</u>
Tax Rate for Fire Protection	.221	2.210

SECTION 4: Tax Rate for Parks and Recreation

That a tax be and the same is hereby levied on all property and occupation within the said municipality subject to taxation for the fiscal year 2004, as follows:

Tax rate for Parks and Recreation, the sum of	0.468 mils
on each dollar of assessed valuation, or the sum of	4.680 cents
on each one hundred dollars of assessed valuation.	

The same being summarized in tabular form as follows:

	<u>Mils on Each Dollar of Assessed Valuation</u>	<u>Cents on Each One Hundred Dollars of Assessed Valuation</u>
Tax Rate for Parks and Recreation	.468	4.680

SECTION 6: Discounts and Penalties

All taxpayers shall be entitled to a discount of two per centum (2%) from the amount of tax levied upon property, upon making payment of amount of such tax within sixty (60) days of the date of the tax notice. All taxpayers who shall fail to make payment of any such taxes charged against them within one hundred twenty (120) days of the date of the tax notice, shall be charged a penalty of ten per centum (10%) of the amount of the tax, which penalty shall be added to the taxes by the tax collector and collected as provided by law.

SECTION 7: Nothing in this Ordinance shall be construed to affect any suit or processing in any Court, any rights acquired or liability incurred, any permit issued, or any causes of action existing prior to the adoption of this amendment.

SECTION 8: 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 illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

SECTION 9: This Ordinance shall take effect and be in force from and after January 1, 2004.

ENACTED AND ORDAINED THIS 9th day of December 2003.

BOARD OF COMMISSIONERS
UPPER DUBLIN TOWNSHIP

BY: _____


Robert J. Pesavento, President

ATTEST: _____


Paul A. Leonard, Secretary

AN ORDINANCE

NO. 1120

AN ORDINANCE Of The Township Of Upper Dublin Amending The Code Of The Township By Enacting A New Chapter 240, Entitled Watercourses; By Requiring All Property Owners To Maintain And Permit The Free Flow Of Water At All Times Through Any Drain, Ditch, Stream, Swale Or Watercourse Crossing Their Property; By Establishing A Permit Requirement To Stop, Fill Up, Confine, Pave Or Otherwise Interfere With The Course Of Any Such Flow Of Water, Establishing An Application Procedure Therefore; By Requiring Notification To The Township, The Property Owner, The Department Of Environmental Resources And Abutting Property Owners Of Any Discharge Of A Pollutant Into Any Such Flow Of Water; By Establishing Penalties For The Violation Thereof; And By Establishing A Fee For The Cost Of Filing Any Such Permit Application.

The Board of Commissioners of the Township of Upper Dublin hereby ordains:

Section 1. The Code of the Township of Upper Dublin shall be amended by the addition of a new Chapter 240, entitled Watercourses, to provide as follows:

Chapter 240 - WATERCOURSES

§ 240-1. Maintenance of property; maintaining the free flow of water.

A. It shall be the obligation of every property owner to maintain his property in such manner so as to permit at all times the free flow of water through any drain, ditch, stream, swale or watercourse, whether natural or man-made, occupying such land, including the removal of any trees, bushes, undergrowth, tree limbs, trash or debris which might interfere with the free flow of water in the event of a storm.

B. No person shall permit surface water or drainage to be directed or redirected onto the property of another without that person's permission, nor shall any person interfere with the natural flow of surface water or drainage so as to block it from flowing off of the property of another.

§ 240-2. Permit required.

It shall be unlawful for the owner of any land to stop, fill up, confine, pave or otherwise interfere with or change the course of any drain, ditch, stream, swale or watercourse in Upper Dublin Township without first obtaining from the Township Engineer a permit authorizing such work to be performed; and no drain, ditch, stream, swale or watercourse shall be stopped, filled up, confined, paved or otherwise interfered with or the course thereof changed except in strict accordance with the terms and conditions of such permit and the plans and specifications submitted therewith.

§ 240-3. Application for permit.

The application for a permit shall be in a form prescribed by the Township, verified by affidavit made by the owner and accompanied by plans and specifications prepared by a registered engineer or surveyor. Upon filing the application and plans and specifications, the Township Engineer shall notify the Pennsylvania Department of Environmental Protection or other agency overseeing permits relating to watercourses of the size for which the permit is sought and all municipalities which are adjacent to the Township of the occurrence and contents of the filings. The plans and specifications shall show the exact nature of the work to be performed; the course, structure and capacity of all drains, ditches, streams and watercourses; the method of drainage of the adjacent or contiguous territory; and any other necessary and explanatory details required by the Township. The delineation of the identified floodplain area may be revised by the Township where natural or man-made changes have occurred and/or more detailed studies conducted or undertaken by the United States Army Corps of Engineers, a River Basin Commission or other qualified agency or individual documenting the necessity for such changes. However, prior to any such changes, approval must be obtained from the Federal Insurance Administration (FIA).

§ 240-4. Approval procedure.

The application and plans and specifications shall be filed in triplicate with the Township Engineer. The Township Engineer may require alterations, changes or modifications in the plans and specifications which it deems necessary and may refuse a permit until such alterations, changes and modifications have been made. If the Township Engineer shall disapprove the plans and specifications submitted and refuse a permit, the reasons therefor will be set forth in writing and given to the applicant, who may, within 30 days thereafter, appeal to the Board of Commissioners. Before acting upon such appeal, the Board of Commissioners may, in its discretion, arrange for a public hearing after giving such notice as it deems desirable.

§ 240-5. Commencement of work.

The Township Engineer shall be notified at least 24 hours in advance of the commencement of the work in order that provision may be made for proper inspection

thereof. Samples of material and every reasonable facility for ascertaining whether the work is in conformity with the provisions of this chapter and the Subdivision and Land Development Code of the Township shall be furnished to the Township Engineer.

§ 240-6. Incidents causing or threatening pollution.

If, because of an accident or other activity or incident, a substance which would pollute the waters of the Commonwealth located within the Township and could endanger downstream users of the waters or its aquatic life or could damage property is discharged into these waters, including but not limited to sewers, drains, ditches or other channels of conveyance into the waters, or is so placed that it might discharge, flow, leach, be washed or fall into them, it shall be the responsibility of the person at the time of such incident in charge of the substance or owning or occupying the premises, facility, vehicle or vessel from or on which the substance is discharged or placed to forthwith notify the Township Manager's office, such owner or occupant and the Pennsylvania Department of Environmental Protection by telephone of the location and nature of the incident and, if reasonably possible to do so, to notify known downstream users of the waters.

§ 240-7. Fees

A fee, as set forth in the Township Schedule of Fees, as adopted and amended from time to time by the Board of Commissioners, shall be paid to the Township Engineer when the application is filed; and the owner shall also pay the actual cost of any material tests and reimburse the Township for necessary inspection at the rate set forth in the Township Schedule of Fees for each hour or portion thereof a Township inspector is engaged on the work.

§ 240-8. Violations and penalties.

Any person violating any of the provisions of this chapter shall be liable, on conviction thereof, to a fine or penalty not exceeding \$600 for each and every offense; and when any person shall have been notified by the Township Engineer or by service of summons in a prosecution or any other way that he is committing a violation of this chapter, each day in which the violation is continued after such notification shall constitute a separate offense, punishable by like fine or penalty.

Section 2. The Code of the Township of Upper Dublin, Chapter 110, entitled Fees, shall be amended by the addition of a new § 110-17, Watercourses, to provide as follows:

§110-17. Watercourses

In accordance with Chapter 240, Watercourses, a fee shall be charged for the application

for a permit to stop, fill up, confine, pave or otherwise interfere with or change the course of any drain, ditch, stream, swale or watercourse in the amount of \$225.00, plus the actual costs of any inspections per each hour or portion thereof a Township inspector or the Township Engineer is engaged on the work.

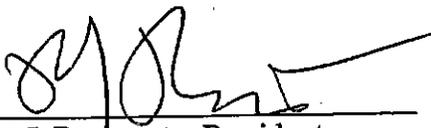
Section 3. Nothing in this Ordinance or the Code of the Township of Upper Dublin, as hereby amended, shall be construed to affect any suit or proceedings in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing prior to the adoption of this amendment.

Section 4. 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 this 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 if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

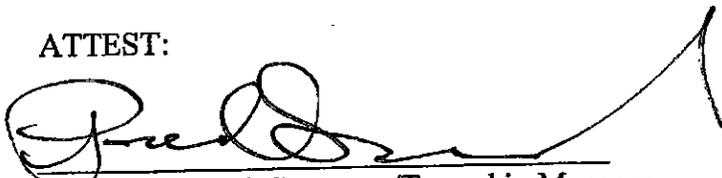
Section 5. This Ordinance shall take affect and be in force from and after its approval as required by law.

Enacted by the Board of Commissioners of Upper Dublin Township this *9th* day of *December*, 2003.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN


Robert J. Pesavento, President

ATTEST:


Paul A. Leonard, Secretary/Township Manager

udfordchapter 240
8.19.03

AN ORDINANCE

NO. 1121

AN ORDINANCE To Amend The Code Of The Township Of Upper Dublin By The Addition Of A New Chapter 221, Tattooing And Body Piercing; To Recognize The Potential For Illness And Injury From Invasive Cosmetic Procedures; To Provide Definitions; To Require The Licensing Of Premises On Which Tattooing Or Body Piercing Procedures Are Performed; To Provide For The Renewal And Suspension Of Such Licenses; To Mandate Information That Must Be Supplied To The Township On License Applications; To Establish Minimum Standards For The Design And Equipping Of Licensed Premises; To Provide That No Person Under The Age Of 18 Years May Be Subjected To A Body Piercing Or Tattooing Procedure Without The Express Written Consent Of Such Persons' Parent Or Guardian; To Establish Minimum Sanitary Conditions Under Which Such Procedures Must Be Performed; To Provide Special Regulations For Tattooing Procedures; To Provide For The Inspection Of Licensed Premises And The Issuance Of An Inspection Certificate; To Empower The Board Of Health To Promulgate Additional Regulations; To Empower The Board Of Health And The Health Officer To Revoke Or Suspend A License Or A Certificate Of Inspection; To Provide A Procedure For The Appeal Of The Revocation Of A License Or Certificate; To Establish Regulations For The Disposal Of Waste Materials From A Licensed Premises; To Provide Penalties For The Violation Of These Provisions; And To Amend Chapter 110, Fees, To Require The Payment Of \$300 For A License To Operate A Premises Where Body Piercing Or Tattooing Procedures Are Performed.

The Board of Commissioners of the Township of Upper Dublin hereby ordains:

Section 1. The Code of the Township of Upper Dublin shall be amended by the addition of a new chapter 221, Tattooing and Body Piercing, to provide as follows:

CHAPTER 221
TATTOOING AND BODY PIERCING

§ 221-1. Policy and purpose.

The Board of Commissioners of Upper Dublin Township has determined that the practice of utilizing invasive cosmetic procedures (ICP) for decorative and cosmetic micropigmentation, commonly known as body piercing, tattooing and/or branding, is on the increase with little regulation in place to protect against illness and injury that may occur from such practices and with no accounting requirements for operators. The

governing body deems it to be in the best interest of the residents of Upper Dublin Township and for the public health, safety and welfare to adopt regulation and licensing provisions to that end, and to provide for licensing fees to cover the costs of investigating, administering and enforcing such provisions.

§ 221-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

BODY PIERCING -- Piercing of the skin for the express purpose of insertion of any object, including but not limited to jewelry; provided, however, that the piercing of the lobes of the ears shall be specifically excluded from the purview of this chapter. The practice of branding, the marking of the human skin by the intentional application of a hot object, shall be included in this definition and all regulations pertaining thereto shall apply to such practice as applicable.

BOARD OF HEALTH -- The Upper Dublin Township Board of Health.

CERTIFICATE OF SANITATION -- A certificate issued to the owner or proprietor of a body piercing or tattooing shop under the provisions of this chapter.

HEALTH OFFICER -- The Health Officer appointed by the Board of Commissioners of Upper Dublin Township.

LICENSE -- A license issued to an operator under the provisions of this ordinance.

OPERATOR -- The owner, lessee, manager or person in charge of a premises where body piercing or tattooing is performed.

PRACTITIONER -- Any person who performs the procedure or engages in the practice of body piercing or tattooing or branding.

TATTOO PARLOR -- Any premises where an operator does tattooing for a fee or other consideration.

TATTOO or TATTOOING -- To mark or color the skin by pricking or by subcutaneous introduction of nontoxic dyes or pigments so as to form indelible marks or figures or by production of scars.

§ 221-3. License and inspection certificate required.

No practitioner, except a duly licensed health care provider, shall engage in the practice of body piercing or tattooing in Upper Dublin Township unless the operator where the

procedure takes place has been issued a license by the Department of Health and the premises has a current inspection certificate.

§ 221-4. Application for license.

A. The operator where body piercing or tattooing is performed shall apply to the Health Officer for a premises license, in writing, on forms supplied by the Health Department for said purpose, which form shall be duly verified by the applicant. The application must be accompanied by the license fee provided for in chapter 110, which fee shall include the cost of inspection. The license application shall set forth such information as the Health Department may require, including the following:

- (1) Name and address of the operator of the premises being licensed and the address of the premises.
- (2) Local and permanent address(es) and telephone number(s) of the operator.
- (3) Name(s), local address(es) and telephone number(s) of the manager of business, if different from the operator.
- (4) The name and address of a person residing in or employed in Upper Dublin Township designated by the applicant to accept service of process of any complaint arising out of an alleged violation or the provisions of this chapter. Said designee may be the operator.
- (5) Copy of the Commonwealth of Pennsylvania Sales Tax Certificate.
- (6) Federal employer identification number if the applicant is a corporation, partnership or firm; social security number if the applicant is a proprietorship.
- (7) A certification that the applicant is a citizen of the United States or, if not, is the holder of documentation authorizing the alien to be employed in the United States, such as an alien registration card issued by the United States Immigration and Naturalization Service on Form No. I-151, I-155, I-94, with an endorsement authorizing employment in the United States, or the like.
- (8) If the applicant is a partnership, firm or corporation, all information required by the application shall apply not only to the partnership, firm or corporation, but also to each officer, director or holder of 10% of the issued stock (if a corporation), and to all members of a partnership or firm.

(9) Proof of public liability/bodily injury and property damage insurance and professional liability insurance in the amount of \$100,000 each, per occurrence, or in such other amount as the Board of Health shall determine.

B. Each body piercing or tattooing license issued by the Health Officer shall contain a registration number and no such license shall be transferable.

§ 221-5. Expiration and renewal.

Licenses issued pursuant to the provisions of this chapter shall be good only for the period of one year and shall be effective only from the date of issue each year. No license will be issued for a subsequent year without again complying with the provisions of § 221-4 of this chapter.

§ 221-6. Regulations.

A. No practitioner shall engage in body piercing or tattooing in Upper Dublin Township unless the premises at which such activity is to be conducted and the equipment to be utilized in conjunction therewith meets the following standards:

(1) The room in which body piercing or tattooing is done shall have an impervious, smooth and cleanable surface on the floor, walls and ceiling.

(2) A toilet shall be adjacent to the area where body piercing or tattooing is performed. The lavatory shall be supplied with hot and cold running water, soap and single use disposable towels.

(3) All tables shall be constructed of easily cleanable, impervious materials, and shall be separated from waiting patrons or observers by a panel at least six feet high for privacy.

(4) The entire premises and equipment shall be maintained in a clean, sanitary condition and in good repair.

(5) The license issued by Upper Dublin Township shall be displayed upon the premises, in plain view of all patrons coming to the premises for service.

B. It shall be a violation for anyone to pierce or tattoo any body part of an individual under 18 years of age without authorization signed by the parent or legal guardian of such person and witnessed by the business operator. The operator shall be responsible for maintaining the original consent form and copies of all consent information for a minimum period of three (3) years or until the patron turns twenty-one (21) years old, whichever is later. All records are subject to HIPAA regulations.

C. The practitioner must refuse the client if he/she is suspected to be under the influence of alcohol, drugs or other behavior-modifying substance.

D. Each person wishing a body piercing or tattoo must fill out an application which shall include the name, date of birth, address and telephone number of the patron, as well as the body location(s) where the procedure is to be performed, the name of the practitioner and the date of service.

E. Written guidelines shall be established for the care of the body piercing site after piercing and shall be approved by the Board of Health. Each patron shall receive a written copy of the guidelines for care of body piercing or tattoo sites.

F. All practitioners shall have the hepatitis B vaccination series, or be offered the series and decline, in writing. Those who decline shall be tested for hepatitis B surface antigen (HgsAg) on an annual basis. Each practitioner who elects to have the series shall have completed the initial vaccination within 30 days of employment.

G. All practitioners will be required to attend a training program to assure basic knowledge of sterile technique and universal precautions. Verification of completion of the training program must be provided to the Health Officer prior to licensing.

H. All practitioners shall utilize the following procedures in conducting a body piercing or tattooing procedure:

(1) The practitioner shall wash his hands thoroughly with an antibacterial cleanser and water before starting a procedure. The hands of the operator shall be dried with individual, single use towels.

(2) Single use sterile gloves shall be worn with any procedure that involves contact with client's blood. The hands of the practitioner shall be thoroughly washed after the procedure has been completed.

(3) No piercing or tattooing shall be done on skin surface that has rash, pimples, boils or infections, or manifests any evidence of unhealthy conditions.

(4) The area to be pierced or tattooed shall first be thoroughly washed with warm water and an antibacterial soap using antiseptic preparation. A single-use sponge shall be used to scrub the area.

(5) Immediately after the piercing or tattooing, the patron shall be advised in writing on the care of the site and any indications of infection or other adverse

events. Patrons should be advised to consult a physician at the first sign of infection.

(6) All infections resulting from body piercing or tattooing which become known to the operator or practitioner shall be reported to the Health Officer within 24 hours.

(7) Ear piercing guns may not be used for body piercing.

I. All operators and practitioners shall utilize the following standards of sanitation of instruments:

(1) All clean and ready-to-use needles and instruments, dyes, pigments, carbon stencils and other paraphernalia shall be kept in a closed glass or metal case or storage cabinet while not in use. Such cabinet shall be maintained in a sanitary manner at all times. Individual cabinets containing such paraphernalia shall be available for each individual practitioner.

(2) Only single-service or steam sterilized needles shall be used.

(3) Non-disposable items used for body piercing or tattooing shall be steam-sterilized before use on any patron. Any other method of sterilization shall be approved by the Health Officer. In addition, the following guidelines shall be followed:

(a) The sterilizer shall be well-maintained with tight-fitting gasket and a clean interior.

(b) The manufacturer's operating instructions and sterilization specifications shall be at hand. The operation of the sterilizer shall conform to the manufacturer's specifications with regard to temperature, pressure and time of sterilization cycle.

(c) Proper functioning of sterilization cycles shall be verified by the weekly use of biological indicator, i.e., spore tests. A log book of these weekly test results shall be available, and a test may be required to be done during inspections.

(d) Each item to be sterilized shall be individually wrapped using a chemical indicator or strip to verify steam exposure.

(4) Forceps, accessory equipment and jewelry must be disinfected with a chemical disinfectant registered by the Environmental Protection Agency as being

tuberculocidal when used at recommended dilutions. All operators and practitioners shall follow the manufacturer's instructions when utilizing any chemical disinfectant.

(5) All needles should be pre-sterilized, used on one person, in one sitting, and immediately disposed of in a medical sharps container.

(6) All forceps, tubes, etc., are pre-sterilized, stored in sterile bags, and used on one person, in one sitting. After one such use, they must be autoclaved.

(7) All reusable, non-sterilizable implements, such as calipers, should be nonporous and disinfected after each use with bleach solution or a commercial hard-surface disinfectant liquid.

(8) Supplies, including corks, rubber bands, etc., will be pre-sterilized in an autoclave or cleaned with disinfecting liquids, stored in a clean, closed container, and disposed of immediately after a single use.

(9) A new pair of latex single-use gloves (sterile or non-sterile) should be worn for every procedure, and gloves should be changed whenever the slightest chance of cross-contamination might occur.

(10) The room used for body piercing or tattooing, as well as the bathroom and other common areas, should be kept scrupulously clean and disinfected frequently. All surfaces will be nonporous, to allow them to be cleaned with a 10% bleach solution that is less than 24 hours old or other disinfecting liquids whenever cross-contamination might occur.

(11) Only jewelry appropriate for the purpose will be used in piercings. Jewelry with nickel or brass plating may not be used.

(12) All jewelry contaminated with only airborne pathogens (not previously worn or contaminated) will be disinfected with a non-hazardous hard-surface disinfectant such as Madacide. All jewelry contaminated or potentially contaminated with blood-borne pathogens (previously worn by another person) should be autoclaved.

J. Disposal of waste. The following guidelines shall be followed in regard to the disposal of waste associated with body piercing or tattooing:

(1) Needles shall not be bent or broken prior to disposal. Operators shall take precautions to prevent injuries from contaminated needles.

(2) Needles shall be disposed of directly into a solid, puncture-resistant container.

(3) Needles, as well as single-use gloves, gauze and other materials saturated with blood, shall be discarded in a plastic bag and placed into a cardboard box prior to off-site disposal. A written agreement for disposal of such waste shall be with an authorized service for disposal of medical waste.

K. Health of practitioner. No practitioner with any disease in a communicable form or suspected of having such disease shall perform a body piercing or tattooing procedure unless the practitioner has taken definitive prophylactic steps to ensure prevention of communicability and protection of the patron. Such diseases may include but shall not be limited to the common cold, influenza, tuberculosis, HIV virus, scabies, impetigo, syphilis, chicken pox, measles (rubeola), German measles (rubella), mumps, whooping cough, hepatitis, infection on hands or arms, sore throat or jaundice of the skin or sclera. The Health Officer may require a practitioner to provide a certificate signed by a state licensed health practitioner stating that a practitioner is free from communicable diseases before a practitioner may be present at a procedure.

§ 221-7. Special Regulations applicable to tattoo parlors.

In addition to the other regulations set forth in this chapter, the following additional regulations shall apply to tattoo parlors:

A. Each practitioner must wear a clean outer garment while providing tattooing or body piercing services.

B. Each practitioner shall have an individual fingernail file and individual handbrush which shall be clean and which shall be sterilized before each use by boiling for fifteen (15) minutes or by immersion in an approved germicidal solution for not less than twenty (20) minutes. Germicidal solutions used to sterilize shall be changed daily and the container thoroughly cleansed.

C. Before working on each patron, each practitioner shall clean his or her fingernails with his or her individual nail file and shall thoroughly wash and scrub his or her hands with hot running water, soap and his or her individual handbrush.

D. That portion of the patron's skin to be tattooed shall be prepared by washing with hot water and soap; by shaving with a sterile safety razor and a single-service blade; and shaving shall be followed by a thorough cleansing with hot water and soap applied with a clean disposable cotton or gauze. A sterile handbrush shall be used, if necessary, to produce a clean skin area.

E. Following the cleansing of the patron's skin, the tattoo artist shall again wash and scrub his or her hands in the manner prescribed above. He shall allow his or her hands to dry with the use of sanitary or mechanical means. Before placing the design on the patron's skin, the practitioner shall treat the skin area with seventy percent (70%) alcohol or other approved germicidal solution which shall be applied with sterile cotton or sterile gauze.

F. Only petroleum jelly, United States Pharmacopoeia or National Formulary shall be applied to the area to be tattooed, and it shall be in collapsible metal or plastic tubes. The application may be spread by the use of sterile gauze, but not directly with the fingers.

G. The stencil for transferring the design to the skin shall be thoroughly cleansed and rinsed in an approved germicidal solution for at least twenty (20) minutes and then it shall be dried with sterile gauze or in the air before each use.

H. In preparing nontoxic dyes or pigments, only nontoxic or sterile material shall be used. Single-service or individual portions of dyes or pigments in clean, sterilized, individual containers or single-service containers must be used for each patron. After tattooing, the remaining unused dye or pigment in the single-service or individual containers must be discarded. The individual container must be resterilized or discarded.

§ 221-8. Suspension or revocation of license.

A. In addition to being subject to the penalties provided for in § 221-13 of this chapter, any license issued under this chapter may be revoked or suspended by the Township for any misstatement in any application or for any violation in this chapter.

B. No license shall be revoked or suspended until the licensee has been afforded a hearing before the Board of Commissioners. Notice of the filing of a Notice of Violation which seeks to suspend or revoke any license issued under this chapter shall be served on the operator personally, or on the person designated to receive service pursuant to this chapter, which notice will establish a date for a hearing to be held, not more than 30 days from the date of such notice, at which time the operator shall have the right to be represented by counsel, call witnesses and cross-examine witnesses produced in support of the Notice of Violation, as well as such other rights necessary in order to ensure due process.

C. Should any license be revoked or suspended, no part of the license fee shall be returned.

§ 221-9. Holders of other licenses.

Nothing in this chapter shall be construed so as to affect the practice of medicine or any other recognized profession or occupation by a person duly licensed by the Commonwealth of Pennsylvania to engage in such practice, profession or occupation, and whose license would lawfully authorize the piercing of the body or tattooing.

§ 221-10 Certificate of inspection required.

A. It shall be unlawful for any operator to conduct or operate a premises where body piercing or tattooing procedures are performed in the Township of Upper Dublin without first obtaining a certificate of inspection from the Board of Health of the Township or after revocation of the certificate as herein provided. Said certificate shall be issued only after said Board shall have ascertained by due inspection that the premises at which the procedures are to be conducted complies in all respects with the provisions of this chapter.

B. Said certificate shall not be transferable and shall be valid for one (1) year from the date thereof and only for body piercing or tattooing establishment located at the premises designated in said certificate.

C. Whenever any operator maintains more than one (1) body piercing or tattooing establishment in the Township, he shall be required to apply for and procure a separate certificate for each such establishment.

§ 221-11. Inspection.

The Health Officer shall have the power to enter at reasonable times upon private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of the provisions of this chapter.

§ 221-12. Refusal to grant certificate or revocation of certificate.

A. Any operator whose application for a certificate of inspection has been denied may request and shall be granted a hearing before the Board of Commissioners as herein provided.

B. Whenever the Board of Health, the Health Officer, or the duly authorized representative of either, determines that there are reasonable grounds to believe that there has been a violation of any provisions of this chapter or of any regulation adopted pursuant thereto, notice of such alleged violation shall be given to the person or persons responsible therefor, as hereinafter provided.

(1) Such notices shall:

- (a) Be put in writing.
- (b) Include a statement of the reasons why it is being issued.
- (c) Allow a reasonable time for the performance of any act it requires.
- (d) Be served upon the holder of a license issued under this chapter or upon the owner or his agent or the occupant of any premises, provided that such notice shall be deemed to have been properly served when a copy thereof has been served personally or in accordance with any other method authorized or required under the laws of this commonwealth.

(2) Such notice may:

- (a) Contain an outline of remedial action which, if taken, will effect compliance with the provisions of this chapter.
- (b) State that unless conditions or practices described in such notice which violate this chapter are corrected within the reasonable time specified in such notice a license which has been issued pursuant to this chapter may be suspended or revoked.

C. Any person who is affected by any notice which has been issued in connection with the enforcement of any provisions of this chapter or of any regulation adopted pursuant thereto may request and shall be granted a hearing on the matter before the Board of Commissioners, provided that such person shall file, in the offices of the township, a written petition requesting such hearing and setting forth a brief statement of the grounds therefor within ten (10) days after the day the notice was served. Upon receipt of such petition, the Board of Commissioners shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing, the petitioner shall be given an opportunity to be heard. The hearing shall be commenced not later than ten (10) days after the day on which the petition was filed, provided that, upon application of the petitioner, the Board of Commissioners may postpone the date of the hearing for a reasonable time beyond such ten-day period when, in its judgment, the petitioner has submitted a good and sufficient reason for such postponement.

D. After such hearing, the Board of Commissioners shall sustain, modify or withdraw the notice, depending upon its finding based on such hearing as to whether or not the provisions of this chapter and of the regulations adopted pursuant thereto have been complied with. If the Board of Commissioners sustains or modifies such notice, it shall be deemed to be an order. Any notice shall automatically become an order if a written petition for a hearing has not been filed in the office of the Township Secretary within ten (10) days after such notice was served. In the case of any notice which states that the license required by this chapter may be suspended or revoked, the Board of Health may suspend or revoke such license if an order is issued and corrective action has not been taken within the time specified in the notice.

E. The proceedings at such hearing, including the findings and decision of the Board of Commissioners, shall be summarized, put into writing and entered as a matter of public record in the offices of the township. Such record shall include, also, a copy of every notice or order issued in connection with the matter. Any person aggrieved by the decision of the Board of Commissioners may seek relief therefrom in any court of competent jurisdiction, as provided by the laws of this Commonwealth.

F. Notwithstanding any other provision herein, whenever the Board of Health or the Health Officer finds that an emergency exists involving a serious health hazard which requires immediate action to protect the public health, it may, without notice or hearing, issue a written order citing the existence of such an emergency and the conditions violating this chapter or regulations adopted pursuant thereto which require corrective action to remove such health hazard. If such corrective action has not been taken, the Board of Health may take such action as may be necessary to protect the public health, including complete shutdown. Notwithstanding other provisions of this chapter, such order shall be effective immediately, but upon petition to the Board of Commissioners shall be afforded a hearing as soon as possible, but in any case not later than five (5) days after the petition was filed. After such hearing, depending upon its finding as to whether or not the provisions of this chapter and of the regulations adopted pursuant thereto have been complied with, the Board of Health shall continue such order in effect or modify it or revoke it.

§ 221-13. Rules and regulations.

The Board of Health is hereby authorized to promulgate specific rules and regulations governing the performance of body piercing or tattooing procedures and the maintenance of licensed premises.

§ 221-14. Violations and penalties.

Any operator or practitioner who shall conduct a body piercing or tattooing procedure in the Township of Upper Dublin without first having obtained a premises license and certificate of inspection as herein provided or who shall continue to conduct such procedures after the revocation of said license or certificate or who shall violate any of the other provisions of this chapter shall be subject to citation for each offense and payment of a fine of not less than three hundred dollars (\$300.) nor more than one thousand dollars (\$1,000.).

Section 2. The Code of the Township of Upper Dublin, Chapter 110, entitled Fees, shall be amended by the addition of a new § 110-23, Tattooing and body piercing, to provide as follows:

§110-23. Tattooing and body piercing.

The annual license fee for a tattooing or body piercing establishment, which shall include the cost of the inspection certificate, shall be \$300.

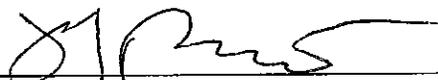
Section 3. Nothing in this Ordinance or in the Code of the Township of Upper Dublin, as hereby amended, shall be construed to affect any suit or proceedings in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing prior to the adoption of this amendment.

Section 4. 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 this 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 if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

Section 5. This Ordinance shall take affect and be in force from and after its approval as required by law.

Approved by the Board this *9th* day of *Dec.*, 2003.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN


Robert J. Pesavento, President

ATTEST:


Paul A. Leonard, Township Manager/Secretary

udford\Chapter 221 - Tattooing and body piercing
12.9.03

AN ORDINANCE

NO. 1122

AN ORDINANCE To Amend The Code Of The Township Of Upper Dublin, Chapter 171, Peddling And Soliciting, In Its Entirety By Providing Definitions For Canvassing And Soliciting And Person; By Requiring Those Wishing To Peddle Or Solicit To Register With The Upper Dublin Police Department And Secure An Identification Card; By Providing Exemptions For Those Under The Age Of 16 Years; By Establishing An Application Procedure To Secure An Identification Card; By Establishing Regulations Concerning Time, Place And Manner For Those Wishing To Peddle Or Solicit In The Township; By Providing Regulations For The Revocation Of An Identification Card And By Providing Penalties For The Violation Of This Chapter.

The Board of Commissioners of the Township of Upper Dublin hereby ordains:

Section 1. The Code of the Township of Upper Dublin, Chapter 171, Peddling and Soliciting, shall be amended in its entirety to provide as follows:

Chapter 171, PEDDLING AND SOLICITING

§ 171-1. Definitions

- A. Word usage. The singular number includes the plural, and the masculine includes the feminine and the neuter.
- B. Terms defined. The following words shall be construed to have the meanings set forth below:

PEDDLING AND SOLICITING -- The taking of orders for goods, wares or merchandise, including but not limited to subscriptions for magazines or other printed matter, the obtaining of contracts for home and building devices, repairs and improvements, and the securing of contributions to various causes and organizations, upon a residential premises or upon any street, sidewalk or publicly owned recreational property in the township.

PERSON -- Any natural person, association, partnership, firm or corporation.

§ 171-2. Registration and identification card required.

No person shall engage in peddling and soliciting in the township without first having registered with the Police Department and obtained an identification card from the Township Secretary.

§ 171-3. Exemptions.

This article shall not apply to boys or girls under 16 years of age who take orders for and deliver newspapers, greeting cards, candy and the like, or who represent the Boy Scout and Girl Scout or similar organizations and take orders for and deliver cookies and the like, nor to any person who works for an organization which has registered with the Pennsylvania Department of State, as required by that statute known as the "Solicitation of Funds For Charitable Purposes Act," as amended from time to time.

§ 171-4. Application procedure; issuance of identification card; conditions of issuance.

A. Any person desiring to engage in peddling and soliciting and who is not subject to one of the exemptions provided herein shall submit a written application to the Police Department on a form to be furnished by the township, accompanied by two photographs of himself, 2 1/2 inches by three inches in size, taken within six months prior to the date of the application.

B. The applicant shall state his name, age, sex, home address, business address, name and address of employer, if any, what he desires to canvass and solicit for, the length of time he wishes to engage in this work, the make and type of vehicle, if any, he will use, its registration number and whether he has ever been convicted of a felony, misdemeanor or a crime of any kind involving moral turpitude.

C. The Township Secretary will issue to the applicant, within 10 business days from the date of filing of the application, an identification card to which one of the applicant's photographs will be affixed.

D. An identification card will not be issued to any person who has been convicted of a felony or misdemeanor or a crime of any kind involving moral turpitude, and such person shall not be allowed to engage in canvassing and soliciting in the township.

E. An identification card will be valid for the balance of the calendar year in which it is issued. Such card may not be transferred from one person to another.

§ 171-5. Standards of conduct.

Every person to whom an identification card has been issued shall, in the conduct of his activities, comply with the following standards of conduct:

A. He shall carry his identification card at all times and exhibit it, upon request, to any police officer or to any person on whom he shall call or with whom he shall talk.

B. He shall not permit any person to have possession of his identification card and shall immediately report its loss to the Township Secretary. He shall not cause or permit his identification card to be altered or defaced in any way.

C. He shall not enter or attempt to enter any dwelling without the invitation or permission of the occupant, and shall immediately leave any premises upon request of the occupant.

D. He shall not enter upon any premises where the owner or occupant has requested that solicitation not be permitted either by posting the premises or by registering that fact with the Upper Dublin Township Police Department. Upon issuance of an identification card each solicitor will be given a list of such registered premises.

D. He shall not engage in peddling and soliciting after dark.

E. He shall not be guilty of any false pretense or misrepresentation, and, particularly, he shall not represent his identification card to be an endorsement of himself, his goods or services or the goods or services of his employer.

F. He shall immediately surrender his identification card to the Township Secretary upon revocation thereof.

§ 171-6. Revocation of identification card.

Any identification card may be revoked by the Township Secretary if the holder fails to comply with the standards of conduct contained in § 171-5 hereof, or any of them, or upon ascertainment by the Police Department that the holder has made

a false statement in his application.

§ 171-7. Violations and penalties.

Any person who shall engage in peddling and soliciting without registering with the Police Department or who shall violate any other provisions of this chapter shall, upon conviction thereof before a District Justice, be subject to a fine or penalty of not less than \$100 nor more than \$600. Such fine or penalty shall be collected as like fines or penalties are now by law collected.

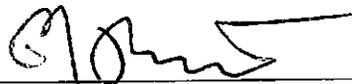
Section 2. Nothing in this Ordinance or in Chapter 171 of the Code of the Township of Upper Dublin, as hereby amended, shall be construed to affect any suit or proceedings in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Chapter 171 prior to the adoption of this amendment.

Section 3. 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 this 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 if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

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

Approved by the Board this 13th day of January, 2004.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN



Robert J. Pesavento, President

ATTEST:



Paul A. Leonard, Township Manager/Secretary

ORDINANCE NO. 1123

AN ORDINANCE OF UPPER DUBLIN TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA, ESTABLISHING THE DATES OF THE REGULAR MEETINGS OF THE COMMISSIONERS OF THE TOWNSHIP OF UPPER DUBLIN DURING THE YEAR 2004.

The Board of Commissioners of the Township of Upper Dublin does hereby ENACT and ORDAIN as follows:

SECTION 1. The regular stated monthly meetings of the Commissioners of the Township of Upper Dublin for the year 2004 shall be held on the second Tuesday of each month unless the same shall be a legal holiday or election day, in which case the meeting will be held on the next regular business day following, at 7:30 PM, local time.

SECTION 2. The Public Activities, Lands and Contracts Committee meetings for the year 2004 shall be held on the first Tuesday of February, April, June, August, October, December, unless the same shall be a legal holiday or election Day, in which case the meeting will be held on the next regular business day following, at 6:30 PM., local time.

SECTION 3. The Public Safety, Works and Services Committee meetings for the year 2004 shall be held on the first Tuesday of February, April, June, August, October, December, unless the same shall be a legal holiday or election Day, in which case the meeting will be held on the next regular business day following, at 7:30 PM., local time.

SECTION 4. The Commissioners Planning Committee meetings for the year 2004 shall be held on the third Tuesday of each month at 7:00 PM, local time.

SECTION 5. The Finance Committee meetings for the year 2004 shall be held on the fourth Tuesday of April, July and October at 7:00 PM, local time, or as needed.

SECTION 6. The public is welcome to attend all meetings, and participation by the public is welcome.

SECTION 7. Persons with disabilities who wish to attend any public meeting and require auxiliary aid, service or other accommodations to participate in the proceedings may contact the Township Manager's Office to discuss how the Township may best accommodate an individual's needs.

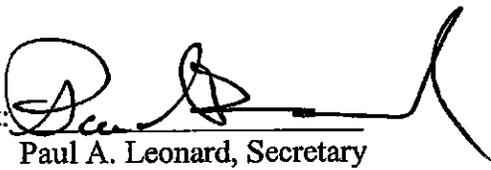
SECTION 8. All meetings will be held in the Upper Dublin Township Building, 801 Loch Alsh Avenue, Fort Washington, Pennsylvania, unless otherwise specifically directed.

ENACTED AND ORDAINED this *10th* day of *February*, 2004.

BOARD OF COMMISSIONERS
UPPER DUBLIN TOWNSHIP



Robert J. Pesavento, President

Attest: 

Paul A. Leonard, Secretary

AN ORDINANCE

NO. 1124

AN ORDINANCE To Amend The Subdivision And Land Development Code Of The Township Of Upper Dublin To Require The Submission Of A Final Subdivision Or Land Development Plan, Meeting All Applicable Requirements, Within 12 Months Of The Approval Of The Preliminary Plan, Unless An Extension Is Requested In Writing For Cause And Is Granted By The Board Of Commissioners.

The Board of Commissioners of the Township of Upper Dublin hereby ordains:

Section 1. The Code of the Township of Upper Dublin, Chapter 212 thereof, entitled Subdivision and Land Development, Article VI, Plan Submission Requirements And Processing Procedures, §212-47, Plan Processing Procedures, subsection K, shall be amended to provide as follows:

§ 212-47. Plan processing procedures.

For approval of a subdivision or land development plan, all applicants shall comply with the following plan processing procedures:

* * * * *

K. The final plan, complying with all applicable requirements, shall be filed with the Township for approval within 12 months from the date of the approval of the preliminary plan. Failure to comply with the time limitation herein provided shall make the approval of the preliminary plan null and void unless an extension of time is granted in accordance with this section. The twelve-month period may be extended by the Board of Commissioners upon application by the applicant filed in writing no less than 30 days prior to the end of the 12 month period, if all of the following is demonstrated

(a) That one or more conditions existent at the time of preliminary plan approval have changed.

(b) That such change of circumstances was beyond the applicant's control and has prevented submission of the final plan within the twelve-month period.

(c) That such circumstances have been overcome or will be overcome in the foreseeable future.

Section 2. Nothing in this Ordinance or in Chapter 212 of the Code of the Township of Upper Dublin, as hereby amended, shall be construed to affect any suit or proceedings in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Chapter 212 prior to the adoption of this amendment.

Section 3. 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 this 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 if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

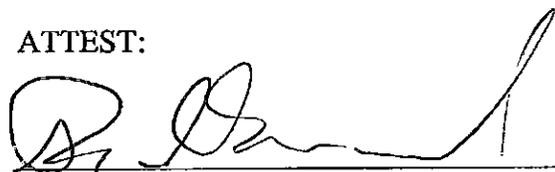
Section 4. This Ordinance shall take effect and be in force from and after its approval as required by law.

Enacted by the Board of Commissioners of Upper Dublin Township this *10th* day of *February*, 2004.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN


Robert J. Pesavento, President

ATTEST:


Paul A. Leonard, Secretary/Township Manager

ud\ord\Chapter 212\plan submission
2.5.04

AN ORDINANCE

NO. 1125

An Ordinance To Amend The Code Of The Township Of Upper Dublin, Chapter 233 Thereof, Entitled Vehicles And Traffic, Article VIII, Schedules, Section 233-50, Schedule IX: Stop Intersections, By Establishing a "Stop" Regulation On Walnut Avenue at Girard Avenue.

Section 1. The Code of the Township of Upper Dublin, Chapter 233, entitled Vehicles and Traffic, Section 233-50, Schedule IX: Stop Intersections, is hereby amended by adding thereto the following regulation:

§ 233-50. Schedule IX: Stop Intersections.

Stop Sign on	Direction of Travel	At Intersection Of
Walnut Avenue	Both	Girard Avenue

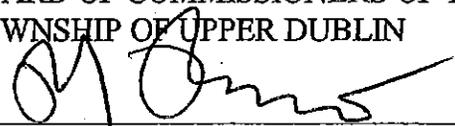
Section 2. Nothing in this Ordinance or in Chapter 233 of the Code of the Township of Upper Dublin, as hereby amended, shall be construed to affect any suit or proceeding in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Chapter 233 prior to the adoption of this amendment.

Section 3. 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 illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

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

Approved by the Board this 9th day of March, 2004.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN


ROBERT J. PESAVENTO, PRESIDENT

ATTEST:


PAUL A. LEONARD, SECRETARY

AN ORDINANCE

NO. 1126

AN ORDINANCE, To Amend The Code Of The Township Of Upper Dublin, Chapter 207, Streets And Sidewalks, Article III, "Obstructions In Highway Boundaries", Section 207-11 "Prohibited Obstructions; Clear Passage Required" To Provide: That No Obstruction Of Any Kind Either Above Or Below Ground May Be Placed Or Be Permitted To Remain Within The Boundaries Of Any Public Highway In The Township Of Upper Dublin; And To Provide That Mailboxes Erected Within The Boundaries Of A Public Highway Must Be Designed And Erected To Withstand The Impact Of Snow Hurlled From A Passing Snowplow.

The Board of Commissioners of the Township of Upper Dublin hereby ordains:

Section 1. The Code of the Township of Upper Dublin, Chapter 207 thereof, entitled Streets and Sidewalks, Article III, "Obstructions in Highway Boundaries," Section 207-11, "Prohibited obstructions; clear passage required," shall be amended to provide as follows:

**Article III
Obstructions in Highway Boundaries**

* * * * *

207-11. Prohibited obstructions; clear passage required

It shall be unlawful and a violation of this Chapter (a) to erect, set up, bury, place maintain or allow any, gasoline pump, oil tank, wall, fence, pillar, electric fence, sprinkler system or other obstruction, whether above or below ground, within the boundaries of any public highway or public right of way, in the Township of Upper Dublin, or (b) to allow the branches of trees, shrubs or hedges overhanging or adjacent to the same to obstruct a clear passage of not less than fourteen feet above the traveled portion of the highway, of not less than eight feet above the sidewalk, or of not less than the full width of any highway or sidewalk. Any such obstruction shall be removed promptly by the adjacent property owner whenever written notice to remove the same is given by the Township. If the owner fails to comply with such notice, the Township shall remove the obstruction and charge the cost thereof to the owner. In default of prompt payment, the Township may file a Municipal Claim in the amount of such charges.

Section 2. The Code of the Township of Upper Dublin, Chapter 207, Streets and Sidewalks, Article III, "Obstructions in Highways Boundaries," Section 207-12, "Mailboxes," subsection A, is hereby amended by the addition of a new paragraph (3), to provide as follows:

§ 207-12. Mailboxes.

A. The township shall not be responsible for the repair or replacement of any mailbox placed within the legal right-of-way of any public highway, road, street, avenue, lane or alley. However, to alleviate the possibility of damage due to snow plowing and vehicular traffic, the following guidelines must be complied with:

- (1) Mailboxes must be erected so that the front of curbside boxes be set back 12 inches from the face of the concrete curb. The structure supporting the box must not encroach on this setback distance.
- (2) Additionally, the bottom of the mailbox must be between 42 to 48 inches above the finished road surface.
- (3) Mailboxes and the standards upon which they are erected must be designed and installed to withstand the impact of snow hurled from a passing snowplow.

Section 3. Nothing in this Ordinance or in Chapter 207 of the Code of the Township of Upper Dublin, as hereby amended, shall be construed to affect any suit or proceedings in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Chapter 207 prior to the adoption of this amendment.

Section 4. 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 this 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 if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

Section 5. This Ordinance shall take affect and be in force from and after its approval as required by law.

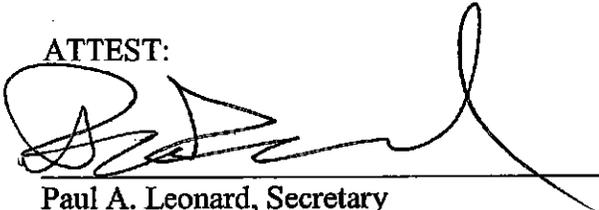
Enacted by the Board of Commissioners of Upper Dublin Township this *4th* day of
March, 2004.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN



Robert J. Pesavento, President

ATTEST:



Paul A. Leonard, Secretary

ud'ord'chapter 207/highway obstructions
11.19.03

AN ORDINANCE

NO. 1127

AN ORDINANCE To Amend The Zoning Code Of The Township Of Upper Dublin To Add A Definition For Age Restricted Housing And To Provide For Age Restricted Housing As A Permitted Use In The MD – Multi-Dwelling District Subject To Obtaining Conditional Use Approval From The Board Of Commissioners; Providing Regulations For Property Used For Age Restricted Housing Including Maximum Number Of Units Per Acre, Minimum Size Of Units, Parking And Pedestrian Movement Requirements, Architectural Requirements, Minimum Recreation Requirements, A Guarantee That The Property Will Be Perpetually Used For Age Restricted Housing And Residence Regulations.

The Board of Commissioners of the Township of Upper Dublin hereby ordains:

Section 1. The Code of the Township of Upper Dublin, Chapter 255 thereof, entitled Zoning, § 255-7, shall be amended by adding thereto in alphabetical order the following definition:

Age Restricted Housing – Dwelling units restricted to occupancy by at least one person 55 years of age or older and no regular resident under the age of 18, with the following exceptions:

- A. A spouse under 55 years if married to a resident over that age.
- B. Up to two children, or one child and one child-in-law, over 18 years of age, residing with at least one parent over 55 years of age whose presence is required to care for that parent.
- C. A spouse under 55 years of age who is the surviving member of a previously qualified household.
- D. An employed member of the facility management staff and his/her family, not to exceed one unit per 100 dwelling units, or portion thereof in the project.
- E. A live-in nurse or similar caretaker whose presence is required to care for an occupant over 55 years of age.

Section 2. The Code of the Township of Upper Dublin, Chapter 255, Article VII, Residential Districts, shall be amended to provide as follows:

§ 255-39. Permitted Uses.

- A. ...Permitted uses on each lot in A and B Residential Districts shall be as follows:
 - (1) Single family detached dwelling, including age restricted housing.

B. Permitted uses on each lot in C residence districts shall be as follows:

- (2) Duplex dwelling and twin dwelling, whenfor each dwelling unit. These units may also be age restricted.

Section 3. The Code of the Township of Upper Dublin, Chapter 255, Article VIII, MD Multi-Dwelling District, shall be amended to provide as follows:

§ 255-46. Purpose.

The purpose of the MD Multi-Dwelling District is to provide for construction and maintenance of a variety of multiple dwelling housing types and to allow for choice among them while providing reasonable standards for the regulation of the density of population. This district is also intended to provide incentives for age-restricted developments by establishing regulations to permit development tailored to the needs of residents 55 years of age or older, recognizing their special needs and relatively reduced impacts on surrounding land uses.

§ 255-48. Use regulations.

Within the MD Multi-Dwelling District, one or more buildings may be erected or used and a lot may be used or occupied for any of the following purposes:

- A. Any uses permitted in a residential district of this chapter, including a Multiple Dwelling.
- B. Senior assisted living residence, subject to the provisions of § 255-90.1.
- C. Age Restricted Multiple Dwelling, by conditional use, subject to the provisions set forth in this Article.

§ 255-49. Tract, yard, unit and bulk requirements.

- A. Tract area. No use permitted in this district shall be constructed or maintained on a tract less than three acres in size.
- B. Dwelling units per acre. The maximum number of dwelling units per acre of tract shall be:
 - (1) Multiple Dwellings - no more than 8 units per acre.

(2) Senior assisted living residences - as provided in § 255-90.1.

(3) Age restricted multiple dwelling developments - no more than 10 units per acre.

C. Building coverage. Not more than 15% of the tract area.

D. Setbacks and Yards.

(1) Tract area.

* * * * *

(b) Setback from tract property line. There shall be a setback from each property line of not less than 50 feet in depth. This distance may be reduced to 40 feet if the property line is adjacent to a railroad right of way and/or a limited access highway.

(c) Minimum distance required between buildings. A minimum distance of not less than 30 feet shall be required between buildings of up to 35 feet in height. This separation distance shall be increased to 40 feet if one or both of the buildings are taller than 35 feet.

* * * * *

F. Impervious surface coverage. A maximum impervious surface coverage of 40% of the total tract and/or lot area shall be permitted.

§ 255-50. Height regulations.

A. Except as provided herein, no building shall exceed 35 feet in height.

B. Age Restricted Multiple Dwellings may exceed 35 feet in height by up to 12 feet, provided all of the following conditions are met:

(1) The site topography is such that the building's ground floor elevation is ten feet (10') or more below the mean elevation of the adjacent public right of way closest to the frontage of the building.

(2) For each foot (or portion thereof) of additional height above 35 feet, the front, side and rear yard setback requirements shall increase one (1) foot, except if the line from which the setback is measured is adjacent to a RR row or limited access highway.

§ 255-51. Parking.

* * * * *

B. The general parking provisions set forth in § 255-135 shall be complied with.

* * * * *

D. No parking or circulation driveway shall be permitted within 30 feet of a property line or ultimate right-of-way line.

E. For Age Restricted multiple dwellings and senior assisted living residences, site density can be increased by three units per acre if 25% or more of the required parking spaces are within a garage or below a deck.

§ 255-52. Senior assisted living residence.

The following regulations shall apply only to a senior assisted living residence:

* * * * *

B. Reserved

C. General requirements.

(1) Utilities. A senior assisted living residence shall be served by a public sewage system and public water system.

(2) Common areas and facilities. Provision shall be made for the maintenance and care of all internal and external common areas, including dining and social rooms, driveways, parking areas, walkways, landscaped planting areas and recreation areas.

§ 255-53.1. Age restricted multiple dwelling units. The use of any property may be age restricted by its owner in compliance with the Federal Fair Housing Act. Where that has occurred, and where the applicant in addition seeks conditional use approval for such use so that the specific regulations herein applicable to age restricted housing would apply, the applicant shall comply with the following additional regulations:

A. Perpetual use guarantee.

(1) A property which has been developed to the special standards allowed for this use shall not, at any time in the future,

change from age-restricted use unless all of the standards for the other use are complied with.

(2) An applicant for an age-restricted use shall provide at the time of final plan approval proof of deed restrictions or other documentation satisfactory to the Township Solicitor that limits the residential use of the property to one where the residents are restricted by age in compliance with the Federal Fair Housing Act.

(3) Any homeowners, condominium or renters association associated with an age-restricted property shall include in their by-laws provisions to restrict and enforce the restriction of residents by age in compliance with the Federal Fair Housing Act and the provisions of applicable Township regulations. Such provisions may not be amended unless approved by the Township.

(4) Should the management, homeowners, condominium or renters association fail to enforce the age restrictions, the Township reserves the right to do so by any lawful means, including the imposition of fines on the violating residents and/or the management, homeowners, condominium or renters association.

B. Common Area. For each dwelling unit, a minimum of 80 square feet, exclusive of hallways, passageways and outdoor trails, shall be provided and developed for indoor or outdoor common areas and facilities, such as areas used for dining, or for active recreation or socialization.

C. Pedestrian connections and environment. When applicable the following pedestrian connections and environment shall be provided:

(1) Walkways and/or trails shall be provided to connect the property with adjacent properties, pathways or trails that provide amenities to residents.

(2) Crosswalks, pedestrian signals and warning signage shall be provided at all major driveway and street in proximity to the property.

(3) Pedestrian-scale walkway lighting shall be provided where necessary for the safety of the residents, as required by the Township Engineer. Techniques to minimize the impact of the light on adjacent properties shall be utilized, including but not limited to, full cut offs and timed lighting.

(4) Shade trees and benches shall be provided along internal walkways.

D. Development requirements.

To mitigate the impacts and promote the safety and welfare of residents in a higher density setting, compliance with the following requirements shall be demonstrated at the conditional use hearing.

- (1) Architectural guidelines. The following regulations shall apply to the erection, construction and alteration of structures:
 - (a) Flat roofs shall be prohibited except when designed to allow use of the roof for residents, such as for roof decks or roof gardens. Flat roofs shall also be allowed if they are to be used for stormwater detention or for a landscaped "green roof" that might not be accessible by residents. In no case may the flat roof area exceed 50% of the entire roof area of all buildings on the property. Architectural embellishments that serve a function and add visual interest to roofs, such as dormers, masonry, chimneys, cupolas, towers, and other similar elements shall be included in the design of buildings. Gable and hipped roofs shall have a minimum pitch of 6/12 and shall provide overhanging eaves on all sides extending a minimum of one (1) foot beyond the building wall.
 - (b) Fenestration shall be architecturally compatible with the style, materials, colors, and details of the building. Windows shall be vertically proportioned wherever possible. To the extent possible, upper story windows shall be vertically aligned with the location of windows and doors on the ground level.
 - (c) Windowless walls, if visible from a right of way or vehicular or pedestrian circulation area, are prohibited unless the construction of a blank wall is necessitated by local building codes, in which case the wall should be articulated by details in masonry courses and/or the provision of blank window openings trimmed with frames, sills, and lintels.
 - (d) The Board of Commissioners may approve the use of architectural concepts and designs which differ from those set forth above, if the applicant demonstrates to the satisfaction of the Board that such concepts and designs are in furtherance of the legislative intent of this Article and the intent of this subsection.
 - (e) In conjunction with the conditional use application, the applicant shall provide representative, color, perspective renderings and elevations of all proposed buildings. The applicant shall also provide graphic representations showing the relationship between the proposed development and structures on adjacent properties.

- (f) Balconies, at least 60 square feet in size and with at least 6 feet in depth from the exterior wall, shall be provided for at least 30% of the dwelling units.
 - (g) Exterior wall and detail materials are to be brick, stone (natural or manmade) or wood on at least 35% of all building faces.
 - (h) One per cent of the project's construction costs shall be allocated to public art work to be located in interior and/or exterior common spaces.
- (2) Signs. Signs shall be designed and constructed to give the appearance of natural materials, shall be of muted color and shall not be internally illuminated. Signs anchored in the ground shall not exceed ten feet in height. In all other respects, signs shall comply with Article XXI.
 - (3) Bicycle Storage. Sufficient area for the storage of bicycles shall be provided as approved by the Township Engineer, including racks or other permanently affixed storage devices to accommodate one bicycle for each 25 required vehicular parking spaces, at a minimum. Bicycle storage facilities may be held in reserve upon approval of the Township Engineer upon a finding that the requirements set forth herein exceed the foreseeable need therefore.
 - (4) Traffic Control. The conditional use application shall be accompanied by a transportation impact study and parking and circulation analysis as provided in §212-35.1. The study shall set forth the improvements needed to provide for the safe, efficient and orderly movement of traffic and shall be subject to the approval of the Township Engineer.
 - (5) Applicant shall provide appropriate transit shelters for integration with public or private transit services.
 - (6) Continuous walls or fences and guard booths shall be prohibited within the required setback area.

Section 4. The Code of the Township of Upper Dublin, Chapter 255, Zoning, section 255-135, Article XIX, Off Street Parking and Loading, § 255-135, Required spaces, subsection B, shall be amended by the addition of a new subsection (13), to provide as follows:

B. For any of the following uses, the required parking space shall be all-weather, shall be paved, and shall be located on the same lot therewith or on land adjacent thereto.

* * * * *

(13) Age Restricted Housing: two spaces for each dwelling unit.

Section 5. The Code of the Township of Upper Dublin, Chapter 255, Zoning, Article XXVIII, Open Space Preservation District, § 255-207, Permitted Uses, subsection A, shall be amended to provide as follows:

A. Single-family detached dwellings. Standard single-family detached dwellings are permitted under the neighborhood design standards herein, at a maximum density of 1.68 dwelling units per developable acre, with open land comprising at least 30% or 40% of the tract, depending on the minimum lot size selected. These dwellings may be age restricted.

Section 6. Nothing in this Ordinance or in Chapter 255 of the Code of the Township of Upper Dublin, as hereby amended, shall be construed to affect any suit or proceedings in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Chapter 255 prior to the adoption of this amendment.

Section 7. 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 this 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 if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

Section 8. This Ordinance shall take affect and be in force from and after its approval as required by law.

Enacted by the Board of Commissioners of Upper Dublin Township this 18th day of May, 2004.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN


Robert J. Pesavento, President

ATTEST:

Paul A. Leonard, Secretary/Township Manager

u:\ord\Chapter 255\Article VIII\Age restricted Housing\O - Ordinance Draft 5-7-04 (Clean)

AN ORDINANCE
NO. 1128

AN ORDINANCE Amending The Code Of The Township Of Upper Dublin, Chapter 255, Zoning, By Revising The Zoning Map To Change From EC – Employment District To MD – Multiple Dwelling District The Following Property: Block 54, Unit 002 Known As 2000 North Limekiln Pike, The Property Of Selas Corp. Of America; And To Change From A - Residential District To MD – Multiple Dwelling District The Following Property: Block 53, Unit 001, Dreshertown Road, Property Of Donald C. And Eleanor O. Ruddy.

The Board of Commissioners of the Township of Upper Dublin hereby ordains:

Section 1. The Code of the Township of Upper Dublin, Chapter 255, entitled Zoning, Section 255-9, Zoning Map, is hereby amended to change from EC – Employment District to MD – Multiple Dwelling District the following property: Block 54, Unit 002 known as 2000 North Limekiln Pike the property of Selas Corp. Of America; and to change from A - Residential District to MD – Multiple Dwelling District the following property: Block 53, Unit 001, Dreshertown Road, property of Donald C. And Eleanor O. Ruddy. The entirety of the area is set forth on a Multiple Dwelling District plan, prepared for Upper Dublin Township, by Metz Engineers, Civil Engineers and Surveyors, Lansdale Pennsylvania, dated April 7, 2004, last revised May 12, 2004, a copy of which is attached, and is more specifically described as follows:

District Boundary

ALL THAT CERTAIN district or two tracts of land situate in Upper Dublin Township, Montgomery County, Pennsylvania, being shown on a Multiple Dwelling District plan, prepared for Upper Dublin Township, by Metz Engineers, Civil Engineers and Surveyors, Lansdale Pennsylvania, dated April 7, 2004, last revised May 12, 2004, and being more fully described as follows:

BEGINNING at a point, said point being the centerline intersection of Limekiln Pike and Dreshertown Road extended; thence, extending along said Dreshertown Road centerline and along the lands of Selas Corporation of America (block 54, unit 2) of which this is a part, the following three (3) courses and distances; 1) in a southwesterly or westerly direction ± 955 feet to a point of curvature; 2) on the arc of a circle curving to the left in a westerly to southwesterly direction, the arc distance of ± 720 feet to a point of tangency; 3) in a southwesterly direction ± 115 feet to a point in the line of lands of Donald C. & Eleanor O. Ruddy (taxmap block 53, unit 1) of which this is a part; thence, leaving said centerline and extending along said Ruddy lands in a southwesterly or westerly direction ± 370

feet to a point on the easterly side of the Norfolk Southern Railroad (formerly Pennsylvania Railroad Trenton cut-off) right-of-way line; thence, extending along said right-of-way line in a northeasterly direction ± 2040 feet to a common corner of lands of N/L Frederick J. Schmidt, Jr. (block 54, unit 1) and said Selas Corporation; thence, extending along said Schmidt and Selas lands the following four (4) courses and distances; 1) in an easterly direction ± 55 feet to a point; 2) in a southwesterly direction ± 95 feet to a point; 3) in a southerly direction ± 90 feet to a point; 4) in a southeasterly or easterly direction ± 525 feet to a point on the aforementioned Limekiln Pike centerline; thence, extending along said Limekiln Pike centerline in a southerly direction ± 515 feet to a point, said point being the point and place of beginning.

Containing ± 19.3 acres of land area, more or less.

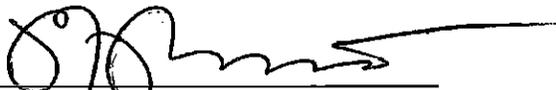
Section 2. Nothing in this Ordinance or in Chapter 255 of the Code of the Township of Upper Dublin, as hereby amended, shall be construed to affect any suit or proceeding in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Chapter 255 prior to the adoption of this amendment.

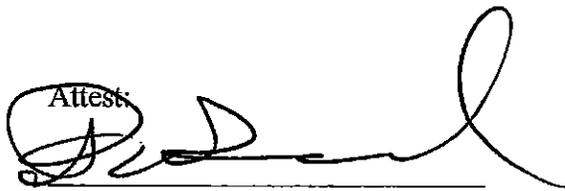
Section 3. The provisions of this Ordinance are severable, and if any section, sentence, clause, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, 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 illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

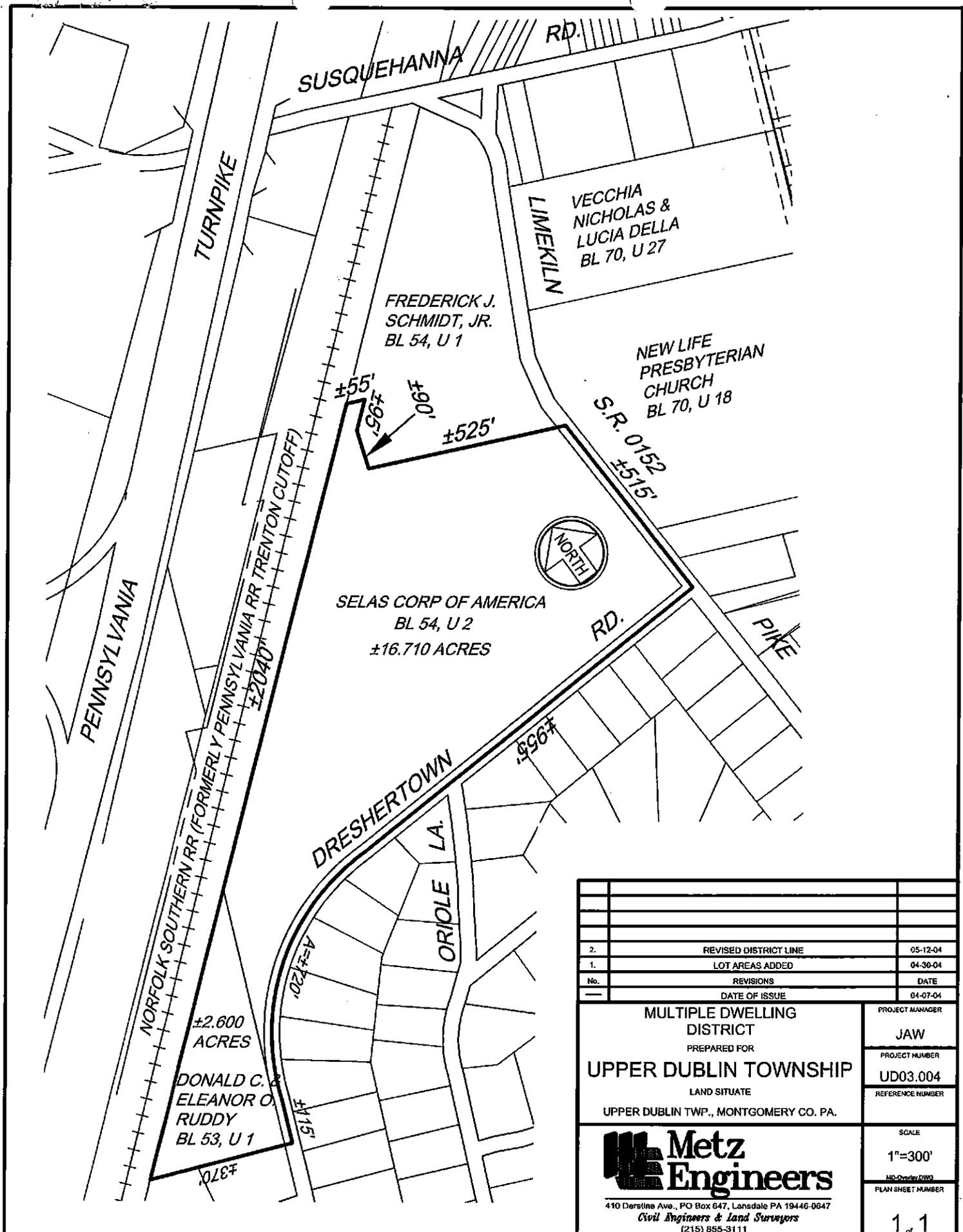
Section 4. This Ordinance shall take effect and be in force from and after its approval as required by law.

Approved this 11th day of May, 2004.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN


Robert J. Pesavento, President

Attest:

Paul A. Leonard, Secretary



2.	REVISED DISTRICT LINE	05-12-04
1.	LOT AREAS ADDED	04-30-04
No.	REVISIONS	DATE
—	DATE OF ISSUE	04-07-04

MULTIPLE DWELLING DISTRICT
 PREPARED FOR
UPPER DUBLIN TOWNSHIP
 LAND SITUATE
 UPPER DUBLIN TWP., MONTGOMERY CO. PA.

PROJECT MANAGER
JAW
 PROJECT NUMBER
UD03.004
 REFERENCE NUMBER

Metz Engineers
 410 Darstine Ave., PO Box 647, Lansdale PA 19446-0647
 Civil Engineers & Land Surveyors
 (215) 895-3111

SCALE
1"=300'
 MD-Overlay DWG
 PLAN SHEET NUMBER
1 of 1

AN ORDINANCE

NO. 1129

AN ORDINANCE To Amend The Code Of The Township Of Upper Dublin, Chapter 158, Nuisances, To Add Section 158-15, Smoking, To Prohibit Smoking Within The Township Building And In All Areas Of The Township Property Located At 801 And 805 Loch Alsh Avenue Not Specifically Designated For Smoking; And To Add Penalties For The Violation Thereof.

The Board of Commissioners of the Township of Upper Dublin hereby ordains:

Section 1. The Code of the Township of Upper Dublin, Chapter 158, Nuisances, shall be amended by the addition of a new section 158-15, Smoking, to provide as follows:

§158-15. Smoking

The Township Administration Building and surrounding Township property located at 801 and 805 Loch Alsh Avenue are declared smoke free environments. No person shall be permitted to smoke or carry a lighted cigar, cigarette, pipe, or other lighted smoking device within the building or upon the property, with the exception of specifically designated smoking areas marked with signs stating "Smoking Permitted."

Section 2. The Code of the Township of Upper Dublin, Chapter 158, Nuisances, Section 158-9(B), Violations and penalties shall be amended to provide as follows:

§158-9. Violations and penalties.

* * * * *

- B. Subject to the provisions of Subsection A of this section, every person shall be permitted one warning by the township and a reasonable period of time thereafter to cease and desist the violation, before a citation is issued, with the exception of the violation of Section 158-15, in which case the fine shall be \$25 for the first offense and a maximum of \$350 for each subsequent offense.

Section 3. Nothing in this Ordinance or in Chapter 158 of the Code of the Township of

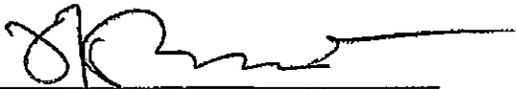
Upper Dublin, as hereby amended, shall be construed to affect any suit or proceedings in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Chapter 158 prior to the adoption of this amendment.

Section 4. 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 this 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 if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

Section 5. This Ordinance shall take effect and be in force from and after its approval as required by law.

Enacted by the Board of Commissioners of Upper Dublin Township this *11th* day of *May*, 2004.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN


Robert J. Pesavento, President

ATTEST:


Paul A. Leonard, Secretary/Township Manager

AN ORDINANCE

NO. 1130

AN ORDINANCE To Amend The Code Of The Township Of Upper Dublin, Chapter 203, entitled, Solid Waste, Article I, Garbage and Refuse Collection, §203-11 "Unacceptable refuse" To Provide That The Township Shall Not Collect Municipal Waste From Properties Improved With Three Or More Dwelling Units; And Amending § 203-35 To Provide That Residential Source Separation, Including The Collection Of Leaf Waste, Shall Be The Responsibility Of The Owner Of Properties From Which Municipal Waste Is Not Collected By The Township.

The Board of Commissioners of the Township of Upper Dublin does hereby enact and ordain:

Section 1. The Code of the Township of Upper Dublin, Chapter 203 thereof, entitled Solid Waste, Article I, Garbage and Refuse Collection, §203-11 "Unacceptable refuse", shall be amended to provide as follows:

§ 203-11. Unacceptable refuse.

- A. The following refuse shall be considered to be not acceptable for collection by the township:

* * * * *

- C. No refuse will be collected from properties improved with three or more dwelling units.

Section 2. The Code of the Township of Upper Dublin, Chapter 203 thereof, entitled Solid Waste, Article I, Garbage and Refuse Collection, §203-35 "Residential source separation", shall be amended to provide as follows:

§ 203-35. Residential source separation.

- A. All persons who are residents of the township shall separate all aluminum cans, glass and clean and uncontaminated newspaper from all other solid waste produced at their residences and shall place same for collection by the township in accordance with the regulations established hereunder. Leaf waste shall be separated and is not to be combined with any other solid waste or recyclable materials.

B. Use of newspapers on a limited basis for the disposal of other solid waste shall not be construed as a violation of this Article.

C. The owner of any multifamily rental housing property with three (3) or more units may comply with its responsibilities under this Article by establishing a collection system for recyclable materials at each property. The collection system must include suitable containers for the sorting and collection of recyclable materials, easily accessible locations for the containers and written instructions to all occupants detailing the use, availability and requirements of the collection system.

D. The owner or its agent of any multifamily rental housing who complies with this Article shall not be liable for the noncompliance of any individual occupant.

E. The township shall collect all leaf waste from all residential properties in the township from which the township is presently collecting waste, pursuant Chapter 91, Dumping. All owners or occupants of such properties shall be required to separate leaf waste from the other waste generated at such properties until collection by the township, unless such owner or occupant shall have otherwise provided for the composting of such material.

F. The owner of any residential property from which the Township does not collect waste shall provide for the collection of all leaf waste from such property in the township separately from the collection of waste from such property for disposal by composting, unless such owner shall have otherwise provided for the composting of such material. Annually, such owner of any multifamily apartment or similar residential establishment shall provide written documentation to the township of compliance with this provision. Such documentation shall be pursuant to the regulations promulgated under § 203-34 of this Article.

Section 3. Nothing in this Ordinance or in Chapter 203 of the Code of the Township of Upper Dublin, as hereby amended, shall be construed to affect any suit or proceeding in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Chapter 203 prior to the adoption of this amendment.

Section 4. 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 illegal, invalid, or

unconstitutional section, sentence, clause, part, or provision had not been included herein.

Section 5. This Ordinance shall take effect and be in force from and after its approval as required by law.

ENACTED AND ORDAINED this *11th* day of *May*, 2004.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN

ATTEST:



PAUL A. LEONARD, SECRETARY



ROBERT J. RESAVENTO, PRESIDENT

ORDINANCE NO. 1131

AN ORDINANCE Providing For The Design, Laying Out, Construction And Installation Of A Public Sidewalk Along The Easterly Side Of N. Limekiln Pike Beginning At The Northerly Property Line Of Wendy's Old Fashioned Hamburgers And Extending In A Northerly Direction To The Intersection Of Dreshertown Road, Extending Thence Around The Corner And Then Along The Northerly Side Of Dreshertown Road To Property Presently Leased By The U.S. Postal Service; Providing For The Condemnation Of Rights Of Way And Permanent And Temporary Easements Across Private Property To Accommodate Said Sidewalk; Providing For The Payment Of Costs Of Construction By Assessment According To The Foot Front Method; Providing For The Liening Of Property Subject To Assessment; And Authorizing Other Necessary Action.

WHEREAS, in accordance with Article XXIII of the First Class Township Code of the Commonwealth of Pennsylvania, Upper Dublin Township has the authority to establish and construct curbing and sidewalks; and

WHEREAS, it is deemed to be in the best interest of the residents of the Township and the health and welfare of the community to arrange for such facilities to be constructed and installed; and

WHEREAS, in accordance with Article XXIII of the First Class Township Code of the Commonwealth of Pennsylvania, Upper Dublin Township has the authority to condemn private property for the construction and installation of sidewalks; and

WHEREAS, in accordance the Article XXIII of the First Class Township Code of the Commonwealth of Pennsylvania, Upper Dublin Township has the authority to collect by installment the cost of such improvements.

NOW, THEREFORE, the Board of Commissioners of Upper Dublin Township, Montgomery County, Pennsylvania, does hereby ENACT AND ORDAIN:

Section 1. Sidewalks.

(a) A sidewalk, where the same does not presently exist, shall be constructed beginning at the Northerly property line of Wendy's Old Fashioned Hamburgers at 1710 N. Limekiln Pike, extending along N. Limekiln Pike in a northerly direction for 226 feet across the frontage of 1708 N. Limekiln Pike, the property now or late of Alfred and M. Catherine Deelse; continuing from there in a northerly direction along the frontage of N. Limekiln Pike for a distance of 318 feet to its intersection with Dreshertown Road; continuing from there around the corner of the said intersection and along the frontage of 1401 Dreshertown Road, the property of the Montgomery County CIDA, for 210 feet to other property of the Montgomery County CIDA, which property is presently leased to the U.S. Postal Service, Upper Dublin Township, Montgomery County, Pennsylvania, in accordance with plans to be prepared by an engineer to be

retained for such purpose by the Board of Commissioners of Upper Dublin Township (hereinafter "Engineer"), which sidewalks shall be interconnected to the existing sidewalks in the Township.

(b) The Board of Commissioners is hereby authorized to condemn temporary construction easements and permanent easements for rights of way over and across privately owned lands if found necessary for the construction of such sidewalk and to pay just compensation therefor.

Section 2. Assessment of Costs

(a) The costs of construction and installation of the sidewalks, aforesaid, shall be assessed according to the foot front method upon the several abutting properties benefited, improved and accommodated by the said sidewalk.

(b) Upon completion of the said sidewalk and determination of all costs in connection therewith, the Engineer shall deliver the same in writing to the Township Manager.

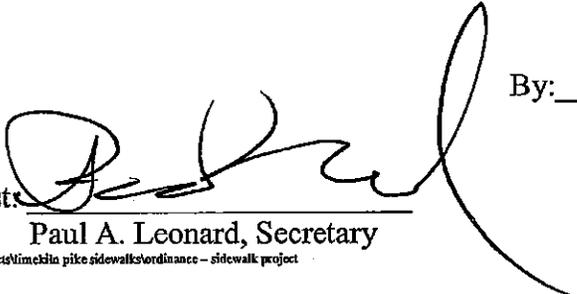
(c) Upon receipt of the Engineer's Declaration of Completion of the project, the Township Manager shall make out bills for the amounts assessed against each abutting property benefited by the sidewalk and a notice of assessment, which shall be forthwith served on all the owners of each property not less than thirty (30) days prior to the due date specified on such bill for the payment of each such assessment, either by personal service on the owner or his or its agent, or left on the assessed premises, or by registered or certified mail.

(d) If any assessment shall remain unpaid at the expiration of thirty (30) days following the service of the notice, it shall be the duty of the Township Solicitor to collect the same, with interest from the thirtieth (30th) day after the service of the notice, by action of assumpsit or by filing a lien or municipal claim therefor against the property of such owner, with a penalty of five percent (5%) of the amount of such assessment, together with interest and costs as provided by law. When an owner has two or more lots against which there is an assessment for the same improvement, all of such lots may be embraced in one claim.

ENACTED AND ORDAINED this *9th* day of June, 2004.

BOARD OF COMMISSIONERS
UPPER DUBLIN TOWNSHIP

By: 
Robert J. Pesavento, President

Attest: 
Paul A. Leonard, Secretary

g:\wd\projects\timekin pike sidewalks\ordinance - sidewalk project

AN ORDINANCE

NO. 1132

AN ORDINANCE To Amend The Code Of The Township Of Upper Dublin, Chapter 73, Building Construction To Change The Name Of The Chapter To Building Construction – Uniform Construction Code; To Elect To Administer And Enforce The Provisions Of The Pennsylvania Construction Code Act; To Adopt The Uniform Construction Code As The Building Code Of Upper Dublin Township Together With The Series Of Codes Incorporated Therein; To Adopt An Administrative Code For The Administration And Enforcement Of The Uniform Construction Code, Including The Creation Of A Board Of Appeals, The Issuance Of Permits, A Requirement For The Payment Of Fees, And The Establishment Of Fines And Penalties For The Violation Thereof; To Vest In The Director Of Code Enforcement The Power To Enforce The Uniform Construction Code; And To Save From Preemption Or Repeal The Provisions Of Township Codes More Stringent Than The Uniform Construction Code Where The Township Code Was Enacted Prior To July 1, 1999; To Amend Chapter 117, The Fire Prevention Code, To Remove Administrative Language Now Provided For In Chapter 73, And To Incorporate Into New Sections Provisions For Regulating Outdoor Cooking, Fire Hydrants And Parking In Fire Zones.

The Board of Commissioners of Upper Dublin Township hereby ordains:

Section 1. The Code of the Township of Upper Dublin, Chapter 73, Entitled Building Construction, shall be amended by changing the name of Chapter 73 to Building Construction – Uniform Construction Code, and by the addition of the following provisions:

CHAPTER 73
BUILDING CONSTRUCTION – UNIFORM CONSTRUCTION CODE

ARTICLE III
Uniform Construction Code

§ 73-6. Election and adoption of Uniform Construction Code.

A. Upper Dublin Township hereby elects to administer and enforce the provisions of the Pennsylvania Construction Code Act, Act 45 of 1999, 35 P.S. §§ 7210.101-7210.1103, as amended from time to time, together with the regulations promulgated thereunder by the Pennsylvania Department of Labor and Industry.

B. The Uniform Construction Code (referred to in this Chapter as the “Code”), contained in 34 Pa. Code, Chapters 401-405, as amended from time to time, is hereby adopted and incorporated herein by reference as the building code of Upper Dublin Township. The series of codes included within the Uniform Construction Code are those published by the International Code Council, Inc., as now and as hereafter

supplemented, reissued, amended and revised, and with the Appendices and related tables cited therein, copies of which have been and now are filed in the Township Department of Code Enforcement, and the same are hereby adopted and incorporated as fully as if set out at length herein. This series of codes are further identified as follows:

1. International Building Code 2003
2. International Residential Code 2003
3. ICC Electrical Code 2003
4. International Existing Building Code 2003
5. International Energy Conservation Code 2003
6. International Fire Code
7. International Fuel Gas Code 2003
8. International Mechanical Code 2003
9. International Plumbing Code 2003
10. International Urban-Wildland Interface Code 2003

§ 73-7. Duties and Powers of Code Official

A. General. The Director of Code Enforcement is hereby designated as the Code Official with authority and direction to enforce the provisions of the Code with the exception of the International Fire Code, the Code Official for which shall be the Fire Marshall. The Code Official shall have the authority to render interpretations of the Code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of the Code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in the Code.

B. Applications and permits. The Code Official shall receive applications, review construction documents and issue permits for the erection, and alteration, demolition and moving of buildings and structures, inspect the premises for which such permits have been issued and enforce compliance with the provisions of the code.

C. Notices and orders. The Code Official shall issue all necessary notices or orders to ensure compliance with the Code.

D. Inspections. The Code Official shall make all of the required inspections, or the Code Official shall have the authority to accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The Code Official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

E. Right of entry. Where it is necessary to make an inspection to enforce the provisions of the Code, or where the Code Official has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in

violation of the Code which makes the structure or premises unsafe, dangerous or hazardous, the Code Official is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by the Code, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied, the Code Official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the Code Official shall have recourse to the remedies provided by law to secure entry.

F Department Records. The Code Official shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for retention of public records.

G. Approved materials and equipment. Materials, equipment and devices approved by the Code Official shall be constructed and installed in accordance with such approval.

1. Used materials and equipment. The use of used materials which meet the requirements of the Code for new materials is permitted. Used equipment and devices shall not be reused unless approved by the Code Official.

H. Modifications. Wherever there are practical difficulties involved in carrying out the provisions of the Code, the Code Official shall have the authority to grant modifications for individual cases, upon application of the owner or owner's representative, provided the Code Official shall first find that special individual reason makes the strict letter of the Code impractical and the modification is in compliance with the intent and purpose of the Code and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the Code Enforcement Department.

I. Alternative materials, design and methods of construction and equipment. The provisions of the Code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by the Code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the Code Official finds that the proposed design is satisfactory and complies with the intent of the provisions of the Code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in the Code in quality, strength, effectiveness, fire resistance, durability and safety.

1. Research reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in the Code, shall consist of valid research reports from approved sources.

2. Tests. Whenever there is insufficient evidence of compliance with the provisions of the Code, or evidence that a material or method does not conform to the requirements of the Code, or in order to substantiate claims for alternative materials or methods, the Code Official shall have the authority to require tests as evidence of compliance to be made at no expense to the Township. Test methods shall be as specified in the Code or by other recognized tests standards. In the absence of recognized and accepted test methods, the Code Official shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the Code Official for the period required for the retention of public records.

§ 73-8. Permits.

A. Required. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by the Code, or to cause any such work to be done, shall first make application to the Code Official and obtain the required permit.

1. Annual permit. In lieu of an individual permit for each alteration to an already approved electrical, gas, mechanical or plumbing installation, the Code Official is authorized to issue an annual permit upon application therefore to any person, firm or corporation regularly employing one or more qualified tradespersons in the building, structure or on the premises owned or operated by the application for the permit.

2. Annual permit records. The person to whom an annual permit is issued shall keep a detailed record of alterations made under such annual permit. The Code Official shall have access to such records at all times or such records shall be filed with the Code Official as designated.

B. Work exempt from permit. Exemptions from permit requirements of the Code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of the Code or any other laws or provisions of the Upper Dublin Township Code. The Code Official may by regulation exempt work from permit requirements.

C. Emergency repairs. Where equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the Code Official.

D. Repairs. Application or notice to the Code Official is not required for ordinary repairs to structures, replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles. Such repairs shall

not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

E. Public Service Agencies. A permit shall not be required for the installation, alteration or repair of generation, transmission, distribution or metering or other related equipment that is under the ownership and control of public service agencies by established right.

F. Application for permit. To obtain a permit, the applicant shall first file an application therefore in writing on a form furnished by the Department of Code Enforcement. The application shall be completed with all data and information requested by the Director of Code Enforcement

G. Expiration of permit. Any permit issued shall become invalid if the authorized work is not commenced within six months after issuance of the permit or if the authorized work is suspended or abandoned for a period of six months after the time of commencing the work. The Director of Code Enforcement may grant one extension of a building permit for a time period not to exceed six months if there is reasonable cause.

H. Suspension or revocation of permit. The Code Official is authorized to suspend or revoke a permit issued under the provisions of the Code wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of the Code.

I. Placement of permit. The building permit or copy shall be kept on the site of the work until the completion of the project.

J. Certificate of rodent exterminator. A permit to demolish or remove a structure shall not be issued until the applicant shall furnish to the Code Official a certificate from a reputable rodent exterminator which shall state that the building or structure to be demolished has been inspected and found to be free of rodents or that the building or structure to be demolished has been properly treated for the eradication of all rodents in and about the premises.

K. Completion guaranty. Before any building permit shall be issued for the construction or installation of a swimming pool, the township shall be assured by means of a proper completion guarantee in the form of a bond or the deposit of funds or securities in escrow, sufficient to cover the cost of the required improvements (i.e., fencing, electrical, grading, walls and drainage structures), as estimated by the Director of Code Enforcement, that the improvements will be installed on or before a date specified in said bond or escrow agreement.

§ 73-9. Construction Documents

A. Submittal Documents. Construction documents, special inspection and structural observation programs, and other data shall be submitted in one or more sets with each application for a permit. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the Code Official is authorized to require additional construction documents to be prepared by a registered design professional.

1. Exception. The Code Official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with this code.

(a) Information on Construction Documents. Construction documents shall be dimensioned and drawn upon suitable material. Electronic media documents are permitted to be submitted when approved by the Code Official. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of the Code and relevant laws, ordinances rules and regulations, as determined by the Code Official.

(i) Fire Protection System Shop Drawings. Shop drawings for the fire protection system(s) shall be submitted to indicate conformance with the Code and the construction documents and shall be approved prior to the start of system installation. Shop drawings shall contain all information as required by the referenced installation standards in Chapter 9.

(b) Means of Egress. The construction documents shall show in sufficient detail the location, construction, size and character of all portions of the means of egress in compliance with the provisions of this code. In other than occupancies in Groups R-2, R-3, as applicable in Section 101.2, and I-1, the construction documents shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces.

(c) Exterior Wall Envelope. Construction documents for all buildings shall describe the exterior wall envelope in sufficient detail to determine compliance with the Code. The construction documents shall provide details of the exterior wall envelope as required, including flashing, intersections with dissimilar materials, corners, end details, control joints,

intersections at roof, eaves or parapets, means of drainage, water-resistive membrane and details around openings.

The construction documents shall include manufacturer's installation instructions that provide supporting documentation that the proposed penetration and opening details described in the construction documents maintain the weather resistance of the exterior wall envelope. The supporting documentation shall fully describe the exterior wall system which was tested, where applicable, as well as the test procedure used.

B. **Site Plan.** The construction documents submitted with the application for permit shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distances from the lot lines, the established street grades and the proposed finished grades and, as applicable, flood hazard areas, floodways, and design flood elevations; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The Code Official is authorized to waive or modify the requirement for a site plan when the application for permit is for alteration or repair or when otherwise warranted.

C. **Examination of Documents.** The Code Official shall examine or cause to be examined the accompanying construction documents and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of this code and other pertinent laws or ordinances.

1. **Approval of Construction Documents.** When the Code Official issues a permit, the construction documents shall be approved, in writing or by stamp, as "Reviewed for Code Compliance". One set of construction documents so reviewed shall be retained by the Code Official. The other set shall be returned to the applicant, shall be kept at the site of work and shall be open to inspection by the Code Official or a duly authorized representative.

2. **Previous Approvals.** The Code shall not require changes in the construction documents, construction or designated occupancy of a structure for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within 180 days after the effective date of this code and has not been abandoned.

3. **Phased Approval.** The Code Official is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of the Code. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the

holder's own risk with the building operation and without assurance that a permit for the entire structure will be granted.

4. Design Professional in Responsible Charge.

(a) General. When it is required that documents be prepared by a registered design professional, the Code Official shall be authorized to require the owner to engage and designate on the building permit application a registered design professional who shall act as the registered design professional in responsible charge. If the circumstances require, the owner shall designate a substitute registered design professional in responsible charge who shall perform the duties required of the original registered design professional in responsible charge. The Code Official shall be notified in writing by the owner if the registered design professional in responsible charge is changed or is unable to continue to perform the duties.

The registered design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submitted items, for compatibility with the design of the building.

Where structural observation is required by Section 1709, the inspection program shall name the individual or firms who are to perform structural observation and describe the stages of construction at which structural observation is to occur (see also duties specified in Section 1704).

(b) Deferred Submittals. For the purposes of this section, deferred submittals are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the Code Official within a specified period.

Deferral of any submittal items shall have the prior approval of the Code Official. The registered design professional in responsible charge shall list the deferred submittals on the construction documents for review by the Code Official.

Documents for deferred submittal items shall be submitted to the registered design professional in responsible charge who shall review them and forward them to the Code Official with a notation indicating that the deferred submittal documents have been reviewed and been found to be in general conformance to the design of the building. The deferred submittal items shall not be installed until the design and submittal documents have been approved by the Code Official.

D. Amended Construction Documents. Work shall be installed in accordance with the approved construction documents, and any changes made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval as an amended set of construction documents.

E. Retention of Construction Documents. One set of approved construction documents shall be retained by the Code Official for a period of not less than 180 days from date of completion of the permitted work, or as required by state or local laws.

§ 73-10. Fees

A. Payment of fees. A permit shall not be valid until the fees prescribed by law have been paid, nor shall an amendment to a permit be released until the additional fee, if any, has been paid.

B. Schedule of fees. Applicants for permits under the Code shall pay to the Township at the time of application the fees set forth on the then-current fee schedule which shall have been adopted by resolution or ordinance by the Board of Commissioners. When a permit fee is based on the cost of construction, the valuation of the subject work shall be the fair market value of all the construction work. The Director of Code Enforcement shall evaluate the accuracy of the estimate both initially and at final completion should changes occur as the work progresses.

C. Work commencing before permit issuance. Work commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a fee established by the Code Official that shall be in addition to the required permit fees.

D. Related fees. The payment of the fee for the construction, alteration, removal or demolition for work done in connection to or concurrently with the work authorized by a building permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.

E. Refunds. The Code Official is authorized to establish a refund policy.

F. Accounting. All fees collected shall be received and accounted for by the Department of Code Enforcement and shall be remitted to the Township Treasurer.

§ 73-11. Inspections

A. General. Construction or work for which a permit is required shall be subject to inspection by the Code Official and such construction or work shall remain accessible and exposed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of the Code or of other ordinances of the jurisdiction. Inspections presuming to give authority

to violate or cancel the provisions of the Code or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the Code Official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

B. Required inspections. A list of the minimum required inspections shall be on file with the Director of Code Enforcement for distribution upon request.

C. Inspection agencies. The Code Official is authorized to accept reports of approved inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability.

D. Inspection requests. It shall be the duty of the holder of the building permit or their duly authorized agent to notify the Code Official when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by the Code.

E. Approval required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the Code Official. The Code Official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or his or her agent wherein the same fails to comply with the Code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the Code Official.

§ 73-12. Certificate of Occupancy

A. Use and occupancy. No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the Code Official has issued a certificate of occupancy therefor as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of the Code or of other ordinances of the jurisdiction.

B. Certificate issued. After the Code Official inspects the building or structure and finds no violations of the provisions of the Code or other laws that are enforced by the Code Enforcement Department, the Code Official shall issue a certificate of occupancy.

C. Temporary occupancy. The Code Official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. The Code Official shall set a time period during which the temporary certificate of occupancy is valid.

D. Revocation. The Code Official is authorized to, in writing, suspend or revoke a certificate of occupancy or completion issued under the provisions of the Code wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of the Code.

§ 73-13. Service Utilities

A. Connection of service utilities. No person shall make connections from a utility, source of energy, fuel or power to any building or system that is regulated by the Code for which a permit is required, until released by the Code Official.

B. Temporary connection. The Code Official shall have the authority to authorize the temporary connection of the building or system to the utility source of energy, fuel or power.

C. Authority to disconnect service utilities. The Code Official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by the Code and the codes referenced in case of emergency where necessary to eliminate an immediate hazard to life or property. The Code Official shall notify the serving utility, and wherever possible the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.

§ 73-14. Board of Appeals.

A. General. To hear and decide appeals of orders, decisions or determinations made by the Director of Code Enforcement relative to the application and interpretation of the Code, there shall be is hereby created a Board of Appeals. The Board of Appeals shall be appointed by the Board of Commissioners and shall hold office at its pleasure. The Board shall adopt rules of procedure for conducting its business.

B. Limitations on authority. An application for appeal shall be based on a claim that the true intent of the Code or the rules legally adopted thereunder has been incorrectly interpreted, the provisions of the Code do not fully apply or an equally good or better form of construction is proposed. The board shall have no authority to waive requirements of the Code.

C. Qualifications. The Board of Appeals shall consist of three members who are qualified by experience and training to pass on matters pertaining to building construction and are not officials or employees of the Township.

D. Appeals. An appeal from any decision of the Director of Code Enforcement pertaining to this Chapter shall be taken to the Board of Appeals. Such appeal shall be made in writing within 10 days of such decision and shall be verified by affidavit and filed with the Township Secretary. The Board shall meet upon notice from the Chairman within 60 days of the filing of an appeal in order to consider the same. The appellant or his representative shall have the right to appear if such right is requested in the written appeal or at stated periodic meetings. A prompt decision of such appeal shall be made by the Board of Appeals.

§ 73-15. Violations

A. Unlawful acts. It shall be unlawful for any person to violate a provision of the Code or fail to comply with any of the requirements thereof or use, erect, construct, alter, extend, repair, remove, demolish or occupy any building, structure or equipment regulated by the Code, or cause the same to be done, in conflict with or in violation of an approved plan or of a directive of the Director of Code Enforcement or of a permit or certificate issued under the provisions of the Code.

B. Violation penalties. Any person who violates a provision of the Code or fails to comply with any of the requirements thereof or who commits an unlawful act hereunder shall be liable to fines and penalties not exceeding \$1,000, which fines and penalties may be collected by suit or summary proceeding brought in the name of the Township of Upper Dublin before any district justice in like manner as debts of a like amount are now by law recoverable. Each day that a violation continues shall be deemed a separate offense.

C. Abatement of violation: The imposition of the penalties herein prescribed shall not preclude the Township from instituting appropriate action to prevent unlawful construction or to restrain, correct or abate a violation or to prevent illegal occupancy of a building, structure or premises or to stop an illegal act, conduct, business or use of a building or structure on or about any premises.

D. Unlawful continuance: Any person who shall continue any work in or about the structure after having been served with a stop-work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be deemed to have committed a violation of the Code and shall be subject to those penalties prescribed hereinabove in addition to such other legal and equitable remedies as the township may seek.

E. Disregard of unsafe notice: Upon refusal or neglect of the person served with an unsafe notice to comply with the requirements of the order to abate the unsafe condition, the legal officer or the Director of Code Enforcement shall be advised of all the facts and shall institute the appropriate action to compel compliance.

§ 73-16. Repeal and Savings Clause

A. All construction codes or portions thereof which were adopted by Upper Dublin Township on or before July 1, 1999, and which equal or exceed the requirements of this Code, shall continue in full force and effect until such time as such provisions fail to equal or exceed the minimum requirements of the Code, as amended from time to time.

B. All construction codes or portions thereof which are in effect as of the effective date of this ordinance and whose requirements are less than the minimum requirements of the Code are hereby amended to conform with the comparable provisions of the Code.

C. All relevant codes, regulations and policies of Upper Dublin Township not governed by the Code shall remain in full force and effect.

Section 2. The Code of the Township of Upper Dublin, Chapter 117, entitled Fire Prevention, shall be amended by repealing the provisions of § 117-1, § 117-2, § 117-3, and § 117-4 holding them in Reserve for future additions; and by adding thereto new § 117-10, § 117-11 and § 117-12, to provide as follows:

Chapter 117, FIRE PREVENTION

§ 117-1. Reserved

§ 117-2. Reserved

§ 117-3. Reserved

§ 117-4. Reserved

* * * * *

§ 117-10. Outside cooking using charcoal or propane-fired equipment.

No charcoal or propane-fired cooking equipment shall be used or stored on the patio or patio balcony of any multifamily dwelling in Upper Dublin Township or stored within any dwelling unit of a multifamily dwelling. Such cooking equipment may be used only on the ground and at least 15 feet from any multi-family building, with permission of the owner.

§ 117-11. Fire hydrant regulations.

A. Fire hydrants required: Fire hydrants connected to sufficient water supply for fire-fighting purposes shall be provided in new real estate subdivisions, on new streets, in office centers, shopping centers, educational institutions, apartment complexes and similar occupancies at the direction of the Code Official who shall consult with an approved rating bureau and the Township Engineer before directing such installations.

B. Specification: The following specifications shall apply to all fire hydrants installed or replaced after the effective date of this chapter, which are on public water systems. The following specifications shall also apply to private fire hydrants which are on private property but are served by a public water system.

C. All fire hydrants shall adhere to specifications shown on a document known as "Hydrant Hose Connection Standard, dated July 23, 1975, Drawing No. S-5, Construction Standards, Upper Dublin Township," on file with the Code Official in the Township Building, and as revised from time to time by the Code Official.

D. Fire Department Siamese connections on all existing buildings or structures shall be provided with three-inch National Standard Fire Hose Thread (3-6 N H) female connection on Siamese with caps or plugs and chains.

E. All hose cabinets shall be provided with one-and-one-half-inch male National Standard Fire Hose Thread (1.5-9 N H) and single jacketed rubber lines hose.

F. All private yard hydrants which are on a private water system or are metered from a public water system shall be of the yard hydrant type with two two-and-one-half-inch grated valves with National Standard two-and-one-half-inch thread caps. No pumper connection will be permitted. All presently installed private yard hydrants which do not comply with these specifications shall be made to comply with the above type valves.

G. Conduct prohibited: It shall be unlawful for any person to draw water from a fire hydrant for any purpose, except official use by employees of the township, other than to extinguish a fire, or to willfully permit water from a fire hydrant to be wasted, or damage or break a fire hydrant, or to hinder or obstruct any fireman or any vehicle of the Fire Department from passing along the streets to or from a fire, or from conducting fire-fighting operations at a fire.

§ 117-12. Parking in Fire Zone. Violation for parking within a no parking area shall be punishable by paying the official notice Upper Dublin Police Department ticket within 72 hours. If this ticket is not paid, the violation shall be punishable under the Pennsylvania Motor Vehicle Code § 3353, Subsection (a)(3)(ii).

Section 3. Nothing in this Ordinance or in Chapter 73 or Chapter 117 of the Code of the Township of Upper Dublin, as hereby amended, shall be construed to affect any suit or proceedings in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Chapter 73 or Chapter 117 prior to the adoption of this amendment.

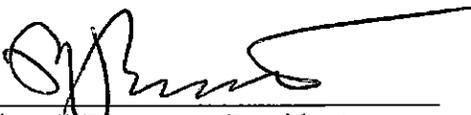
Section 4. The provisions of this Ordinance are severable, and if any section, sentence, clause, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any Court of

competent jurisdiction, such decision of this 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 if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

Section 5. This Ordinance shall take affect and be in force from and after its approval as required by law.

Approved by the Board this *15th* day of *June*, 2004.

BOARD OF COMMISSIONERS OF
UPPER DUBLIN TOWNSHIP



Robert J. Pesavento, President

ATTEST:



Paul A. Leonard, Secretary

g:\ud\Ordinances\Chapter 73-Building Construction\O - Uniform Construction Code
5-25-04

**BOARD OF COMMISSIONERS
UPPER DUBLIN TOWNSHIP**
MONTGOMERY COUNTY, PENNSYLVANIA
ORDINANCE NO. 1133

AN ORDINANCE AMENDING THE UPPER DUBLIN
TOWNSHIP POLICE PENSION PLAN BY ADDING
PENNSYLVANIA ACT 30 BENEFITS TO THE PLAN.

WHEREAS, Upper Dublin Township created the Upper Dublin Police Pension Plan (“Pension Plan”) effective May 1, 1968; and

WHEREAS, from time to time, the Township has amended the Pension Plan in order to effectuate enhancements agreed to through collective bargaining and in order to ensure that the Pension Plan remains compliant with the Police Pension Fund Act, commonly referred to as “Act 600”; and

WHEREAS, on April 17, 2002, through Act 30 of 2002, the Pennsylvania General Assembly amended Act 600 to create additional pension benefits and enhancements to existing benefits; and

WHEREAS, one of the benefits created by Act 30 of 2002 was a benefit payable to the surviving spouse and certain dependent children of an officer who is killed in the line of duty; and

WHEREAS, the language of Act 30 of 2002 provided that it became effective immediately; and

WHEREAS, the Township’s Board of Commissioners have determined that amendment to the Pension Plan is required in order to memorialize the existing killed-in-service benefit.

NOW THEREFORE, the Pension Plan shall be amended as follows:

1. A new Section, Section 6.14, entitled "Killed in Service Benefit," shall be added to the existing provisions of the Pension Plan, and this new Section shall provide as follows:

Killed in Service Benefit. Effective April 17, 2002, if a Member is killed in the line of duty for the Township, and he or she dies survived by a spouse or dependent child or children, then a monthly pension benefit of one hundred percent (100%) of the member's monthly salary at the time of his or her death shall be paid to the surviving spouse until the surviving spouse dies. If there is no surviving spouse or if the surviving spouse subsequently dies, then the child or children of the Member shall be entitled to receive a monthly survivor's benefit equal to one-hundred percent (100%) of the Member's monthly salary at the time of his or her death. Such survivor's benefit to the child or children shall continue until the child or children reach the age of 18, or until age 23, if the child is "attending college." At the time at which any surviving spouse has died and any dependent children have reached age 18, or age 23, if the child is attending college, the benefit created under this Section shall terminate. No other pension benefit shall be paid by the Township to the surviving spouse or dependent child(ren) of an officer who is killed in the line of duty.

For purposes of this Section, the phrase "attending college" shall mean being enrolled in an institution of higher learning and carrying a minimum course load of seven (7) credits per semester.

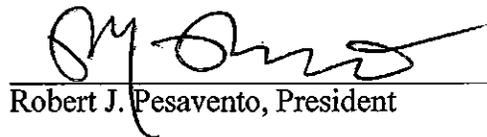
2. This Ordinance shall take effect immediately.

Duly enacted by the members of the Upper Dublin Board of Commissioners, this 13th day of July, 2004.

**BOARD OF COMMISSIONERS
TOWNSHIP OF UPPER DUBLIN**

Attest:


Paul A. Leonard, Secretary


Robert J. Pesavento, President

ORDINANCE NO. 1134
OF THE BOARD OF COMMISSIONERS
OF THE TOWNSHIP OF UPPER DUBLIN,
MONTGOMERY COUNTY, PENNSYLVANIA

AN ORDINANCE THAT AUTHORIZES THE INCURRENCE OF NON-ELECTORAL DEBT BY THE TOWNSHIP OF UPPER DUBLIN (THE "PARTICIPANT") PURSUANT TO THE ISSUANCE OF THE GENERAL OBLIGATION NOTE, SERIES OF 2004 (THE "PARTICIPANT NOTE") IN THE AGGREGATE PAR AMOUNT OF \$1,200,000 AND APPROVES CERTAIN CAPITAL PROJECTS; APPROVES THE NEGOTIATED SALE OF THE PARTICIPANT NOTE TO THE DELAWARE VALLEY REGIONAL FINANCE AUTHORITY; APPROVES THE SUBSTANTIAL FORMS OF THE PARTICIPANT NOTE, LOAN AGREEMENT, AND CONTINUING DISCLOSURE AGREEMENT AND AUTHORIZES EXECUTION AND DELIVERY OF ALL NECESSARY DOCUMENTS; STATES THE AMORTIZATION SCHEDULE AND MAXIMUM ANNUAL DEBT SERVICE PAYMENTS; AUTHORIZES AND AWARDS A TRANSACTION UNDER A QUALIFIED INTEREST RATE MANAGEMENT AGREEMENT AND AUTHORIZES AND DIRECTS A FILING TO THE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT; PLEDGES THE FULL FAITH, CREDIT, AND TAXING POWER OF THE PARTICIPANT FOR THE TIMELY REPAYMENT OF THE PARTICIPANT NOTE, INCLUDING THE REGULARLY SCHEDULED PAYMENTS DUE UNDER THE QUALIFIED INTEREST RATE MANAGEMENT AGREEMENT; COVENANTS TO PAY ANY TERMINATION FEES; CREATES AND APPOINTS A SINKING FUND DEPOSITORY; AUTHORIZES THE APPLICATION FOR APPROVAL OF THE ISSUANCE OF THE PARTICIPANT NOTE TO THE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT; AUTHORIZES ADVERTISEMENT OF ENACTMENT; AND REPEALS INCONSISTENT ORDINANCES.

WHEREAS, certain capital projects (collectively, the "2004 Project") consisting of (i) completion of the expansion and renovation of the Township Building, (ii) improvements to the Township Library, and (iii) the payment of the costs of issuance of the Participant Note will benefit the health and welfare of the residents of the Township of Upper Dublin; and

WHEREAS, the incurrence of non-electoral debt by the Participant is necessary to fund the 2004 Project; and

WHEREAS, the 2004 Project shall be for the benefit and use of the general public, and no private party shall have any special legal entitlement to the beneficial use of the 2004 Project, through a lease, management contract, or any other arrangement; and

WHEREAS, the proposed increase of non-electoral debt from the issuance of the Participant Note, together with the non-electoral and lease rental debt presently outstanding, will not cause the constitutional or statutory debt limitations of the Participant to be exceeded; and

WHEREAS, the Delaware Valley Regional Finance Authority (the "DVRFA"), a public authority within the meaning of the *Local Government Unit Debt Act*, 53 Pa. C.S.A. §8001, *et seq* (the "*Debt Act*"), issued the Local Government Revenue Bonds, Series of 1997 (the "DVRFA Bonds"), to provide funds for loans to be secured by the pledge of the full faith, credit and taxing power of local government units (the "Loan Program"); and

WHEREAS, the DVRFA determined to enter into an "Interest Rate Management Agreement", as such term is defined in the *Debt Act*, with respect to the DVRFA Bonds (the "DVRFA Swap Agreement") in order to provide a more cost effective Loan Program and to allow participants in the Loan Program to manage interest rate risk more efficiently; and

WHEREAS, Calhoun, Baker Inc. (the "Financial Advisor") is an "Independent Financial Advisor", as such term is defined in the *Debt Act*, to the DVRFA, and the Financial Advisor has prepared an "Interest Rate Management Plan" (the "DVRFA Plan"), as such term is defined in the *Debt Act*, that has been adopted by the Board of DVRFA; and

WHEREAS, the DVRFA established minimum criteria of long term, senior, unsecured debt ratings of "Aa3" or higher by Moody's Investors Service or "AA-" or higher by Standard & Poor's for the provider of the DVRFA Swap Agreement, and the Board of the DVRFA found that the award of the DVRFA Swap Agreement by negotiation in a private sale was in the best financial interests of DVRFA and the participants in the Loan Program, and the Financial Advisor concluded that the financial terms and conditions of the DVRFA Swap Agreement were fair and reasonable as of the date of award; and

WHEREAS, the Participant wishes to utilize the DVRFA Loan Program by issuing the Participant Note to the DVRFA and, under the terms of the loan documents, the Participant will be obligated to make certain payments under the DVRFA Swap Agreement; and

WHEREAS, the Board of Commissioners of the Participant desires to have the DVRFA Swap Agreement constitute a "Qualified Interest Rate Management Agreement", as such term is defined in the *Debt Act*, with respect to the Participant Note, and the DVRFA Plan constitute the Interest Rate Management Plan required by the *Debt Act*.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF UPPER DUBLIN, MONTGOMERY COUNTY, PENNSYLVANIA, AND IT IS HEREBY ORDAINED AND ENACTED BY THE AUTHORITY OF SAID BOARD OF COMMISSIONERS THAT:

SECTION 1. APPROVAL OF THE 2004 PROJECT AND AUTHORIZATION TO ISSUE THE PARTICIPANT NOTE

Pursuant to §8142(a)(2)(i) of the *Debt Act*, the estimated useful life of the 2004 Project is thirty years, a period in excess of the five year term of the Participant Note. The principal of the Participant Note shall be amortized to provide approximately level, annual debt service, pursuant to §8142(b)(1) of the *Debt Act*. The amortization of the principal amounts of the Participant Note shall begin within two years of the date of issue in accordance with §8142(c) of the *Debt Act*. The Board of Commissioners hereby authorizes and approves the 2004 Project. The Board of Commissioners hereby authorizes and directs the incurring of non-electoral debt in the aggregate par amount of \$1,200,000 by the issuance of the Participant Note.

SECTION 2. APPROVAL OF THE PURCHASE PROPOSAL

The Board of Commissioners, after due deliberation and investigation, hereby determines that a private sale by negotiation of the Participant Note to the DVRFA is in the best financial interests of the Participant. The Board of Commissioners hereby accepts the Purchase Proposal from the DVRFA, attached hereto, to purchase the Participant Note at an aggregate price of \$1,200,000 from the proceeds of DVRFA Bonds. The Participant shall be responsible for paying the DVRFA's costs of origination in an amount not to exceed \$4,800, as directed by the DVRFA's Program Administrator upon the issuance of the Participant Note. The Participant Note shall be purchased by the DVRFA on or about August 17, 2004, or at such other times as the President of the Board of Commissioners and the DVRFA's Program Administrator shall determine.

SECTION 3. APPROVAL OF THE FORMS OF THE PARTICIPANT NOTE, LOAN AGREEMENT, AND CONTINUING DISCLOSURE AGREEMENT AND AUTHORIZATION TO EXECUTE AND DELIVER ALL NECESSARY DOCUMENTS

The substantial forms of the Participant Note, Loan Agreement, and Continuing Disclosure Agreement (collectively, the "Loan Documents") attached to the Purchase Proposal are hereby approved. The President or Vice President, and the Secretary are hereby authorized and directed to execute and deliver the Loan Documents, in the substantial forms attached to the Purchase Proposal, but with such alterations, deletions and additions as the President or Vice President may approve (such approval to be conclusively established by the execution of the

Loan Documents by the President or Vice President). The President or Vice President and the Secretary also are hereby authorized and directed (i) to execute and deliver such other certificates, instruments, and agreements (including those required by any institution issuing any financial guaranty insurance policy, municipal bond insurance policy, letter of credit, or similar instrument) and (ii) to take all actions that may be necessary or beneficial to issue the Participant Note.

SECTION 4. AMORTIZATION SCHEDULE AND MAXIMUM ANNUAL DEBT SERVICE PAYMENTS

The indebtedness of the Participant Note shall be evidenced by one Note in the aggregate par amount of ONE MILLION TWO HUNDRED THOUSAND DOLLARS (\$1,200,000). The Participant Note shall bear interest at the floating rate specified in the Loan Agreement and Participant Note, the substantial forms of which are attached to the Purchase Proposal. The principal amortization schedule and maximum annual debt service payments as defined in the Participant Note and Loan Agreement for periodic scheduled payment under the Participant Note (based upon the maximum interest rate of 25%) are shown below:

**Township of Upper Dublin
General Obligation Note, Series of 2004
Principal Amortization Schedule and
Maximum Annual Debt Service**

<u>Period</u> <u>Ending</u>	<u>Principal</u> (1)	<u>Maximum</u> <u>Interest</u> <u>Rate</u>	<u>Maximum</u> <u>Interest</u> <u>Payment</u> (2)	<u>Maximum</u> <u>Annual</u> <u>Debt Service</u>
17-Aug-04				
25-Jul-05	\$ 222,000.00	25%	\$ 281,666.67	\$ 503,666.67
25-Jul-06	230,000.00	25%	244,500.00	474,500.00
25-Jul-07	240,000.00	25%	187,000.00	427,000.00
25-Jul-08	249,000.00	25%	127,000.00	376,000.00
25-Jul-09	<u>259,000.00</u>	25%	<u>64,750.00</u>	<u>323,750.00</u>
Total	<u>\$ 1,200,000.00</u>		<u>\$ 904,916.67</u>	<u>\$ 2,104,916.67</u>

- (1) Principal is amortized to provide approximately level annual debt service at 4.00%. Principal is payable annually on July 25, commencing July 25, 2005.
- (2) Interest is payable monthly on the 25th day of the month, commencing September 25, 2004. Calculated for the period beginning on August 17, 2004.

SECTION 5. AUTHORIZATION AND AWARD OF A QUALIFIED INTEREST RATE MANAGEMENT AGREEMENT

The Participant is incurring indebtedness under the *Debt Act* which will be issued to the DVRFA, a public authority, and the Participant, by execution of the Loan Documents, will become obligated for a portion of the DVRFA Swap Agreement equal to the outstanding principal amount of the Participant Note. The Board of Commissioners hereby accepts and adopts the DVRFA Plan as the Interest Rate Management Plan fulfilling the requirements of §8281(b)(2) of the *Debt Act*. The Board of Commissioners hereby accepts and ratifies the minimum criteria used by DVRFA to select the provider of the DVRFA Swap Agreement and hereby accepts and ratifies the award of the DVRFA Swap Agreement in a private sale by negotiation. The Board of Commissioners hereby authorizes and awards the DVRFA Swap Agreement as the Qualified Interest Rate Management Agreement with respect to the Participant Note, pursuant to §8281(a)(2) of the *Debt Act*. The Board of Commissioners hereby authorizes and directs the filing, to the Department of Community and Economic Development (“DCED”) within fifteen days of enactment, of a certified copy of this Ordinance and the following documents, attached hereto, in accordance with §8284(a)(1) of the *Debt Act*:

- (a) Form of the Loan Agreement to be executed by the Participant and DVRFA,
- (b) DVRFA Swap Agreement, the Qualified Interest Rate Management Agreement pursuant to §8281(b)(1) of the *Debt Act*,
- (c) DVRFA Plan, the Interest Rate Management Plan pursuant to §8281(b)(2)(ii) of the *Debt Act*, and
- (d) Finding of the Financial Advisor that the financial terms and conditions of the DVRFA Swap Agreement were fair and reasonable as of the date of the award by DVRFA, pursuant to §8281(e)(5) of the *Debt Act*.

SECTION 6. OBLIGATIONS OF THE PARTICIPANT RELATED TO THE QUALIFIED INTEREST RATE MANAGEMENT AGREEMENT

The Participant's obligations related to the DVRFA Swap Agreement are set forth in the Loan Agreement. In accordance with §8281(c) of the *Debt Act*:

- 1) The Participant pledges its full faith, credit, and taxing power to make any scheduled payments related to the DVRFA Swap Agreement and covenants to budget, appropriate, and pay any termination payment (the "Termination Payment") that may be due under the DVRFA Swap Agreement.
- 2) The notional amount of the DVRFA Swap Agreement related to the Participant Note is equal to the outstanding principal amount of the Participant Note, initially \$1,200,000.
- 3) The scheduled term of the Participant's obligations related to the DVRFA Swap Agreement ends on July 25, 2009.
- 4) The Participant's obligations under the DVRFA Swap Agreement end when the Participant repays or prepays the amounts outstanding under the Participant Note and the Loan Agreement.
- 5) The maximum interest rate under the DVRFA Swap Agreement is 15%.
- 6) The maximum annual net, scheduled payments, not including any Termination Payment, related to the DVRFA Swap Agreement shall not exceed the maximum annual debt service payments authorized for the Participant Note.
- 7) The Participant has pledged general revenues for the payment of any obligations due under the DVRFA Swap Agreement.
- 8) The DVRFA Swap Agreement requires collateralization if the ratings of the provider drop below "Aa3" by Moody's Investor Service and "AA-" by Standard & Poor's.
- 9) The Participant's obligations to make payments due on the Participant Note and scheduled payments related to the DVRFA Swap Agreement are senior to any obligation for a Termination Payment.

SECTION 7. PLEDGE OF THE FULL FAITH, CREDIT, AND TAXING POWER

The Participant hereby covenants:

- (i) to include all periodic scheduled payments payable under the Participant Note, which takes into consideration (a) the regularly scheduled interest payments on the DVRFA's Bonds, (b) the regularly scheduled payments due under the DVRFA Swap Agreement, (c) all Administrative Fees and Expenses, except any Termination Payments due under the DVRFA Swap Agreement, and (d) the amortization of principal due on the Participant Note, in the budget of the fiscal year in which such amounts are due and payable,
- (ii) to appropriate such amounts from its taxes and other general revenues, and
- (iii) to pay, or cause to be paid, punctually and duly, such amounts that are due and payable under the Participant Note and the Loan Agreement at the dates and places and in the manner stated in the Participant Note and the Loan Agreement.

For such budgeting, appropriation, and payment, the Participant irrevocably pledges its full faith, credit, and taxing power. As provided by the *Debt Act*, this covenant shall be specifically enforceable.

SECTION 8. COVENANTS FOR TERMINATION PAYMENTS

The Participant hereby covenants:

- (i) to include the amounts for Administrative Fees and Expenses allocable to Termination Payments due under the DVRFA Swap Agreement for each fiscal year in which such Termination Payments are payable in its budget for that year,
- (ii) to appropriate such amounts from its general revenues for the payment of such Termination Payments, and

- (iii) to duly and punctually pay or cause to be paid from its sinking fund or any other of its revenues or funds the Termination Payments at the dates and places and in the manner stated in the Participant Note and the Loan Agreement.

Pursuant to §8129 of the *Debt Act*, in the event of a payment default by the Participant, the Termination Payments shall constitute “unfunded debt”.

SECTION 9. SINKING FUND DEPOSITORY

The Board of Commissioners hereby finds and acknowledges that under the terms of the Loan Agreement, Commerce Bank/Pennsylvania, National Association (the “Bank”), or its successors, shall serve and is hereby appointed as the Sinking Fund Depository, shall maintain separate accounts, subaccounts and subfunds for Repayments (as defined in the Loan Agreement) to be made by the Participant until such Participant Note is paid in full. These accounts, subaccounts and subfunds shall, collectively, constitute the “Sinking Fund” required by the *Debt Act* for the Participant Note. The Board of Commissioners hereby authorizes, empowers, and directs the President or Vice President and the Secretary to contract with the Bank by the execution of the Loan Agreement to serve as Sinking Fund Depository for the Participant Note.

SECTION 10. AUTHORIZATION TO SUBMIT STATEMENTS TO THE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

The Solicitor and the Secretary are hereby authorized and directed to prepare and to submit to the DCED an application for approval of the incurrence of the non-electoral debt evidenced by the Participant Note, including the proceedings that authorize issuance, the debt statement, and any other documents required by the *Debt Act* or DCED.

SECTION 11. LEGAL ADVERTISEMENTS

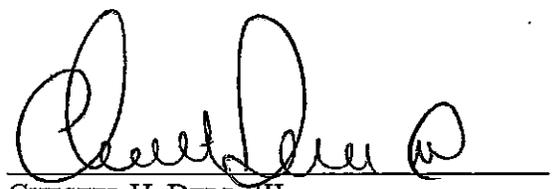
The Board of Commissioners hereby ratifies and directs the advertisement of a summary of this Ordinance as finally enacted, as required by the *Debt Act*, in *The Intelligencer*, a newspaper of general circulation in the Township of Upper Dublin, within fifteen (15) days following the day of final enactment.

SECTION 12. CONFLICTING ORDINANCES

All ordinances or parts of ordinances not in accord with this Ordinance are hereby repealed insofar as they conflict herewith.

IN WITNESS WHEREOF, we, the undersigned authorized officials of the Township of Upper Dublin, have hereunto set our signatures and affixed hereto the Seal.

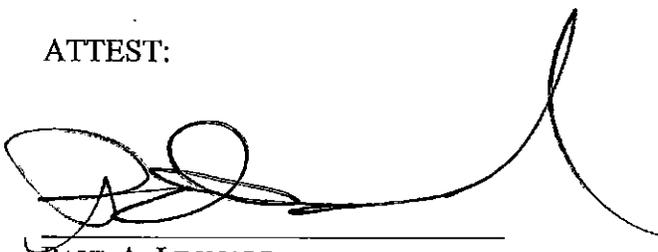
Dated: July 13, 2004



CHESTER H. DERR, III
Vice President of the Board of Commissioners
Township of Upper Dublin

[Seal]

ATTEST:



PAUL A. LEONARD
Township Secretary
Township of Upper Dublin

AN ORDINANCE
NO. 1135

AN ORDINANCE, To Amend The Code Of The Township Of Upper Dublin, Chapter 233, Vehicles And Traffic, Article VIII, "Schedules", Section 233-54, Schedule XIII: "Parking Prohibited At All Times" By Adding "No Parking" Restrictions On The East Side Of Arrowhead Trail From 254' From The Centerline Of Tennis Ave. South For 105' And From 21' From The Centerline Of Chippewa Ridge North For 250', On The South Side Of Arrowhead Trail From 105' From The Centerline Of Tennis Ave. East For 60' And From 40' From The Centerline Of Seneca Run For 150', And On The North Side Of Arrowhead Trail From 60' From The Centerline Of Cherokee Circle East For 90'.

The Board of Commissioners of the Township of Upper Dublin does hereby enact and ordain:

Section 1. The Code of the Township of Upper Dublin, Chapter 233 thereof, entitled Vehicles and Traffic, Article VIII, "Schedules", Section 233-54, Schedule XIII: Parking Prohibited at All Times, shall be amended by adding the following provision:

§ 233-54. Schedule XIII: Parking Prohibited at All Times.

In accordance with the provisions of § 233-21, no person shall park a vehicle at any time upon any of the following described streets or parts thereof:

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>

Arrowhead Trail	East	From a point 254 feet south of the centerline of Tennis Ave. southerly for the distance of 105 feet
Arrowhead Trail	East	From a point 21 feet north of the centerline of Chippewa Ridge northerly for the distance of 250 feet
Arrowhead Trail	South	From a point 105 feet east of the centerline of Tennis Ave. easterly for the distance of 60 feet
Arrowhead Trail	South	From a point 40 feet west of the centerline of Seneca Run westerly for the distance of 150 feet

Arrowhead Trail

North

From a point 60 feet east of the
centerline of Cherokee Circle
easterly for the distance of 90 feet

Section 2. Nothing in this Ordinance or in Chapter 233 of the Code of the Township of Upper Dublin, as hereby amended, shall be construed to affect any suit or proceeding in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Chapter 233 prior to the adoption of this amendment.

Section 3. 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 illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

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

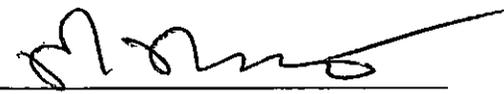
ENACTED AND ORDAINED this *13th* day of *July*, 2004.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN

ATTEST:



PAUL A. LEONARD, SECRETARY



ROBERT J. PESAVENTO, PRESIDENT

ud\ord\CH 233 VEHICLES & TRAFFIC\NoPark-Arrowhead-6.28.04

AN ORDINANCE

NO. 1136

AN ORDINANCE To Amend The Zoning Code Of The Township Of Upper Dublin By The Addition Of A New Article XXXI, Maple Glen Overlay District, To Be An Overlay On Existing Zoning Districts For The Purpose Of Creating A Village Center In Maple Glen, Providing For Multiple Commercial, Retail And Personal Service Uses; Providing For Certain Uses Requiring A Building Area Over 8000 Square Feet By Conditional Use; Establishing A Table Of Performance Regulations Interrelating Lot Size, Building Height, Impervious Surface, Façade And Setback Regulations; Imposing Design Regulations Relating To Building Placement, Facades, Form, Frontages, Massing, Length, Window Placement And Configuration, Roof Design, Awnings And Building Materials; Imposing Sign Regulations; Providing Access And Parking Regulations; Providing Additional Regulations For Special Uses; Mandating Streetscape Improvements; Imposing Landscape Requirements; Establishing Conditional Use Standards; Imposing Traffic Control Standards; And Amending The Subdivision And Land Development Code To Provide Standards Within The Maple Glen Overlay District For Street Improvements, Sidewalk Configuration And Streetscape Improvements

The Board of Commissioners of the Township of Upper Dublin hereby ordains:

Section 1. The Code of the Township of Upper Dublin, Chapter 255, Zoning, shall be amended to add a new Article XXXI, to provide as follows:

**ARTICLE XXXI
MG Maple Glen Overlay District**

§ 255-230 Legislative Intent

The MG Maple Glen Overlay District is intended and designed to:

- A. Create a center for Maple Glen by enhancing and improving the pedestrian-friendly streetscape image of the Village Center through roadway improvements, sidewalk improvements, landscaping, building façade enhancements, and new infill buildings.
- B. Provide the Maple Glen area of the Township the ability to incorporate new suitable land uses, for which the area is not currently zoned.

- C. Promote new development on vacant land and encourage the redevelopment of existing structures to create a traditional village town center with development patterns that maintain the adjacent neighborhood building scale, are pedestrian oriented, compact in size and are sensitive to placement that will encourage customers to park once and walk to multiple businesses.
- D. Promote development and redevelopment that creates links to adjacent residential neighborhoods with pedestrian paths, focal points, gathering places, and inviting green areas that provide visual and environmental amenities for the community.
- E. Require the shared use of access driveways to reduce the number of existing or future driveways and their related congestion.
- F. Encourage parking in the side or rear yard areas and shared parking facilities. Permit off-site parking to count towards a development's minimum parking requirement.
- G. Require sufficient, safe and inviting pedestrian access from the street to the various uses and their related parking, while striving to create a district-wide streetscape character. Establish a pedestrian friendly village setting where all properties are accessible to each other without the need of a motor vehicle.
- H. Require architectural and landscape design standards that develop a village theme for the Maple Glen Village District and ensure that there is an appropriate transition between development in accordance with the provisions of this overlay and surrounding residential neighborhoods.

§ 255-231 – Applicability

The MG Maple Glen Overlay District shall be deemed an overlay on any zoning district now or hereafter applicable to any lot located within the District. Property may be developed either under the provisions of the underlying district or under the provisions of the MG Maple Glen Overlay District except for the Design Regulations, which shall be applicable to all non-residential development in this district. Where the provisions of this article and the provisions in the underlying zoning district conflict, the provisions of this article shall apply.

§ 255-232 – Definitions

Accessway – a formalized path, walkway or other physical connection that allows pedestrians to directly reach destinations.

Buffer - A buffer is used for planting and screening between residential and non-residential zoning districts and it is also used to separate areas used by pedestrians from those designed primarily for vehicular use. The buffer is also a shield to block light, noise and other nuisances.

Building Scale - The relationship between the mass of a building and its surroundings, including the width of street, nearby open space, and the mass of buildings on adjacent properties. Mass is determined by the three-dimensional bulk of a structure: height, width and depth.

Clear Window - the amount of glass surface of a window that allows 100% visual permeability.

Drive-Through Facility - facilities allowing transactions for goods or services without leaving a motor vehicle.

False Elements - Design features that are decorative and serve no functional purpose.

Fitness Center - a place, building or portion of a building where passive or active exercises and related activities are performed for the purpose of physical fitness, improved circulation or flexibility, and/or weight control. The activities shall be conducted entirely w/in an enclosed building and be operated for profit or not for profit and which can be open only to bona fide members and guests of the organization or open to the public for a fee.

Loggia - a roofed, but open arcade along the front or side of a building on an upper story.

Mixed-Use - development contained within a single parcel or within a master plan development (horizontally or vertically), which contains different land use categories. No one use may utilize more than 66% of the building area and the uses shall provide a variety of peak hour pedestrian and vehicular activity times.

Parking, Off-Street - marked or unmarked parking located within a parcel and outside a private or public right of way.

Parking, On-Street - marked or unmarked parking located outside of a parcel and within a private or public right of way.

Pedestrian oriented design - the design of communities, neighborhoods, streetscapes, sites and buildings that emphasizes pedestrian access, comfort and visual interest.

Pedestrian-Oriented Street - a street where adjacent uses generate and encourage foot traffic.

Pedestrian Scale - the size and proportion of a physical element that closely relates to the human body e.g., a 16-foot lamppost vs. a 30-foot lamppost, and a façade with vertically oriented framed windows vs. a façade with a continuous and unarticulated window wall.

Pedestrian Way – a linear space or an area where the primary users are pedestrians and that may also accommodate bicyclists.

Primary Front Façade – the façade of a building facing onto a public or private street or pedestrian accessway.

Redevelopment – The improvement of a building and/or parcel requiring Land Development approval.

Shared Parking – parking that is utilized by two or more uses taking into account the variable peak demand times of each use; the uses can be located on more than one parcel.

Story – the distance in a structure between the upper surface of a floor and the upper surface of the floor or roof next above, generally between 10 and 14 feet.

Visual Permeability – the ability of vertical surfaces to allow viewers to see through to the other side e.g. windows and open fences.

§ 255-233 Uses

In the MG Maple Glen Overlay District, the following uses and no other shall be permitted as indicated, either as a single use within a building or as one of several mixed uses within a building. Multiple buildings are permitted on a single parcel.

A. Permitted Uses - Any Floor:

1. Retail sale/loan of dry goods, books, variety and general merchandise, clothing, food, flowers, beverages, drugs, household supplies or furnishings, antiques, art galleries and picture framing, sale or repair of jewelry, watches, clocks, optical goods, musical, professional or scientific products, small scale hardware, and any other use of the same general character;
2. Restaurant, tearoom, café, taproom, confectionary, bakery, or similar establishment producing and serving food or beverages to be sold at retail on the premises;
3. The following personal service shops, dealing directly with retail customers: barber shop, beauty parlor, cleaner, (provided that no flammable fluids are used), cobbler, millinery, seamstress, spa, tailor or upholstery shop.
4. Travel agent, real estate agency.
5. Bank or financial institution,
6. Exercise gym or fitness center, or
7. Post Office or municipal use.

B. Permitted Uses – Second Floor and above:

1. Residential units
2. Business or professional office, cultural studio, and insurance agencies
3. Club, fraternal organization or lodge,
4. Billiard room or similar place of amusement,
5. Educational, religious or philanthropic use.

C. Provided all other applicable regulations in this article have been met, an individual structure with a building area greater than 8,000 square feet must be reviewed and approved by the Board of Commissioners as a conditional use.

§ 255-234 Dimensional Regulations

A. Right of way. The ultimate right of way applicable to the Table of Dimensional Regulations below shall be that set forth on the Township Street Map. For primary access driveways, the right of way shall have a width of 58 feet.

B. Table of Dimensional Regulations

Minimum Net Lot Area	Maximum Building Height ⁽⁷⁾	Maximum Impervious Surface	Max. Indiv. Building Area (sq.ft.)	Minimum Yards		
				Front	Side	Rear
< 1 acre	35 feet	80%	6,000	0 ⁽¹⁾	0 ⁽²⁾	0 ⁽²⁾
1 – 2 acres	35 feet	75%	10,000	0 ⁽¹⁾	0 ⁽²⁾	0 ⁽²⁾
>2 – 5 acres	35 feet	65%	14,000	0 ⁽³⁾	0 ⁽⁴⁾	0 ⁽⁴⁾
> 5 acres	35 feet	55%	18,000	0 ⁽⁵⁾	0 ⁽⁶⁾	0 ⁽⁶⁾

Footnotes to Table of Dimensional Regulations:

- (1) A minimum of 90% of the building façade shall be located at the ultimate right of way.
- (2) When adjacent to a residentially zoned and used property the minimum setback shall be 35’.
- (3) A minimum of 70% percent of the building façades shall be located within 10’ of the ultimate right of way.
- (4) When adjacent to a residentially zoned and used property the minimum setback shall be 45’.
- (5) A minimum of 50% of the building façades shall be located within 10’ of the ultimate right of way.
- (6) When adjacent to a residentially zoned and used property the minimum setback shall be 55’.
- (7) Two and one half (2½) stories are permitted, provided the building height does not exceed 35 feet.

§ 255-235 Design Regulations

The following design regulations shall apply to the, construction and alteration of any structure in the Maple Glen Overlay District:

A. Intent

It is the intent of this ordinance to discourage the creation of suburban strip commercial centers, and to encourage the design and placement of buildings providing an attractive and functional appearance that is inviting to pedestrian use.

B. General Standards. All new and rehabilitated buildings shall comply with the following standards:

1. All uses shall be served by public water and sewer service.
2. All utility lines serving all uses shall be placed underground from the edge of the right-of-way to the place of service.
3. Drive through windows are prohibited for all uses within the district.
4. A building's Primary Front Façade shall be designed with Clear Windows, public access points and signage.
5. The façade treatment of walls facing residential uses or residential zoning districts shall be similar to the Primary Front Façade.
6. All buildings shall provide Clear Windows along the ground floor of the Primary Front Facades.
 - a. Required Clear Window areas must be designed to allow views into working areas or lobbies, pedestrian entrances, or merchandise display areas.
7. A building's public access points shall be articulated and visible from the street.
 - a. Building entrances shall incorporate arcades, roofs, porches, alcoves and awnings that protect pedestrians from the sun and rain.
 - b. If the building has frontage on more than one street, the building shall provide public access points oriented towards both streets, or a single access point to the corner where two streets intersect.
8. Driveways, parking areas and traffic circulation patterns shall be designed as shared facilities whenever feasible. The design of these elements shall create a unified site plan between lots. The goal is to gain parking efficiencies, reduce the number of access points and improve internal and external vehicular circulation patterns.

C. Building Design

1. Building placement: All buildings must be placed in accordance with the minimum requirements of §225-229, above. All buildings must be placed to encourage continuous uninterrupted pedestrian accessways that link windows and doorways.

2. **Building Frontages:** Multi-story buildings shall articulate the line between the ground and upper levels with a cornice, canopy, balcony, arcade, or other visual device.
 - a. The ground floor of the Primary Front Façade(s) shall contain an average of 60 % Clear Windows and doors:
 - i. The maximum sill height above the adjacent sidewalk elevation shall be two feet or lower.
 - ii. Lintels shall be 9 to 12 feet above sidewalk level.
 - iii. The top of the display window shall be at least as high as door height.
 - b. Blank walls, if visible from a right of way or Accessway, shall be articulated by one or more of the following:
 - i. details in masonry courses,
 - ii. the provision of blank window openings trimmed w/frames, sills and lintels
 - iii. if the building is occupied by a commercial use, recessed or projecting display window cases.
 - c. Upper stories of a Primary Front Façade, except those floors used for residential purposes, shall contain an average of 40 % Clear Windows.
 - i. Clear window openings shall be vertical, at least twice as high as the width of those openings.
 - ii. To the extent possible, upper story windows shall be vertically aligned with the location of window and doors on the ground level, including storefront or display windows.
3. **Building Massing:** The mass of a building or buildings shall be de-emphasized in a variety of ways, including the use of projecting and recessed elements such as porches, windows and roof dormers, to reduce their apparent overall bulk and volume, to enhance visual quality and contribute to human-scaled development. Such breaks in the facades and roof lines shall occur not more frequently than every 50 feet nor less frequently than every 100 feet.
 - a. **Building Length:** Multiple buildings fronting on a street shall vary in building length. The maximum average building length shall not exceed one hundred and twenty (120ft) feet.

- b. **Building Forms:** While architectural features are permitted, structural building components shall have some use. False elements such as empty gables, dormers or blank windows are prohibited.
 - i. Where an existing building is to be reused and is non-conforming to these design requirements, every effort shall be made to change the detail of the roofline, and to enhance canopy, window and door treatments to achieve the design goals set forth in this section.
 - c. **Building area:** Where there are multiple buildings on a site, the average building area shall not exceed 8,000 square feet.
4. **Roof Design:** The roof shall be designed with either overhanging eaves or cornices on all sides extending a minimum of twelve (12") inches beyond the building wall.
- a. A variety of ridge heights and/or dormers, masonry finished chimneys and cupolas shall be included in the design of the buildings.
 - b. Except for porch roofs, all gable roofs shall have a minimum pitch of 9/12 (vertical/horizontal) and all hipped roofs shall have a minimum pitch of 6/12.
 - c. Roofing materials shall vary on buildings to feature porches, cupolas, or bay windows.
 - i. Roof material may include fiberglass architectural shingles that represent slate or wood, natural slate, shakes, shingle (either wood or asphalt composition) and metal formed to resemble "standing seams". Specifically prohibited are white, tan or blue shingles, red clay tiles, and corrugated plastic or metal.
 - ii. Fascias, dormers and gables or similar architectural features shall be employed to provide visual interest.
 - d. Flat roofs shall be prohibited.
5. **Awnings, Canopy or Porches:** All buildings shall have any of the following: permanent porches, canopy, arcade or retractable cloth awnings to protect pedestrians along the fronting sidewalk. Awnings intended primarily as signs are prohibited. No permanent porch or canopy shall be permitted to encroach into a dedicated right-of-way.
- a. The furthest extension of a ground floor awning and/or canopy shall be no less than 3 feet and no more that 7 feet. The furthest edge of the awning may be no closer than 12 inches to the curb.
 - b. Ground floor awnings and canopies shall terminate no less than 18 inches below the second floor windowsills.

- c. The height of ground floor awnings and canopies shall not exceed 15 feet above pavement and shall be below the cornice or frieze.
 - d. All ground floor awnings and/or canopies shall be retractable. The minimum height from the bottom of the frame to the sidewalk is 7 feet. The minimum height from the bottom of the canvas awning valance to the sidewalk shall be 6 feet 9 inches.
 - e. Fixed awnings may be used above the first story provided they project no more than 4 feet maximum.
 - f. Awnings shall have side flaps.
6. Building Materials: Exterior wall material may be a combination of split face aggregate block or brick of a consistent or complementary shape, color and texture as that found within the adjacent neighborhood, architectural or real stone, stucco, and concrete or wood siding. Windows shall have detailed mullions and shutters with hardware when these architectural features are employed.
- a. The following building materials are prohibited: exterior insulation and finishing systems (Eifs); aluminum or vinyl siding and shutters; white, tan or painted brick; T-111 or other similar plywood siding.
 - b. Except on rear walls, not visible from any public way, all forms of concrete block shall be prohibited.
 - c. Metal buildings are prohibited.
- D. Signs. - The provisions of Article XXI shall apply in the Maple Glen Overlay District, except as set forth below.
- 1. Intent
 - a. Signs must accomplish all of the following:
 - i. they must be clearly visible to the pedestrian shopper,
 - ii they must be sufficiently legible to the passing motorist, and
 - iii. they must create, as a group, a vibrant and varied character that compliments and enhances the varied buildings and unifies the streetscape within the village.
 - b. Signs shall be designed to be complimentary in their use of color, shape, similar themes and/or logos to create an overall theme for the Maple Glen village center and maintain continuity throughout the district.
 - c. If signs are illuminated, only external lighting shall be permitted.
 - d. No sign shall be placed within a sight triangle area.
 - 2. The following standards apply to all uses within the overlay district:
 - a. Permitted Permanent Building Signs: Only one of the following shall be permitted per use per building façade:
 - i. Projecting Signs. No portion of a projecting sign may extend more than four feet from the building façade. A clear space of not less than

eight feet shall be provided below all parts of the projecting sign. The sign may be no greater than six (6 sq. ft.) square feet.

- ii. Signs painted on shop windows or other types of window graphics are permitted, provided they do not take up more than thirty (30%) of the Clear Window surface, and provided the minimum Clear Window requirement is met.
 - iii. Fire resistant cloth awnings may be used for signs provided the text is located on the vertical face of the awning flap.
 - Numbers and letters shall be no taller than 6 inches,
 - Plastic, back lit awning signs are prohibited.
 - Business logos or emblems are permitted on the top or angled portion of the awning up to a maximum of three square feet. No more than one emblem or logo is permitted on an awning.
 - iv. Wall signs are permitted, provided:
 - they do not exceed five (5%) percent of the wall area,
 - they do not extend past the roof eaves
 - they do not block windows or hide cornices and other trim.
 - v. Signs hanging behind the store window shall not reduce the visual permeability of street facing windows to less than the minimum Clear Window requirement.
 - vi. Building Sign and Location Approval: All permanent building signs shall be approved by the Code Enforcement Official in accordance with the above and following criteria:
 - vii. Signs shall not hide architectural features
 - viii. Signs shall be in proportion with the architecture of the building and the scale of the pedestrian shopping street, yet visible to a passing motorist;
 - ix. Signs shall use colors that are vivid, varied and interesting, and legible, while compatible with the colors of the building.
- b. Permitted Temporary Signs: A sidewalk sandwich board shall be permitted in addition to the above signs, provided
- i. the sign face is no larger than four (4 sq. ft.) square feet per side,
 - ii. it is located directly in front of the store and
 - iii. it will not create an obstruction to pedestrian traffic.
- c. Permitted Free Standing Signs

- i. Free standing signs are permitted by conditional use to identify an individual building with a building area greater than 10,000 square feet. However, there shall be only one free standing sign for each property's street frontage. The area of a free standing sign shall be no larger than twenty-five (25) square feet per side, with a maximum height of fourteen (14) feet.
- ii. Kiosk Signs are permitted by conditional use. They shall include an updated map of the Maple Glen shopping area and a directory of all uses within the Maple-Glen area. The sign shall be pedestrian oriented and constructed in accordance with guidelines approved by the Township.
- iii. Directory Signs are permitted by conditional use. They may be installed in lieu of a free standing sign. These signs shall be a low pedestrian oriented monument sign no higher than twelve (12) feet or an area greater than twenty-five (25) square feet.

E. Accessibility Standards

1. Pedestrian Accessibility: Direct pedestrian access from the adjoining residential neighborhoods and adjacent commercial sites shall be provided by sidewalks built within the road rights of way and public access easements.
2. Pedestrian crosswalks shall be designed with curb bump outs to facilitate non vehicular movement. Crosswalks shall utilize differentiated material from the cartway to alert drivers to pedestrians in the area.

F. Parking Intent and Standards: When there is more than one building on a lot and/or within a development, the total amount of required parking shall be divided into discreet sections. Smaller parking areas shall be located along side and/or behind individual buildings. The buildings shall be accessible to pedestrians from all parking areas. Entrance drives and aisles within a parking area may be multifunctional, serving for both pedestrian and vehicular access and providing a limited amount of parking.

1. Required Parking: Minimum parking requirements shall be calculated utilizing the standards set forth in Article XIX.
2. Shared Access: All developments shall provide for future access to adjacent properties. Access agreements for shared vehicular access shall be sought as the preferred means for reducing the total number of curb cuts within the district. Documentation confirming the ownership and/or management arrangement shall be submitted to the Board of Commissioners with the application for land development approval.

3. **Parking Setbacks:**
 - a. There shall be no minimum side or rear yard parking setback for a parcel(s) being developed in accordance with these overlay provisions if that parcel is adjacent to a non-residentially zoned and/or used property.
 - b. When a property being developed in accordance with these overlay provisions is adjacent to a residentially zoned and/or used property there shall be a minimum setback of thirty-five (35) feet from the residential property line.
 - c. From the ultimate right-of-way the parking setback shall be ten (10') feet.
 - d. Parking shall be set back a minimum of five feet from any building. This area shall be used for pedestrian accessways and planting beds.
4. **Parking Location:** Surface parking lots shall be located behind or to the side of the principal buildings to the greatest extent possible.
 - a. If surface parking is visible from the street frontage, then a fence, wall or plantings shall be provided to maintain the street edge and to buffer views of the parked cars.
 - i. In no case shall surface parking lots occupy more than 1/3 of the parcel's frontage along a pedestrian oriented street or street segment.
 - ii. Parking areas shall be buffered from any adjacent accessway by street trees and by a four foot wide landscaped area with a continuous row of 2-3 foot high shrubs, fence or seating wall.
5. **Shared Parking:** Required parking may be located along or across a common lot line, provided both properties are commercially zoned and/or are developed in accordance with the Maple Glen Overlay District regulations. The Board of Commissioners may, by conditional use, reduce the total amount of required parking by up to 25% provided the applicant demonstrates that the number of code required parking spaces exceeds the actual development needs given the proposed mix of uses and varied peak activity times.
6. **On-Street Parking:** Provided the new or rehabilitated building or buildings complies with the design standards included within the Maple Glen Overlay District, legal on-street parking along the parcel's street frontage may be counted towards the minimum required number of parking spaces. The Township Traffic Engineer shall approve any on-street parking proposed for the development.

G. **Streetscape Improvements:**

1. Public Street Improvements: All new developments and renovations shall incorporate streetscape improvements in accordance with the provisions of § 212-15(b), subject to the approval of PennDot.
2. Sidewalks shall be designed in accordance with the the provisions of § 212-18(e), subject to the approval of PennDot.
3. All driveways shall have concrete aprons to continue the sidewalk across the driveway or non-dedicated street onto a property.
4. Pedestrian crosswalks shall be differentiated to stand out from the vehicular cartway at all intersections by using a variety of materials, including stamped concrete.
5. Street lights shall be placed at a minimum of eighty (80) feet on center along all sidewalks. Street light fixtures shall be as required in § 212-29, or an approved equal.
6. The street furniture, such as receptacles, benches, bollards, etc. shall be as required in § 212-29, or an approved equal.

H. Landscaping and Buffering:

1. Refuse Facility: All trash refuse and recycling facilities shall be indoors or maintained in a common trash facility that is totally screened with masonry walls with wooden gates that are a minimum of eight feet in height. Such refuse areas shall be located at least one hundred feet from any adjacent residential use and they may not be located in front of the buildings.
2. Buffer Requirements: When any proposed mixed use or non-residential development abuts a residential use, a Screen Buffer, as required in Subdivision and Land Development Code, § 212-32F(3), shall be provided. In addition:
 - a. There shall be a solid six (6') foot tall fence with a mixture of evergreen landscaping to create a solid visual barrier that will grow to twelve (12') feet high within three years.
 - b. If required by the Board of Commissioners, safe, comfortable and inviting access between the residential neighborhood and the development site shall be created by providing a gate in the fence and an improved pathway through the buffer plantings.

3. Parking Lot Landscaping: Subdivision and Land Development Code § 212-32F(4) shall be met.

I. Loading:

1. Areas used for loading or trash receptacle purposes proximate to residential uses/zoning districts shall be screened from view. Noise, sound and odors associated with these uses shall not be discernable at the property line.
2. Buildings and structures, excluding parking structures, must provide adequate area for loading/unloading entirely within the property lines of the premises.

§ 255-236 Conditional Use Standards

All conditional use applications shall be filed and processed in compliance with Article XXV. In addition, applicants shall demonstrate compliance with the following:

- A. Existing Conditions Analysis: All existing trees over six inches in caliper shall be shown on the plan.
- B. Architectural Characteristics: The applicant shall submit drawings to demonstrate compliance with the standards, including building elevations, colored renderings and signage.
- C. Traffic Control: The conditional use application shall be accompanied by a transportation impact study, parking analysis, and pedestrian analysis as further provided in § 212-35.1.
 1. New applications shall provide shared access, access easements, cross easements, driveway interconnections, shared parking and parking easements with other properties in order to facilitate the objectives of this District.
 2. Access easements and maintenance agreements or other suitable legal mechanisms shall be provided, acceptable to the Board of Commissioners.
 3. When it is not yet appropriate to construct driveway interconnections, shared access or shared parking, access easements shall be set aside for future use.

Section 2. The Code of the Township of Upper Dublin, Chapter 212, Subdivision and Land Development, § 212-15, Streets, shall be amended by the addition of a new subsection E, to provide as follows:

§ 212-15 Streets

E. The following Lane Configurations shall apply with respect to Norristown Road, Welsh Road and Limekiln Pike in the Maple Glen Overlay District, subject to PennDot approval:

Roadway Feature	Limekiln Pike	Norristown Road
Left parking aisle	8 ft.	8 ft.
Left bike lane	4 ft.	4 ft.
Outer left travel lane	-	-
Inner left travel lane	12 ft.	12 ft.
Center lane	10 ft.	10 ft.
Inner right travel lane	12 ft.	12 ft.
Outer right travel lane	-	-
Right bike lane	4 ft.	4 ft.
Right parking aisle	8 ft.	8 ft.

Section 3. The Code of the Township of Upper Dublin, Chapter 212, Subdivision and Land Development, § 212-18, Sidewalks, shall be amended by the addition of a new subsection F, to provide as follows:

§ 212-18 Sidewalks

F. The following sidewalk and planting area configurations shall apply along Norristown Road, Welsh Road and Limekiln Pike in the Maple Glen Overlay District, subject to PennDot approval:

Roadway Feature	Limekiln Pike	Norristown Road
Left sidewalk	7 ft.	7 ft.
Left planting area	4 ft.	4 ft.
Right planting area	4 ft.	4 ft.
Right sidewalk	7 ft.	7 ft.

Section 4. The Code of the Township of Upper Dublin, Chapter 212, Subdivision and Land Development, § 212-29, Streetlighting, shall be amended to provide as follows:

§ 212-29 Streetscape Improvements

A. Streetlighting shall be installed in each subdivision by and at the expense of the developer. An approved plan of the subdivision shall be submitted to the Philadelphia Electric Company for the purpose of preparing a suggested plan of streetlighting. The suggested plan of streetlighting shall be submitted to the township for approval. In the DO Dresher Overlay District, streetlighting shall be model "Old Town #A8850 SR" as manufactured by Sternberg Vintage Lighting, or equal as approved by the Board of Commissioners. Poles for light fixtures shall be model 5700-KP as manufactured by Sternberg Vintage Lighting, or approved equal.

B. Streetlighting and street furniture in the Maple Glen Overlay District shall conform to the following standards:

Item	Manufacturer	Model	Notes	<u>Installation</u>
Bike rack	Concept Urbain	T-20		
Bollard	Spring City	Reston		
Light: luminair	Spring City	Van Buren	Full vertical cut offs and conceal lamp	Shroud lamp to block glare from adj. windows
Light: lamp post	Spring City	Madison Flair Top		
Trash/recycling receptacle	Victor Stanley	43		
Bench	Victor Stanley	TK 8292-72	Natural Finish	Bolted down to ground

Section 5. Nothing in this Ordinance or in Chapters 212 or 255 of the Code of the Township of Upper Dublin, as hereby amended, shall be construed to affect any suit or proceedings in any Court, any rights acquired or liability incurred, any permit issued, or any

cause or causes of action existing under the said Chapters 212 or 255 prior to the adoption of this amendment.

Section 6. 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 this 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 if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

Section 7. This Ordinance shall take affect and be in force from and after its approval as required by law.

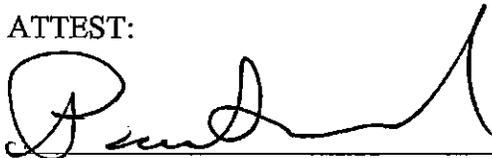
Enacted by the Board of Commissioners of Upper Dublin Township this *14th* day of *September*, 2004.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN



Robert J. Pesavento, President

ATTEST:



Paul A. Leonard, Secretary/Township Manager

AN ORDINANCE
NO. 1137

AN ORDINANCE Amending The Code Of The Township Of Upper Dublin, Chapter 255, Zoning, By Revising The Zoning Map To Place The MG Maple Glen Overlay District Over The Existing Zoning On The Following Properties: Block 4G, Unit 20, And Block 4A, Units, 6, 21, 22, 23, 24, 25, 26, 27, 28, 29 Fronting On Norristown Road And Limekiln Pike, Being The Properties Now Or Late Of Bethel Associates, Inc., 521 And 535 N. Limekiln Pike, Iris A. Andrade, 601 N. Limekiln Pike, Arthur D. And Norma T. Jenkins, 1825 Norristown Road, Elinor R. Kriebel, 1829 Norristown Road, Anthony And Eva Bevilaqua, 1833 Norristown Road, Scott L. And Sheira Soloman, 1837 Norristown Road, James A. And Donnal Courts Trustee, 505 N. Limekiln Pike, Margaret F. Foley, 1841 Norristown Road, And Armquinn, 501 N. Limekiln Pike.

The Board of Commissioners of the Township of Upper Dublin hereby ordains:

Section 1. The Code of the Township of Upper Dublin, Chapter 255, entitled Zoning, Section 255-9, Zoning Map, is hereby amended to place the MG Maple Glen Overlay District over the existing zoning on the following properties: Block 4G, Unit 20, and Block 4A, Units, 6, 21, 22, 23, 24, 25, 26, 27, 28, 29 fronting on Norristown Road and Limekiln Pike, being the properties now or late of Bethel Associates, Inc., 521 and 535 N. Limekiln Pike, Iris A. Andrade, 601 N. Limekiln Pike, Arthur D. and Norma T. Jenkins, 1825 Norristown Road, Elinor R. Kriebel, 1829 Norristown Road, Anthony and Eva Bevilaqua, 1833 Norristown Road, Scott L. and Sheira Soloman, 1837 Norristown Road, James A. and Donnal Courts Trustee, 505 N. Limekiln Pike, Margaret F. Foley, 1841 Norristown Road, and Armquinn, 501 N. Limekiln Pike. The entirety of the area is set forth on a Maple Glen Zoning District plan, prepared for Upper Dublin Township by Metz Engineers, Civil Engineers and Surveyors, Lansdale Pennsylvania, dated March 30, 2004, a copy of which is attached, and is more specifically described as follows:

District Boundary

ALL THAT CERTAIN district or tracts of land situate in Upper Dublin Township, Montgomery County, Pennsylvania, being shown on a Plan of Maple Glen Overlay District, prepared for Upper Dublin Township, by Metz Engineers, Civil Engineers and Surveyors, Lansdale Pennsylvania, dated March 30, 2004, and being more fully described as follows:

BEGINNING a point, the centerline intersection of Limekiln Pike (S.R. 0152) and Norristown Road (S.R. 2007); thence, extending along said Limekiln Pike centerline, along the lands of N/L Armquinn (block 4A, unit 24), lands of N/L James H. & Donnal Courts Trustee (block 4A, unit 25), N/L Bethel Associates, Inc. (block 4A, unit 29), other Bethel lands (block 4A, units 26 & 6), and N/L Iris A. Andrade (block 4G, unit 20) in a southerly direction, ± 1029 feet to a point in the line of lands of N/L Craig G. & Renee G. Cohen (block 4G, unit 19); thence, extending along said Andrade and Cohen lands the following two (2) courses and distances; 1) in a westerly direction, ± 170 feet to a point; 2) in a northerly direction, ± 95 feet to a point in the line of said Bethel (block 4A, unit 6) lands; thence, extending on and through said Bethel lands and other said Bethel lands (block 4A, unit 26) the following four (4) courses and distances; 1) in a northwesterly direction, ± 127 feet to a point; 2) in a westerly direction, ± 121 feet to a point; 3) in a northerly direction, ± 328 feet to a point; 4) in a westerly direction, ± 231 feet to a point in the line of lands of N/L Peter J. & Doreen K. McNutt (block 4G, unit 30); thence, extending along said McNutt lands and lands of N/L Stuart & Elyse Schatz (block 4G, unit 32) in a northerly direction, ± 301 feet to a point in the line of lands of N/L Arthur D & Norma T. Jenkins (block 4A, unit 21); thence, extending along said Jenkins and Schatz lands in a westerly direction, ± 42 feet to a point in the line of lands of N/L Clifford A. & Alberta B Ways (block 4A, unit 5); thence, extending along said Jenkins and Ways line of lands in a northerly direction, ± 237 feet to a point in the centerline of said Norristown Road; thence, extending along said centerline, along the lands of said Jenkins, the lands of N/L Elinor R. Kriebel (block 4A, unit 22), N/L Anthony & Eva Bevilacqua (block 4A, unit 28), N/L Scott L. & Sheira Solomon (block 4A, unit 27), N/L Margaret F. Foley (block 4A, unit 23), and the aforementioned Armquinn lands in an easterly direction, ± 671 feet to a point, said point being the point and place of beginning.

Containing ± 11.8 acres of land area, be the same, more or less.

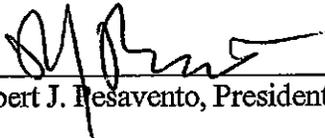
Section 2. Nothing in this Ordinance or in Chapter 255 of the Code of the Township of Upper Dublin, as hereby amended, shall be construed to affect any suit or proceeding in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Chapter 255 prior to the adoption of this amendment.

Section 3. 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 illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

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

Approved this 14th day of September, 2004.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN



Robert J. Pesavento, President

Attest:


Paul A. Leonard, Secretary

g:\ud\ord\chapter 255\255-225 MG District Rezoning
5.18.04

AN ORDINANCE

NO. 1138

AN ORDINANCE To Amend The Code of the Township of Upper Dublin Chapter 255, Zoning To Revise The Definition Of Impervious Surface, To Establish A Required Setback for Stormwater Management Structures, To Impose Maximum Impervious Surface Coverages In All Zoning Districts, To Provide Limited Relief From Such Provisions Where A Property Is Within 5% Of The Maximum Impervious Surface Coverages Imposed By This Ordinance, To Provide For The Allocation Of Impervious Surface Coverage Among Those Lots Served By A Common Driveway, To Increase The Maximum Building Coverage Permitted In The OC Office Center District, And To Provide That Any Expansion Or Extension Of A Non-Conforming Building Must Comply With The Impervious Surface Limitations The Upper Dublin Township Code.

The Board of Commissioners of the Township of Upper Dublin hereby ordains:

Section 1. The Code of the Township of Upper Dublin, Chapter 255, entitled Zoning, Article I, General Provisions, § 255-7, Definitions, shall be amended by adding a definition of Average Slope and amending the definition of Impervious Surface to provide as follows:

§255-7 Definitions.

AVERAGE SLOPE -- The slope of land determined according to the formula:

$$S = \frac{.0023}{A} \times I \times L$$

Where:

- S is the average slope in percent.
- I is the contour interval in feet.
- L is the combined length in contour lines in feet.
- A is the area in acres of the parcel being considered.

* * * * *

IMPERVIOUS SURFACE -- Any material placed on or above the earth which substantially reduces or prevents the natural infiltration of water. Examples include but are not limited to structures, including eaves, roofs and roof overhangs; roads; parking areas; driveways; sidewalks; walkways; patios and decks; sport courts; pools; and the horizontal surface area of above ground stormwater management structures, including retention and detention basins.

* * * * *

STRUCTURE – Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land, pursuant to 53 P.S. § 10107; including above ground stormwater management structures as defined by Chapter 206.

Section 2. The Code of the Township of Upper Dublin, Chapter 255, entitled Zoning, Article III, General Regulations, shall be amended by adding § 255-24.1, Stormwater Management Structures, as follows:

§ 255-24.1. Stormwater Management Structures.

- A. No aboveground stormwater management structure as defined by Chapter 206, shall be located within twenty (20) feet of any front, side, or rear property line, with the exception of stormwater discharge or conveyance swales.
- B. No aboveground stormwater management structure, as defined by Chapter 206, shall be located within twenty (20) feet of any existing or proposed building or structure.

Section 3. The Code of the Township of Upper Dublin, Chapter 255, entitled Zoning, Article VII, Residence Districts, § 255-43, § 255-43.1, § 255-44 and § 255-45, shall be amended to provide as follows:

§ 255-43. A Residential District.

In an A Residential District, the following regulations shall apply:

- B. Lot, yard and bulk requirements.

Regulation	Requirement
Lot area (minimum)	26,000 square feet
Width at building line	120 feet

(minimum)	
Front yard (minimum)	50 feet
Side yard, each (minimum)	25 feet
Rear yard (minimum)	50 feet
Height (maximum)	
Principal building	35 feet
Accessory building	20 feet
Building coverage (maximum)	15% of the total lot area
Impervious surface (maximum)	25% of the total lot area

§ 255-43.1. A-1 and A-2 Residential Districts.

A. In an A-1 Residential District, the following regulations shall apply:

- (1) With a public water supply and sanitary sewers installed and capped for future use, as approved by the township as a condition of approval of a subdivision plan, as follows:

Regulation	Requirement
Lot area (minimum)	26,000 square feet
Width at building line (minimum)	120 feet
Front yard (minimum)	50 feet
Side yard, each (minimum)	25 feet
Rear yard (minimum)	50 feet
Height (maximum)	
Principal building	35 feet
Accessory building	20 feet
Building coverage (maximum)	15% of total lot area
Impervious surface (maximum)	25% of total lot area

- (2) With sanitary sewers and a public water supply, as follows:

Regulation	Requirement
Lot area (minimum)	22,000 square feet
Width at building line (minimum)	110 feet
Front yard (minimum)	50 feet
Side yard, each (minimum)	25 feet

Rear yard (minimum)	50 feet
Height (maximum)	
Principal building	35 feet
Accessory building	20 feet and not exceeding one story
Building coverage (maximum)	15% of total lot area
Impervious surface (maximum)	25% of total lot area

B. In an A-2 Residential District, a residential development plan is required in accordance with Article VI, Planned Residential Areas, of this Code. Public water and sanitary sewers are required. The following regulations shall apply:

Regulation	Requirement
Lot area (minimum)	15,000 square feet, however, at least 40% of the lots in the development must be 18,000 square feet or larger
Width at building line (minimum)	100 feet
Front yard (minimum)	40 feet
Side yard, each (minimum)	An aggregate of 40 feet, minimum of 15 feet for either side. A side yard may be further reduced to 10 feet, provided that the adjacent lot is not already 10 feet on the side facing thereto.
Rear yard (minimum)	40 feet
Height (maximum)	
Principal building	35 feet
Accessory building	20 feet and not exceeding one story
Building coverage (maximum)	15% of total lot area
Impervious surface (maximum)	25% of total lot area

§ 255-44. B Residential Districts.

In a B Residential District the following regulations shall apply:

A. Lot, yard and bulk requirements.

Regulation	Requirement
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Lot area (minimum)	12,000 square feet
Width at building line (minimum)	80 feet
Front yard (minimum)	35 feet
Side yard (minimum)	10 feet each, aggregate of 25 feet
Rear yard (minimum)	30 feet
Height (maximum)	
Principal building	35 feet
Accessory building	20 feet
Building coverage (maximum)	20% of total lot area
Impervious surface (maximum)	30% of total lot area

§ 255-45. C Residential District.

In a C Residential District, the following regulations shall apply:

- A. A building may be erected, altered or used and a lot or premises may be used for any one use permitted in § 255-39B.
- B. Lot, yard and bulk requirements.

Regulation	Requirement
Lot area (minimum)	9,000 square feet
Width at building line (minimum)	60 feet
Front yard (minimum)	30 feet
Side yard, each (minimum)	10 feet
Rear yard (minimum)	25 feet
Height (maximum)	
Principal building	35 feet
Accessory building	20 feet
Building coverage (maximum)	20% of total lot area
Impervious surface (maximum)	30% of total lot area

Section 4. The Code of the Township of Upper Dublin Chapter 255, entitled Zoning, Article IX, OC Office Center District, § 255-61, Development requirements; plan., subsection E, shall be amended to provide as follows:

§ 255-61. Development requirements; plan.

The general plan for an office center shall be executed in accordance with the following essential conditions:

* * * * *

- E. The maximum building coverage shall be 20% of the square foot area of the lot, plus 2.5% per acre multiplied by the lot area in acres, not to exceed 40%. For example: Lot area of two acres: 20% plus 5% (2 times 2.5) equals 25 %. Impervious surface. The maximum impervious surface of a lot shall not exceed 60%.

Section 5. The Code of the Township of Upper Dublin Chapter 255, entitled Zoning, Article X, M Motel – Motor Inn – Motor Lodge District, § 255-68. Development requirements; plan., subsection E, shall be amended to provide as follows:

§ 255-68. Development requirements; plan.

The general plan for a Motel - Motor Inn - Motor Lodge District shall be executed in accordance with the following essential conditions:

* * * * *

- E. The maximum building coverage shall be 20% of the square foot area of the lot. The maximum impervious surface of a lot shall not exceed 60%.

Section 6. The Code of the Township of Upper Dublin Chapter 255, entitled Zoning, Article XI, RE Recreation Districts, § 255-72. Accessory uses, subsection B, shall be amended to provide as follows:

§ 255-72. Accessory uses.

- A. Accessory uses for RE Recreational Districts shall be as follows:
 - (1) A clubhouse, provided that such is planned and used as an integral part of the principal recreational facility.
 - (2) Dwellings occupied or intended for occupancy by the employees and/or guests of the principal facility.
- B. The accessory uses permitted above shall not occupy more than 9% of land area nor shall the impervious surface of a lot exceed 15%.

Section 7. The Code of the Township of Upper Dublin Chapter 255, entitled Zoning, Article XII, AHS Apartment House Special District, § 255-81. Lot, yard and bulk requirements, subsection C, shall be amended to provide as follows:

§ 255-81. Lot, yard and bulk regulations.

In case of each lot or tract of land developed for an Apartment House Special District, the following area and height regulations shall apply:

* * * * *

C. Surface area.

- (1) Building area. Not more than 15% of the area of the lot or tract may be occupied by buildings, exclusive of terraces, walkways and parking facilities.
- (2) Impervious surface. The impervious surface of a lot or tract may not exceed 60%.

Section 8. The Code of the Township of Upper Dublin Chapter 255, entitled Zoning, Article XIII, INST Institutional Districts, § 255-89. Lot, yard and bulk requirements, subsection B, shall be amended to provide as follows:

§ 255-89. Lot, yard and bulk requirements.

The regulations for INST Institutional Districts pertaining to lot area, density and the arrangement of buildings on subject lots shall be specified below:

* * * * *

B. Surface area.

- (1) Building area. Not more than 20% of the area of each lot may be occupied by buildings.
- (2) Impervious surface. The impervious surface of a lot may not exceed 60%.

Section 9. The Code of the Township of Upper Dublin Chapter 255, entitled Zoning, Article XIV, CR Commercial Retail District, § 255-95. Lot, yard and bulk requirements, subsection D, shall be amended to provide as follows:

§ 255-95. Lot, yard and bulk requirements.

D. Surface area.

- (1) Building coverage: shall not exceed 25% of total lot area.
- (2) Impervious surface: shall not exceed 75% of total lot area.

Section 10. The Code of the Township of Upper Dublin Chapter 255, entitled Zoning, Article XV, SC Shopping Center District, § 255-99. Development requirements, subsection L, shall be amended to provide as follows:

§ 255-99. Development requirements.

* * * * *

L. Required minimum area and yards and maximum building and impervious coverage regulations shall be as follows:

- (1) Lot area: six acres.
- (2) Front yard: 40 feet.
- (3) Side yard (each): 50 feet.
- (4) Rear yard: 50 feet.
- (5) Building coverage: 15% of total lot area.
- (6) Impervious surface: 75% of total lot area.

Section 11. The Code of the Township of Upper Dublin Chapter 255, entitled Zoning, Article XVII, MHD Mobile Home Development District, § 255-122. Lot, yard and bulk requirements, subsection L, shall be amended to provide as follows:

§ 255-122. Lot, yard and bulk requirements.

* * * * *

L. Surface area.

- (1) Building coverage. The maximum coverage of any individual mobile home lot by all primary and accessory buildings and structures shall be no greater than 35%.

- (2) **Impervious surface.** The maximum impervious surface of any individual mobile home lot or any lot improved with a mobile home park shall not exceed 60%.

Section 12. The Code of the Township of Upper Dublin Chapter 255, entitled Zoning, Article V, Steep Slopes, shall be amended by revising the title of the Article and amending § 255-31, § 255-32, § 255-33, and § 255-34 to provide as follows:

ARTICLE V
Steep Slopes and Impervious Surfaces

§ 255-31. Intent.

In the interest of the public health, safety and welfare, the provisions of this chapter and this article in particular are intended:

- A. To minimize stormwater runoff, street flooding, stream bank and soil erosion caused by inappropriate development of steep slope land areas and/or the conversion of undeveloped, porous surfaces to impervious ground cover
- B. To protect the township from development which may flooding and a subsequent expenditure for public works and disaster relief affecting the economic well-being of the township and its residents.
- C. To protect residents from property damage and personal injury due to runoff, flooding, erosion and landslides attributable to nearby development, particularly on steeply sloping land.
- D. To relate the intensity of development to the ability of the natural and man-made environment to support it, including the steepness of terrain, in order to minimize grading, the removal of vegetation, the construction of non-absorbent surfaces, runoff and erosion and to help ensure the utilization of land in accordance with its natural capabilities to support development.
- E. To restrict the impact of erosion and sedimentation and the alteration of natural drainage patterns which may aggravate flooding both in the immediate area and in downstream areas.
- F. To maximize groundwater recharge and maintain the base flow of streams and watercourses, thereby ensuring both the quantity and quality of groundwater and surface waters.

§ 255-32. Regulations pertaining to impervious surfaces.

- A. The limitations of this Chapter pertaining to impervious surfaces shall be strictly adhered to except as set forth herein.
- (1) A lot legally in existence on September 9, 2003, which was then legally covered with an impervious surface within 1% of the maximum impervious cover permitted by this chapter, or which then became nonconforming to such impervious cover provisions, may expand the impervious cover on such lot by a maximum of 1% of the lot area, unless the expansion qualifies under paragraph (2) below. The benefits of this expansion shall not be available with respect to any lot created or modified after September 9, 2003.
 - (2) A lot legally in existence on September 9, 2003, which was then legally covered with an impervious surface within 5% of the maximum impervious cover permitted by this chapter, or which then became nonconforming to such impervious cover provisions, may expand the impervious cover on such lot by a maximum of 5% of the lot area for the purpose of constructing a pool and/or wooden deck over a porous surface, provided that 100% of the volume of stormwater generated by the new construction is recharged for a one-hundred-year storm event. The benefits of this expansion shall not be available with respect to any lot created or modified after September 9, 2003 and will further be subject to the following requirements:
 - (a) The area of impervious surface expansion for a pool shall not include the area of water surface and shall apply to coping and/or patio areas. Expansion of coping and/or patio areas may be permitted by conditional use.
 - (b) The area of impervious surface expansion for a wooden deck shall apply only if the deck is constructed with a space between each plank and if the deck is constructed over a porous surface.
 - (c) The design and location of the recharge system must be approved by the Township Engineer. The Township Engineer may require that a percolation test be submitted with the permit application showing rates sufficient to empty the system within 24 hours. Construction may not disturb steep slopes, woodlands or trees eight (8) inches in caliper or larger.

- (d) If site conditions prohibit on-site recharge, the expansion shall not be permitted.
- (e) A covenant running with the land shall be recorded requiring the property owner to maintain the recharge basin at all times so that it will operate as designed.

B. Common driveways; impervious surface allocation.

For the purpose of determining the amount of impervious surface on a lot served by a common driveway, the total impervious surface of that common driveway shall be allocated evenly among the lots served, unless it is otherwise allocated in a recorded covenant approved by the township and binding on the properties affected, in which case such recorded allocation shall control.

C. Where no impervious surface limitations are imposed within an overlay district, such limitations shall be the same as those applicable in the underlying district.

§ 255-33. RESERVED

§ 255-34. Regulations pertaining to steep slopes.

The following regulations shall apply on all land having a slope of 10% or more as delineated on a plan which meets the requirements of a preliminary plan as specified in Chapter 212, Subdivision and Land Development:

- A. Every lot hereafter created by subdivision having an average slope of at least 10%, but not more than 15%, shall have the minimum lot area increased by a factor of 1.3 and shall not have impervious surfaces exceeding 30% of the lot area as increased.
- B. Every lot hereafter created by subdivision having an average slope of at least 15%, but not more than 25%, shall have the minimum lot area increased by a factor of 1.5 and shall not have impervious surfaces exceeding 20% of the lot area as increased.
- C. Every lot hereafter created by subdivision having an average slope of at least 25% shall have the minimum lot area increased by a factor of two and shall not have impervious surfaces exceeding 10% of the lot area as increased.
- D. All freestanding structures, buildings and substantial improvements (with the exception of driveways and utilities when no other location is feasible) are

prohibited on slopes of 35% or greater and are prohibited on slopes where the soil type is classified as "stony land, steep" by that document entitled "Soil Survey Montgomery County Pennsylvania," prepared by the United States Department of Agriculture, Soil Conservation Service, dated April 1967, copies of which are on file in the office of the township Manager, Upper Dublin Township Building, 801 Loch Alsh Avenue, Fort Washington, Pennsylvania.

Section 13. The Code of the Township of Upper Dublin, Chapter 255, entitled Zoning, Article XX, Nonconforming Uses, § 255-147, Extension and expansion, subsection C, shall be amended to provide as follows:

§ 255-147. Extension and expansion.

A lawful nonconforming use may be expanded or extended when authorized as a special exception, subject to the following limitations:

* * * * *

- C. Any such extension or expansion shall conform to the requirements of this chapter as they exist at the time of the proposed extension or expansion and with the height, yard, setback, buffer, impervious surface, floor and building area requirements of the zoning district in which the extension or expansion will be located.

Section 14. Nothing in this Ordinance or in Chapter 255 of the Code of the Township of Upper Dublin, as hereby amended, shall be construed to affect any suit or proceedings in any court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Chapter 255 prior to the adoption of this amendment.

Section 15. 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 this 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 if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

Section 16. This Ordinance shall take effect and be in force from and after its approval as required by law.

Enacted by the Board of Commissioners of Upper Dublin Township this ^{14th} day of
September, 2004.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN



Robert J. Pesavento, President

ATTEST:



Paul A. Leonard, Secretary/Township Manager

AN ORDINANCE

NO. 1139

AN ORDINANCE To Amend The Code Of Township Of Upper Dublin, Chapter 212, Subdivision and Land Development, By Adding and Amending Definitions; By Adding Provisions to Protect and Conserve Floodplains and Riparian Corridors; and By Adding Provisions Regulating Stormwater Management.

The Board of Commissioners of the Township of Upper Dublin hereby ordains:

Section 1. The Code of the Township of Upper Dublin, Chapter 212, Subdivision and Land Development, shall be amended by revising the chapter to provide as follows:

§ 212-5. Definitions.

* * * * *

DETENTION BASIN -- A stormwater management structure with a controlled release rate which is essentially dry while not receiving stormwater.

* * * * *

DRAINAGE FACILITY -- Any ditch, pipe, culvert, storm sewer, stream, channel, swale, conduit or structure designed, intended or constructed for the purpose of diverting surface water from or carrying surface waters off streets, public rights-of-way, parks, recreational areas or any part of any subdivision or land development.

* * * * *

FLOODPLAIN -- The area along a watercourse which is periodically flooded by water therefrom, as defined in the Township Code, Chapter 255, Zoning, Article XXII, Floodplain Conservation District.

* * * * *

IMPERVIOUS SURFACE -- A surface which prevents the infiltration of water into the ground. Impervious surfaces shall include roof areas, paved areas, sidewalks, and the horizontal surface area of stormwater management structures.

IMPERVIOUS SURFACE RATIO -- The amount of impervious surface on a site compared to the total site area. The impervious surface ratio is determined by dividing the total area of all impervious surfaces on a site by the total area of the site.

RETENTION BASIN -- A stormwater management structure with a controlled release rate and which maintains a constant water level while not receiving stormwater.

RIPARIAN CORRIDOR -- A vegetated or natural area directly adjacent to (or surrounding) a water body, including watercourses, ponds, lakes, and wetlands, that serves a variety of functions important to the health and welfare of humans and the environment by: (1) preserving water quality by filtering sediment from runoff before it enters the water body; (2) protecting stream banks from erosion; (3) providing a storage area for flood waters; (4) providing food and habitat for fish and wildlife; (5) providing shade to regulate water temperature; and (6) preserving open space and aesthetic surroundings. A riparian corridor is determined by boundaries set by a horizontal measurement extending from the top of bank or high water mark of a water body to one foot above the one-hundred-year base flood elevation or a horizontal measurement extending 50 feet from the top of bank or high water mark of the water body, whichever distance is greater.

RUNOFF -- The surface water discharge of a given watershed after precipitation that does not enter the soil but runs off the surface of the land.

SWALE -- A low-lying stretch of land which intercepts, collects, or carries surface water runoff.

WATERCOURSE -- A channel or conveyance of surface water, such as a stream or creek, having defined bed and banks, whether natural or artificial, with perennial or intermittent flow.

§ 212-14. General principles, requirements and standards.

- C. Whenever possible, applicants shall preserve trees, groves, floodplains, riparian corridors, watercourses, scenic points, historic and cultural resources, and other community assets and landmarks.

- E. Land within the Floodplain Conservation District or any riparian corridor shall not be subdivided or developed for any purpose or use except for those uses permitted within the Floodplain Conservation District under Chapter 255, Article XXII, Floodplain Conservation District.

§ 212-23. Grading.

- C. Fills shall not encroach on watercourses, riparian corridors, stormwater management facilities, or the Floodplain Conservation District.
- D. Fills placed adjacent to watercourse, riparian corridors, stormwater management facilities, or the Floodplain Conservation District shall have suitable protection against erosion and sedimentation.

§ 212-24. Drainage.

- B. Requirements.
 - (1) When required. Stormwater management facilities shall be required to be constructed by the subdivider to take stormwater runoff and surface water from the bottom of vertical grades, the grades of which slope on both sides toward the bottom; to lead water away from springs; and to avoid excessive use of cross gutters at street intersections and elsewhere.
 - (2) Drainage. Drainage easements shall be required along natural watercourses to a minimum width of 25 feet from the center line and may be used for storm and sanitary sewers and as open space. Where conditions warrant,

such as in floodplains and riparian corridors, additional width shall be required in such cases where runoff treatment requires a wider easement. Runoff studies must prove such requirements beyond the floodplain or riparian corridor.

- (3) Dedication. Where stormwater or surface water will be gathered within the subdivision or land development and discharged or drained in volume over lands within or beyond the boundaries of the subdivision or land development, the subdivider, developer or builder shall reserve or obtain easements over all lands affected. The easements shall be adequate for such discharge of drainage and for carrying off of such water and for the maintenance, repair and reconstruction of the same, including vehicles, machinery and other equipment for such purposes, and which shall be of sufficient width for such passage and work. The subdivider, developer or builder shall convey, at no cost, the easements to the Township upon demand.

* * * * *

C. Design.

* * * * *

- (4) Stormwater roof drains. Direct connections of roof drains to watercourses and stormwater management facilities are prohibited. Roof runoff shall be infiltrated on-site or conveyed into watercourses on the property or to a stormwater management facility through vegetated conveyances. Discharges from roof drains onto sidewalks, driveways, or parking areas or into gutters are prohibited.
- (5) Drainage from unnatural sources. Water originating from other than natural sources, such as air-conditioning units, sump pumps or other dry weather flow, wherever practicable, shall be connected to the storm drainage system of the township or discharged into watercourses on the property, at the direction of the Township Engineer. These facilities may not be used for pollution matter. Water from swimming pools or similar uses containing chlorine shall be pretreated to remove chlorine to acceptable limits prior to discharge to a watercourse or a township storm sewer system.

* * * * *

- (10) When subdivisions or land developments are submitted to the township for

approval in sections, a complete stormwater management design for the proposed subdivision and land development shall be submitted. The proposed design must include the entire tract and not just a portion.

* * * * *

§ 212-25. Erosion and sediment control

A. General Provisions.

* * * * *

- (2) A qualifying tract shall be a tract for which a permit is required under Chapter 99, Excavations; provided, however, that the division of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of access, shall be exempted.

* * * * *

C. Grading for drainage. In order to provide more suitable sites for building and other uses, to improve surface drainage and to control erosion, the following requirements shall be met:

- (1) All lots, tracts or parcels shall be graded to provide proper drainage away from buildings and dispose of it without ponding, and all land within a development shall be graded to drain and dispose of surface water without ponding, except where approved by the Board.
- (2) All drainage provisions shall be of such design to adequately handle the surface runoff and carry it to the nearest stormwater management facility. Where drainage swales are used to divert surface waters away from building, they shall be sodded or planted as required and shall be of such slope, shape and size as to conform to the requirements of the township.
- (3) Excavations and fills.
 - (a) Cut and fill slopes shall not be steeper than 2:1 unless stabilized by a retaining wall or cribbing, except as approved by the Board when handled under special conditions.
 - (b) Adequate provisions shall be made to prevent surface water from damaging the cut face of excavations or the sloping surfaces of fills.

- (c) Cuts and fills shall not endanger adjoining property.
- (d) Fill shall be placed and compacted so as to minimize sliding or erosion of the soil.
- (e) Fills shall not encroach on watercourses or other water bodies.
- (f) Fills placed adjacent to watercourses and other water bodies shall have suitable protection against erosion.
- (g) Grading will not be done in such a way so as to divert water onto the property of another landowner without the expressed consent of the property owner and the Board.
- (h) During grading operations, necessary measures for dust control will be exercised.
- (i) Grading equipment will not be allowed to cross through watercourse. Provisions will be made for the installation of culverts or bridges.

D. Responsibility.

* * * * *

- (3) It is the responsibility of any person, corporation or other entity doing any act on or across a communal stream, watercourse or swale or upon the floodplain, riparian corridor, or right-of-way thereof to maintain, as nearly as possible, in its present state the stream, watercourse, swale, floodplain, riparian corridor, or right-of-way during the pendency of the activity and to return it to its original or equal condition after such activity is completed.
- (4) Maintenance of stormwater management facilities, watercourses, or other drainage facilities originating and completely on private property is the responsibility of the owner to their point of open discharge at the property line or at a communal watercourse within the property.

* * * * *

- (6) Where a subdivision is traversed by a watercourse or other waters of the Commonwealth, there shall be provided a drainage easement as required by § 212-24 of this Chapter.

- (7) Each person, corporation or other entity which makes any surface changes shall be required to:
 - (a) Manage stormwater runoff as required by Chapter 206 and other applicable sections of the Code.
- (8) It shall be the obligation of every property owner to maintain his property in such manner so as to permit at all times the free flow of water through any drain, ditch, stream, swale, stormwater management facility, or watercourse, whether natural or man-made, occupying such land, including the removal of any trees, bushes, undergrowth, tree limbs, trash or debris which might interfere with the free flow of water in the event of a storm.
- (9) To the extent that a property owner fails to maintain his property in such manner so as to permit at all times the free flow of water, the township shall exercise its discretion to take action as necessary to ensure the free flow of water.

* * * * *

§ 212-41. Plans required for approval.

* * * * *

- E. A stormwater management plan shall be submitted, if required pursuant Chapter 206, Stormwater Management, in accordance with the provisions outlined therein.

* * * * *

§ 212-43. Preliminary plan requirements.

* * * * *

- C. Existing features.

- (1) All typographic and physical features surrounding the tract being subdivided which impacts it shall be shown:

* * * * *

- (b) The location of watercourses, floodplains, riparian corridors,

stormwater management facilities and drainage flows.

* * * * *

- (2) Within and abutting the tract being subdivided, the plan shall show:

* * * * *

- (b) The location of watercourses, floodplains, riparian corridors, stormwater management facilities and drainage flows.

* * * * *

- (3) The plan shall show additional information as follows:

- (a) Contours at vertical interval of two feet in sufficient detail to show the course, structure and capacity of all stormwater management facilities, including the method of drainage of adjacent tracts. If the distance between contour lines exceeds 100 feet horizontally, a lesser contour interval will be required as determined by the Township Engineer. Benchmarks to which contour elevations refer shall be noted on the plan and shall be United States Coast and Geodetic Survey datum.

* * * * *

- D. Proposed features (lots and improvements). All proposed improvements as required by the design standards (accompanied by all supporting documents) shall be shown on the plan.

* * * * *

- (5) The location and size of sanitary sewers, stormwater management facilities, culverts, watercourses, on-site sewage facilities, if applicable, water mains, fire hydrants, special structures and all appurtenances.

* * * * *

- (8) The purpose, location, width and boundaries by dimensions of all rights-of-way and/or easements to be created for all stormwater management facilities, drainage, utilities or to other pertinent reasons.

- (9) Typical cross-sections and center-line profile for each new or widened

street cartway, as well as the profile for sanitary sewers and stormwater management facilities, including manholes, inlets and catch basins.

- (10) Soil erosion and sediment control facilities during and after construction and stormwater management facilities, including the layout of water detention structures, bridges and culverts.

* * * * *

§ 212-44. Minor subdivision plan (final).

* * * * *

D. Existing features.

- (1) Within 100 feet of any part of the tract being subdivided, the plan shall show:

* * * * *

- (b) The location, size and ownership of sanitary sewers, water and gas mains, private wells, stormwater management facilities, fire hydrants, pipelines and electric transmission lines.

* * * * *

- (2) Within and abutting the tract being subdivided, the plan shall show:

- (a) The location, size and ownership of utilities and stormwater management facilities, including width of easements or rights-of-way above or below ground.

* * * * *

E. Proposed features (lots).

* * * * *

- (2) The location and size of sanitary sewers, stormwater management facilities, water mains, private wells, fire hydrants or on-site sewage facilities, if applicable.

* * * * *

§ 212-44.1. Minor land development plan.

C. Existing features.

(1) Within 100 feet of any part of the tract being developed, the plan shall show:

* * * * *

(b) The location, size and ownership of sanitary sewers, water and gas mains, private wells, stormwater management facilities, fire hydrants, pipelines and electric transmission lines.

* * * * *

(2) Within and abutting the tract being subdivided, the plan shall show:

(a) The location, size and ownership of utilities and stormwater management facilities, including width of easements or rights-of-way above or below ground.

* * * * *

D. Proposed features.

* * * * *

(2) The location and size of sanitary sewers, stormwater management facilities, water mains, private wells, fire hydrants or on-site sewage facilities, if applicable.

* * * * *

§ 212-45. Final plan.

* * * * *

B. Improvement construction plan.

* * * * *

(2) Information to be shown. The plan shall contain all the information and

details, both on- and off-site, to provide working plans for the construction of the proposed streets, and widening of existing streets, sanitary sewers and stormwater management facilities, utilities, erosion and sediment control, landscaping, including all appurtenances, as shown on the approved preliminary plan. The information shall include but not be limited to:

- (a) Horizontal plan. The horizontal plan shall show details of the horizontal layout as follows:

* * * * *

- [5] The location and size of sanitary sewers and lateral connections with distances between manholes, water, gas, electric and other utility pipes or conduits and of stormwater management facilities, inlets and manholes.

* * * * *

- (b) Profiles. The profile plan shall show vertical details of the horizontal plan as follows:

* * * * *

- [3] Profiles of stormwater management facilities showing basin structures, basin inlet and discharge points, manhole and/or inlet locations, swales, and other significant structures, conveyances, and control measures.

* * * * *

- (c) Cross-section. The cross-section shall comply with the township's standards and specifications as minimum requirements. It shall show a typical cross-section across the road with details of grading and construction as follows:

* * * * *

- [6] The typical location, size and depths of sewers, stormwater management facilities and utilities.

- (d) Additional information. Additional information shall be submitted with the final plan as follows:

[1] All required local, state and federal permits shall be submitted. These permits may include Upper Dublin Township, Montgomery County, Pennsylvania Department of Transportation PennDOT) and Pennsylvania Department of Environmental Protection DEP) permits. DEP permits may be required for stormwater management, stream alteration, dams, erosion and sedimentation control, air pollution or sanitary sewer facilities.

[2] All engineering calculations which support the proposed improvements, such as stormwater management, sanitary facility design or structural calculations shall be submitted.

* * * * *

C. Record plan.

* * * * *

(2) Existing features. Within the boundary of the land being subdivided or developed, existing features shall be shown as follows:

- (a) The location, name, widths and surface conditions of existing streets and alleys, including the right-of-way lines, easements and curblines.
- (b) The location and size of existing sanitary sewers, stormwater management facilities, water mains, watercourses, floodplains, and riparian corridors.

* * * * *

- (g) The location and size of stormwater management facilities, sanitary sewers, culverts, major structures, water mains and fire hydrants.

Section 2. Nothing in this Ordinance or in the Code of the Township of Upper Dublin, as hereby amended, shall be construed to affect any suit or proceedings in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Code prior to the adoption of this amendment.

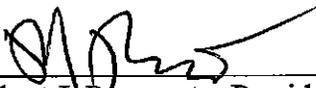
Section 3. The provisions of this Ordinance are severable, and if any section, sentence, clause, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of this court shall not affect or impair the remaining sections, sentences, 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 if such illegal, invalid, or

unconstitutional section, sentence, clause, part, or provision had not been included herein.

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

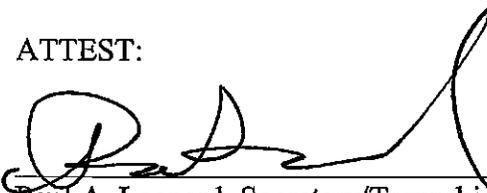
Enacted by the Board of Commissioners of Upper Dublin Township this 14th day of September, 2004.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN



Robert J. Pesavento, President

ATTEST:



Paul A. Leonard, Secretary/Township Manager

AN ORDINANCE

NO. 1140

AN ORDINANCE To Amend The Code Of The Township Of Upper Dublin By Amending Chapter 240, Watercourses; To Add Provisions Regulating Stormwater Management Facilities, And By Amending Chapter 110, Fees, § 110-17, Watercourses, To Apply to Stormwater Management Facilities.

The Board of Commissioners of the Township of Upper Dublin hereby ordains:

Section 1. The Code of the Township of Upper Dublin, Chapter 240, Watercourses, § 240-1, Maintenance of property; maintaining the free flow of water; § 240-2, Permit required; § 240-3, Application for permit; and § 240-4, Approval procedure, shall be amended by revising the Chapter and Sections to provide as follows:

§ 240-1. Maintenance of property; maintaining the free flow of water.

- A. It shall be the obligation of every property owner to maintain his property in such manner so as to permit at all times the free flow of water through any drain, ditch, stream, swale, stormwater management facility, or watercourse, whether natural or man-made, occupying such land, including the removal of any trees, bushes, undergrowth, tree limbs, trash or debris which might interfere with the free flow of water in the event of a storm.

* * * * *

§ 240-2. Permit required.

It shall be unlawful for the owner of any land to stop, fill up, confine, pave or otherwise interfere with or change the course of any drain, ditch, stream, swale, stormwater management facility, or watercourse in Upper Dublin Township without first obtaining from the Township Engineer a permit authorizing such work to be performed; and no drain, ditch, stream, swale, stormwater management facility, or watercourse shall be stopped, filled up, confined, paved or otherwise interfered with or the course thereof changed except in strict accordance with the terms and conditions of such permit and the plans and specifications submitted therewith.

§ 240-3. Application for permit.

- A. The application for a permit shall be in a form prescribed by the Township, verified by affidavit made by the owner and accompanied by plans and specifications prepared by a registered engineer or surveyor. Upon filing the application and plans and specifications, the Township Engineer shall notify the Pennsylvania Department of Environmental

Protection or other agency overseeing permits relating to watercourses and all municipalities which are adjacent to the Township of the occurrence and contents of the filings.

- B. The plans and specifications shall show the exact nature of the work to be performed; the course, structure and capacity of all drains, ditches, streams, stormwater management facilities, and watercourses; the method of drainage of the adjacent or contiguous territory; and any other necessary and explanatory details required by the Township.
- C. The delineation of the identified floodplain area may be revised by the Township where natural or man-made changes have occurred and/or more detailed studies conducted or undertaken by the United States Army Corps of Engineers, a River Basin Commission or other qualified agency or individual documenting the necessity for such changes. However, prior to any such changes, approval must be obtained from the Federal Insurance Administration (FIA).

§ 240-4. Approval procedure.

- A. The application and plans and specifications shall be filed in triplicate with the Township Engineer. The Township Engineer may require alterations, changes or modifications in the plans and specifications which it deems necessary and may refuse a permit until such alterations, changes and modifications have been made.
- B. If the Township Engineer shall disapprove the plans and specifications submitted and refuse a permit, the reasons therefor will be set forth in writing and given to the applicant, who may, within 30 days thereafter, appeal to the Board of Commissioners. Before acting upon such appeal, the Board of Commissioners may, in its discretion, arrange for a public hearing after giving such notice as it deems desirable.

Section 2. The Code of the Township of Upper Dublin, Chapter 110, Fees, shall be amended by revising § 110-17, Watercourses, to provide as follows:

§110-17. Watercourses.

In accordance with Chapter 240, Watercourses, a fee shall be charged for the application for a permit to stop, fill up, confine, pave or otherwise interfere with or change the course of any drain, ditch, stream, swale, stormwater management facility, or watercourse in the amount of \$225.00, plus the actual costs of any inspections per each hour or portion thereof a Township inspector or the Township Engineer is engaged on the work.

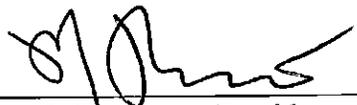
Section 3. Nothing in this Ordinance or the Code of the Township of Upper Dublin, as hereby amended, shall be construed to affect any suit or proceedings in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing prior to the adoption of this amendment.

Section 4. 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 this 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 if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

Section 5. This Ordinance shall take affect and be in force from and after its approval as required by law.

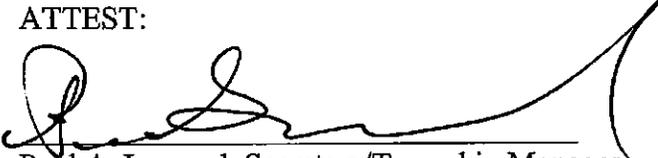
Enacted by the Board of Commissioners of Upper Dublin Township this *14th* day of *September*, 2004.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN



Robert J. Pesavento, President

ATTEST:



Paul A. Leonard, Secretary/Township Manager

Ordinance Chapter 206O-CH 240 Watercourse Amendments 02.09.04

AN ORDINANCE
NO. 1141

AN ORDINANCE To Amend The Code Of The Township of Upper Dublin By Deleting Chapter 206, Entitled Stormwater Management; By Adopting A New Chapter 206, Entitled Stormwater Management, To Include Article I, General Provisions; Article II, Definitions; Article III, Stormwater Management for Water Quality; Article IV, Stormwater Management Plan Requirements; Article V, Stormwater Management Operations and Maintenance Plan Requirements; Article VI, Inspections and Right of Entry; Article VII, Fees and Expenses; Article VIII, Prohibitions; Article IX, Enforcement and Penalties; Article X, Design Schedules; Article XI, Low Impact Development Practices for Managing Stormwater Runoff.

The Board of Commissioners of the Township of Upper Dublin hereby ordains:

Section 1. The Code of the Township of Upper Dublin shall be amended by the deletion of the current Chapter 206, entitled Stormwater Management, and the addition of a new Chapter 206, entitled Stormwater Management, to provide as follows:

**Chapter 206
STORMWATER MANAGEMENT**

**ARTICLE I
General Provisions**

§ 206-1. Short Title

This Ordinance shall be known and may be cited as the "Upper Dublin Township Stormwater Management Ordinance."

§ 206-2. Statement of Findings

The Board of Commissioners of the Township of Upper Dublin finds that:

- A. Stormwater runoff from lands modified by human activities threatens public health and safety by causing decreased infiltration of precipitation, increased runoff flow volume, and increased runoff flow velocity, which overtax the carrying capacity of streams and storm sewers resulting in flooding, and greatly increases the cost to the public to manage stormwater.
- B. Inadequate planning and management of stormwater runoff resulting from land development and redevelopment throughout a watershed harms surface water resources by changing the natural hydrologic patterns, accelerating stream flows (which increase scour and erosion of stream-beds and stream-banks thereby elevating sedimentation), destroying aquatic habitat and elevating aquatic pollutant concentrations and loadings such as sediments, nutrients, heavy metals and pathogens. Groundwater resources are also impacted through loss of recharge.

- C. A program of stormwater management, including reasonable regulation of land development and redevelopment that causes loss of natural infiltration, is fundamental to the public health, safety, welfare, and the protection of the people of the Township and all the people of the Commonwealth, their resources, and the environment.
- D. Stormwater is an important water resource that provides groundwater recharge for water supplies and base flow of streams, which also protects and maintains surface water quality.
- E. Public education on the control of pollution from stormwater is an essential component in successfully addressing stormwater.
- F. Federal and state regulations require the Township to implement a program of stormwater controls. The Township is required to obtain a permit for stormwater discharges for its Municipal Separate Storm Sewer System (MS4) under the National Pollutant Discharge Elimination System (NPDES).
- G. Non-stormwater discharges to MS4s contribute to pollution of waters of the Commonwealth.

§ 206-3. Purpose

The purpose of this Chapter is to promote public health, safety, and welfare within the Township and its watersheds by minimizing the harms and maximizing the benefits described in § 206-2 of this Chapter, through provisions designed to:

- A. Manage stormwater runoff impacts at their source by regulating activities that cause the problems.
- B. Provide review procedures and performance standards for stormwater planning and management.
- C. Properly use and preserve existing drainage systems and watercourses.
- D. Manage stormwater impacts close to the runoff source through reliance on natural processes and a minimum of structures.
- E. Maximize infiltration of stormwater to maintain groundwater recharge, to prevent degradation of surface and groundwater quality, to otherwise protect water resources, and to promote the natural hydrologic regime.
- F. Maintain and improve existing flows and quality of streams and watercourses.
- G. Meet legal water quality requirements under Pennsylvania law, to protect and maintain "existing uses" and maintain the level of water quality to support those uses in all streams, and to protect and maintain water quality in "special protection" streams.
- H. Prevent scour and erosion of streambanks and streambeds.

- I. Provide for proper operations and maintenance of all stormwater management facilities within the Township.
- J. Provide a mechanism to identify controls necessary to meet NPDES requirements.
- K. Implement an illicit discharge detection and elimination program to address non-stormwater discharges into the Township's MS4 and watercourses within the Township.

§ 206-4. Statutory Authority

The Township is empowered to regulate land use activities that affect stormwater and water quality by the authority of the First Class Township Code and the Municipalities Planning Code.

§ 206-5. Applicability

- A. This Ordinance applies to all activities within the Township and all stormwater runoff entering into the Township's MS4.
- B. Regulated activities include, but are not limited to, the following:
 - (1) Land development or redevelopment.
 - (2) Land subdivision.
 - (3) Development, construction, or reconstruction of impervious, ~~or~~ semi pervious, or pervious surfaces.
 - (4) Construction of new buildings or structures and additions to existing buildings or structures.
 - (5) Stormwater discharges to the Township's MS4 or watercourses.
 - (6) Installation or construction of stormwater management structures, facilities, and appurtenances thereto.
 - (7) Property maintenance, grading, and landscaping.
 - (8) Alteration of existing vegetation or land cover.
- C. Earth Disturbance activities and associated stormwater management controls are also regulated under existing federal and state law and implementing regulations. This Chapter shall operate in coordination with those parallel requirements; the requirements of this Chapter shall be no less restrictive than federal or state law.

§ 206-6 Compatibility with Other Requirements

- A. Approvals issued and actions taken under this Chapter do not relieve the Applicant of the responsibility to secure required permits or approvals for activities regulated by any other code, law, regulation or ordinance.

- B. To the extent that this Chapter is inconsistent with or imposes more rigorous or stringent requirements than any other ordinance or regulation of the Township, the specific requirements contained in this Chapter shall be followed.
- C. Nothing in this Chapter shall be construed to affect any of the Township's requirements regarding stormwater matters which do not conflict with the provisions of this Chapter, such as local stormwater management design criteria (e.g. inlet spacing, inlet type, collection system design and details, outlet structure design, etc.). Conflicting provisions in other municipal ordinances or regulations shall be construed to retain the requirements of this Chapter addressing State Water Quality Requirements.

§ 206-7. Severability

In the event that any section or provision of this Chapter is declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of any of the remaining provisions of this Chapter.

§ 206-8. (Reserved)

§ 206-9. (Reserved)

§206-10. (Reserved)

§206-11. (Reserved)

§206-12. (Reserved)

§206-13. (Reserved)

§206-14. (Reserved)

§206-15. (Reserved)

§206-16. (Reserved)

§206-17. (Reserved)

§206-18. (Reserved)

§206-19. (Reserved)

§206-20. (Reserved)

**ARTICLE II
Definitions**

§ 206-21. Word Usage

Unless otherwise expressly stated, the following terms, for the purpose of this Chapter, shall be interpreted as follows:

- A. Words used in the present tense include the future tense; the singular number includes the plural, and the plural number includes the singular; words of masculine gender include the feminine gender, and words of feminine gender include the masculine gender.
- B. The words “includes” or “including” shall not limit a term to the specific example but are intended to extend its meaning to all other instances of like kind and character.
- C. The words “shall” and “must” are mandatory; the words “may” and “should” are permissive.
- D. The words “used or occupied” include the words “intended, designed, maintained or arranged to be used or occupied.”

§ 206-22. Terms defined.

As used in this Chapter, the following terms shall have the meanings indicated:

ACCELERATED EROSION -- The removal of the surface of the land through the combination of human activity and natural processes at a rate greater than would occur due to natural processes alone.

AGRICULTURAL ACTIVITIES -- The work of producing crops and raising livestock, including tillage, plowing, discing, harrowing, pasturing and installation of conservation measures. Construction of new buildings or impervious areas in support of agricultural activities is not considered agricultural activities.

APPLICANT -- A landowner, as herein defined, or agent of the landowner, who has filed an application for a stormwater management permit or other approval under this Chapter.

BASE FLOW -- Stream flow originating from groundwater seepage into a streambed and any releases from impoundment structures.

BEST MANAGEMENT PRACTICE (BMP) -- Structural and non-structural measures, including activities, facilities, designs, measures or procedures, used to manage stormwater runoff to meet water quality requirements and to reduce flooding, to promote groundwater recharge and to otherwise meet the purposes of this Chapter and federal and state stormwater regulations. BMPs include but are not limited to infiltration, filter strips, low impact design, bioretention, wet ponds, permeable paving, grassed swales, forested buffers, sand filters and detention basins.

BIORETENTION AREA -- Stormwater management measure which involves the shallow, temporary ponding of stormwater runoff in areas with well-drained soils and native vegetation.

BUILDING -- Any structure, either temporary or permanent, having enclosed walls and a roof, located on the land, designed or used for the shelter of any person, animal, or property, and occupying more than 100 square feet of area.

CHANNEL EROSION -- The widening, deepening and headward cutting of small channels and waterways due to erosion caused by water flows.

CISTERN -- An underground reservoir or tank for storing rainwater.

CONSERVATION DISTRICT -- The Montgomery County Conservation District.

CULVERT -- A pipe, conduit or similar structure, including appurtenant works, which carries surface water.

DAM -- A refuse bank, fill, structure, or artificial barrier, together with its appurtenant works, constructed for the purpose of impounding or storing water or other fluid.

DEDICATION -- The deliberate donation of property by its owner for public use.

DEP -- The Pennsylvania Department of Environmental Protection or its predecessor or successor agencies.

DESIGN STORM -- The magnitude of precipitation from a storm event measured in probability of occurrence (e.g., fifty-year storm) and duration (e.g., twenty-four-hour), and used in computing stormwater management control systems.

DETENTION BASIN -- A stormwater management structure with a controlled release rate which is essentially dry while not receiving stormwater.

DEVELOPER -- Any landowner, agent of such landowner, or tenant who, with the permission of such landowner makes or causes to be made a subdivision of land or a land development, or who undertakes a regulated activity as defined herein.

DEVELOPMENT -- Any man-made change to improved or unimproved real estate, including, but not limited to buildings or other structures, the placement of mobile homes, streets and other paving, utilities, filling, grading, excavation, mining, dredging or drilling operations and the subdivision of land. This term includes redevelopment.

DEVELOPMENT SITE -- The specific tract of land for which a development is proposed, conducted or maintained.

DOWNSLOPE PROPERTY LINE -- That portion of the property line of a lot, tract or parcel of land being developed which is located such that all overland or pipe flow of stormwater from the site would be directed towards it.

DRAINAGE EASEMENT -- A right granted by a landowner to a grantee, including an association or the Township allowing the use of private land for stormwater management purposes.

DRAINAGE FACILITY -- Any ditch, pipe, culvert, storm sewer, stream, channel, swale, conduit or other structure or feature designed, intended or constructed for the purpose of diverting surface water from or carrying surface waters off streets, public rights-of-way, parks, recreational areas or any part of any subdivision or land development.

DRAINAGE PERMIT -- A permit issued by the Township after a stormwater management plan has been approved. Said permit is issued prior to or with a final land development approval.

DRY WELL -- Below-grade stormwater retention structure that is open at the base, allowing water to percolate to the underlying soil.

EARTH DISTURBANCE -- Any activity, including, but not limited to, grading, construction, mining, timber harvesting, clearing and grubbing, and stockpiling or storage which alters, disturbs and exposes the surface of the land greater than 5,000 square feet. See also LAND DISTURBANCE.

EROSION -- The removal or wearing away of the surface of the land by the action of natural processes including the action of water, wind and ice, and chemicals.

EROSION AND SEDIMENT POLLUTION CONTROL PLAN -- A plan, which designates measures to be employed to minimize accelerated erosion and sedimentation.

EXISTING CONDITIONS -- The initial condition of a project site prior to the proposed construction, earth disturbance, clearing, grubbing or filling. If the initial condition of the site is undeveloped land, the land use shall be considered as meadow unless the natural land cover is proven to generate a lower curve number or Rational C value, such as forested lands.

FEMA -- Federal Emergency Management Agency.

FILL:

- A. (Verb) Any action by which earth, sand, gravel, rock or any other acceptable material is deposited, placed, pushed, dumped, pulled, transported or moved to a new location.

- B. (Noun) Earth, sand, gravel, earth or other material permitted and acceptable by law to be placed or deposited to form an embankment or raise the elevation of the land surface. The term includes material used to replace an area of aquatic life with dry land or to change the bottom elevation of a regulated water of the Commonwealth.

FLOOD -- A temporary condition of partial or complete inundation of normally dry land areas from excessive surface water or the overflow of streams, rivers and other waters of the Commonwealth and waters of the United States. The action by which a flood occurs.

FLOODPLAIN -- The area along a watercourse which is periodically flooded by water there from, as defined by the Township Code, Chapter 255, Zoning, Article XXII, Floodplain Conservation District.

FLOODWAY -- The channel of a watercourse and those portions of the adjoining floodplains which are reasonably required to carry and discharge the one-hundred-year frequency flood. Unless otherwise specified, the boundary of the floodway is as indicated on maps and flood insurance studies provided by FEMA. In an area where no FEMA maps or studies have defined the boundary of the one-hundred-year frequency floodway, it is assumed (absent evidence to the contrary) that the floodway extends from the watercourse to 50 feet from the top of the bank of the watercourse or as determined by Code Section 255-161A.1.4, whichever distance from the top of bank is greater.

FREEBOARD -- A vertical distance between the elevation of the design high water and the top of the berm or embankment of a stormwater management structure. The space is required as a safety margin in a pond or a basin to prevent overtopping.

GRADE:

- A. (Noun) A slope of a street, pipe, culvert, channel or natural ground, specified as a percentage or ratio and shown on plans as specified herein.
- B. (Verb) To finish or work the surface of the land, a roadbed, top of embankment or bottom of excavation.
- C. **GRADE, EXISTING** -- The vertical elevation of the ground surface prior to earthmoving, filling, or other land disturbance.
- D. **GRADE, FINAL** -- The final vertical elevation of the ground after earthmoving, filling, or other land disturbance.

GRASSED WATERWAY -- A natural or constructed waterway, usually broad and shallow, used to convey surface water.

GROUNDWATER -- The water beneath the surface of the ground, the source of water in springs and wells, and base flow in streams.

GROUNDWATER RECHARGE -- Replenishment of the water beneath the surface of the ground, the source of water in springs and wells. Infiltration of precipitation and its movement to the water table is one form of natural recharge.

GROUNDWATER RECHARGE DESIGN STORM -- Benchmark rainfall event used as a basis for establishing compliance with the groundwater recharge requirement of this Chapter: seventy-five-hundredths-inch, twenty-four-hour rainfall.

IMPERVIOUS SURFACE -- A surface which prevents the infiltration of water into the ground. Impervious surfaces shall include the horizontal surface area of stormwater management structures.

IMPOUNDMENT -- A retention or detention basin designed to manage stormwater runoff by retaining it or releasing it at a controlled rate.

INFILTRATION STRUCTURE -- A structure designed to direct runoff into the ground, (e.g., seepage pits, infiltration trench).

LAND DEVELOPMENT -- Any of the following activities:

- A. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
 - (1) A group of two 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, subdivision, or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective parcels, owners, tenants, or occupants by means of or for the purpose of lots, streets, common areas, leaseholds, condominiums, building groups or other features.
- B. A subdivision of land.
- C. Any activity regulated as development in accordance the Municipalities Planning Code and any amendments thereto.

LAND DISTURBANCE -- Any activity involving grading, tilling, digging, filling of ground, clearing, grubbing, stripping of vegetation or any other activity that causes an alteration to the natural condition of the land. See also **EARTH DISBURBANCE**.

LANDOWNER -- The legal, beneficial or equitable 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, if he is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land.

MANNING'S EQUATION -- A method for calculation of flow velocity (e.g., feet per second) and flow rate (e.g., cubic feet per second) in open channels based upon channel shape, roughness, depth of flow and slope. Open channels may include closed conduits so long as the flow is not under pressure.

MUNICIPALITIES PLANNING CODE -- Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247, as reenacted and amended December 31, 1988, P.L. 1329, No 170, as amended, 53 P. S. § 10101 et seq., and any further amendments thereto.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) -- A means of conveyance or system of conveyances (including roads with drainage systems, public streets, catch basins, curbs, gutters, ditches, channels, or storm drains) owned or operated by the State, a municipality, or other public body and designed or used for collecting or conveying storm water, and which is not a combined sewer and which is not part of a publicly owned treatment works.

NONPOINT SOURCE POLLUTION -- Pollution that enters a waterway or body from diffuse origins in the watershed and does not result from a discernible, confined or discrete conveyance.

NPDES -- National Pollutant Discharge Elimination System, the federal government's system for issuance of permits under the Clean Water Act, which is delegated to DEP, and to the Conservation District to a limited extent.

NRCS -- Natural Resource Conservation Service, previously known as the, Soil Conservation Service ("SCS").

OPEN CHANNEL -- A drainage conveyance in which stormwater flows with an open surface. Open channels include, but shall not be limited to, natural and man-made drainage ways, swales, streams, ditches, canals and pipes flowing partly full.

OUTFALL -- Point where water discharges from a conduit, pipe, or other drainage conveyance. "Point source," as described in 40 CFR § 122.2, at the point where the MS4 discharges to surface waters of the Commonwealth.

OUTLET -- Point of water discharge from a watercourse, stream, river, lake, or artificial drain.

PEAK DISCHARGE -- The maximum rate of flow of stormwater runoff at a given point and time resulting from a specified storm event, expressed as volume per unit of time (cubic feet per second).

PERSON -- An individual, partnership, public or private association or corporation, or a governmental unit, public utility or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

PIPE -- A culvert, closed conduit or similar structure (including appurtenances) that conveys stormwater.

POINT SOURCE -- Any discernible, confined and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, or conduit from which stormwater is or may be discharged, as defined in state regulations at 25 Pa. Code § 92.1.

PROJECT SITE -- The specific area of land where any regulated activity in the Township is planned, conducted or maintained.

REDEVELOPMENT -- Earth disturbance activity on land which has previously been disturbed or developed.

RATIONAL METHOD (FORMULA) -- A precipitation-runoff relation used to estimate peak discharge.

REGULATED ACTIVITIES:

- A. Actions or proposed actions which affect stormwater runoff and which are governed by this Chapter.
- B. Earth disturbance activity one acre or more in area with a point source discharge to surface waters or the Township's MS4, or five acres or more regardless of the planned runoff. This includes earth disturbance on any portion of, part of, or during any stage of, a larger common plan of development. This only includes road maintenance activities involving 25 acres or more of earth disturbance.

RETENTION BASIN -- A stormwater management structure with a controlled release rate which maintains a constant water level while not receiving stormwater.

RETENTION VOLUME -- The combined storage volume provided by BMPs on a site for the retention and eventual infiltration or evaporation of precipitation.

RETURN PERIOD -- The average interval, in years, within which a storm event of a given magnitude can be expected to recur. A storm with a probability of occurrence of four (4) percent in any year. See STORM FREQUENCY.

RIPARIAN CORRIDOR -- A vegetated or natural area directly adjacent to (or surrounding) a water body, including watercourses, ponds, lakes, and wetlands, that serves a variety of functions important to the health and welfare of humans and the environment. A riparian corridor is determined by boundaries set by a horizontal measurement extending from the top of bank or high water mark of a water body to one foot above the one-hundred-year base flood elevation or alternatively, a horizontal measurement extending 50 feet from the top of bank or high water mark of the water body, whichever distance is greater.

RISER -- A vertical pipe extending from the bottom of a pond or basin that is used to control the discharge rate from the pond or basin for a specified design storm.

ROAD MAINTENANCE -- Earth disturbance activities within the existing road cross-section and right-of-way, such as grading and repairing existing unpaved road surfaces, cutting road banks, cleaning or clearing drainage ditches and other similar activities.

ROOFTOP DETENTION -- Temporary capture and gradual release of precipitation falling directly onto a roof surface by incorporating controlled flow roof drains into building designs.

RUNOFF -- The surface water discharge of a given watershed after precipitation that does not enter the soil but runs off the surface of the land.

SEDIMENT -- Solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin, or has been deposited by water.

SEDIMENT BASIN -- A barrier, dam, retention or detention structure designed to capture sediment.

SEDIMENT POLLUTION -- The placement, discharge or any other introduction of sediment into the waters of the Commonwealth occurring from the failure to design, construct, implement or maintain control measures and control facilities in accordance with the requirements of this Chapter.

SEDIMENTATION -- The process by which mineral or organic matter is accumulated or deposited by wind, water or gravity. Once this matter is deposited (or remains suspended in water), it is usually referred to as "sediment."

SEEPAGE PIT or SEEPAGE TRENCH -- An area of excavated earth filled with loose stone or similar material and lined with filter fabric into which surface water is directed for infiltration into the ground. Also known as an **INFILTRATION PIT** or **INFILTRATION TRENCH**.

SEMI-PERVIOUS SURFACE -- A surface, such as turf, stone, porous paving or other material which allows some percolation or infiltration of water into the ground.

SHEET FLOW -- Runoff which flows over the ground surface as a thin, even layer not concentrated in a channel.

SINGLE ENTITY -- An association, public or private corporation, partnership, firm, trust, estate or any other legal entity empowered to own real estate exclusive of an individual lot owner.

SOIL COVER COMPLEX METHOD -- A method of runoff volume computation developed by the Natural Resource Conservation Service. Soil type, land use/cover, rainfall amounts and moisture conditions are related to the predicted runoff volume for a single rainfall event.

SOIL GROUP, HYDROLOGIC -- A classification of soils by the Natural Resource Conservation Service into four runoff potential groups. The groups are distinguished by letters A through D. The soils represent a range of drainage capabilities from A soils that are very permeable and produce little runoff to D soils, which are not very permeable and produce much more runoff.

SPILLWAY -- A depression in, or a stormwater system through the embankment of a stormwater management structure which is used to pass peak discharge greater than the maximum design storm controlled by the structure.

STATE WATER QUALITY REQUIREMENTS -- As defined under state regulations -- protection of *designated* and *existing* uses (See 25 Pa. Code Chapters 93 and 96).

- A. Each stream segment in Pennsylvania has a "designated use," such as "cold water fishery" or "potable water supply," which are listed in 25 Pa. Code Chapter 93. These uses must be protected and maintained, under state regulations.
- B. "Existing uses" are those attained as of November 1975, regardless whether they have been designated in 25 Pa. Code Chapter 93. Earth disturbance activities must be designed to protect and maintain existing uses and maintain the level of water quality necessary to protect those uses in all streams, and to protect and maintain water quality in special protection streams.
- C. Water quality is a function of the chemical, biological and physical characteristics of surface water bodies. After regulated earth disturbance activities are complete, these characteristics can be impacted by addition of pollutants such as sediment, and changes in habitat through increased flow volumes and/or rates as a result of changes in land surface area from those activities. Therefore, permanent discharges to surface waters must be managed to protect the stream bank, streambed and structural integrity of the waterway, to prevent these impacts.

STORM FREQUENCY -- The number of times that a given storm event occurs or is equaled or exceeded on the average in a given year. See RETURN PERIOD.

STORM SEWER -- A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels or storm drains) primarily used for collecting and conveying stormwater runoff. Excludes domestic sewage and industrial waste systems.

STORMWATER -- The total amount of precipitation reaching the ground surface.

STORMWATER DETENTION FACILITY -- Stormwater detention facilities include all structural measures whose principle purpose is the attenuation of incoming runoff peak discharge rates. All stormwater detention facilities incorporate a method of restricting outflow and a storage volume for the temporary detention of incoming runoff. Stormwater detention facilities include both above-grade and below-grade devices. See also DETENTION BASIN.

STORMWATER MANAGEMENT FACILITY or STRUCTURE -- Any structure, natural or man-made, that, due to its condition, design or construction, conveys, stores or otherwise controls stormwater runoff. Typical stormwater management facilities include, but are not limited to, detention and retention basins, open channels, storm sewers, pipes and infiltration structures. Referred to as a STORMWATER MANAGEMENT STRUCTURE when man-made.

STORMWATER MANAGEMENT PLAN -- The depiction, to scale, of the stormwater management facilities, BMPs, design, and techniques, if any, to be used for a given development site, including drainage areas, pipes, inlets, culverts, basins and appurtenances

STREAM -- A watercourse.

STREAM ENCLOSURE -- A bridge, culvert, pipe or other structure which encloses a watercourse. A permit to construct such an enclosure is required for an enclosure greater than 100 feet in length.

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 divisions of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for 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 acres, not involving any new street or easement of access or any residential dwelling, shall be exempt.

SWALE -- A low-lying stretch of land which intercepts, collects, or carries surface water runoff.

TIME OF CONCENTRATION (T_c) -- The time for surface runoff to travel from the hydraulically most distant point in the watershed to a point of interest within the watershed. This time is the combined total of overland flow time and flow time in pipes or channels, if any.

TOWNSHIP -- The Township of Upper Dublin, Montgomery County, Pennsylvania.

TOWNSHIP CODE -- The Code of the Township of Upper Dublin.

WATER QUALITY DESIGN STORM -- Benchmark rainfall event used as a basis for establishing compliance with the water quality requirement of this Chapter: one-year, twenty-four-hour rainfall.

WATERCOURSE -- A channel or conveyance of surface water, such as a stream or creek, having defined bed and banks, whether natural or artificial, with perennial or intermittent flow.

WATERSHED -- The area contained within a drainage divide above a specified point on a stream. In water-supply engineering it is termed a watershed, and in river-control engineering it is termed a drainage area, drainage basin or catchment area.

WATERS OF THE COMMONWEALTH -- Any and all rivers, streams, creeks, rivulets, ditches, watercourses, storm sewers, lakes, dammed water, wetlands, ponds, springs, and all other bodies or channels of conveyance of surface and underground water, or parts thereof, whether natural or artificial, within or on the boundaries of the Commonwealth of Pennsylvania.

WETLAND -- Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstance do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, ferns and similar areas, as defined by the U.S. Army Corps of Engineers.

§ 206-23. (Reserved)

§ 206-24. (Reserved)

§ 206-25. (Reserved)

§ 206-26. (Reserved)

§ 206-27. (Reserved)

§ 206-28. (Reserved)

§ 206-29. (Reserved)

§ 206-30. (Reserved)

ARTICLE III
Stormwater Management for Water Quality

§ 206-31. General Requirements for Stormwater Management

- A. All regulated activities within the Township shall be designed, implemented, operated and maintained to meet the purposes of this Chapter, through these two elements:
 - (1) Erosion and sediment control during earth disturbance and construction activities (e.g., during construction).
 - (2) Water quality protection measures after completion of earth disturbance and construction activities, including operations and maintenance. These measures are also known as Post-construction Stormwater Management.
- B. No regulated activities within the Township shall commence until the requirements of this Chapter are met.
- C. Erosion and sediment control during regulated activities shall be addressed as required by §206-33.
- D. Post-construction water quality protection shall be addressed as required by §206-34. Operations and maintenance of permanent stormwater BMPs shall be addressed as required by Article IV and Article V of this Chapter.
- E. All BMPs used to meet the requirements of this Chapter shall conform to the State Water Quality Requirements, and any more stringent requirements as determined by the Township.
- F. Techniques for Low Impact Development Practices described in Article XI of this Chapter are encouraged, because they reduce the impacts on development and promulgate compliance with the requirements of this Chapter and the State Water Quality Requirements.

- G. The standards referred to in this Article shall apply as minimum design standards; however, federal and state regulations may impose additional standards subject to their jurisdiction.
- H. Chapter 240 and the following requirements apply to existing watercourses and natural drainage features:
- (1) Whenever a watercourse is located within a development site, it shall remain open in a natural state to maintain pre-development conditions. This requirement may be waived on a case-by-case basis by the Board to limit enclosure and disturbance in furtherance of public health, safety, and welfare.
 - (2) The existing points of natural drainage discharge onto adjacent property shall not be altered without the written approval of the affected landowners and the grant of a permanent drainage easement by the landowners.
 - (3) No stormwater runoff or natural drainage shall be so diverted as to overload existing drainage systems (including existing stormwater management facilities) or create flooding.
 - (4) The Township may require a developer to grant to the Township a permanent drainage easement along any watercourse located within or along the boundary of any property being subdivided or developed. The purpose of any such easement shall be for the maintenance of the channel of any watercourse. The terms of the easement shall prohibit the placing of fill or structures and any alterations which may adversely affect the watercourse. The required width of any such easement shall be determined by the Township Engineer, and in no case, shall such easement be less than 50 feet in width. The developer will retain maintenance responsibility for the easement until such time as the following are accomplished:
 - (a) The easement is offered for dedication by the developer and accepted by the Township; and
 - (b) If an easement acceptable to the Township is established and officially entered upon the deeds of those properties affected by the easement by the Montgomery County Office for the Recording of Deeds, the maintenance shall then be the responsibility of the individual lot owners over whose property the easement passes. For land developments, the maintenance shall then be the responsibility of the lot owner upon which the watercourse traverses; or
 - (c) A homeowners association or other approved legal entity, approved by the Township, assumes responsibility for the maintenance of the development, including the watercourse easement.

- I. Developers shall construct and/or install stormwater management facilities, on and off-site, as necessary to:
- (1) Prevent erosion damage and to satisfactorily carry off, detain or retain and control the rate and volume of stormwater discharge.
 - (2) Manage the anticipated peak discharge from property being developed and existing runoff being contributed from all land at a higher elevation in the same watershed.
 - (3) Manage volume of runoff – Post development conditions shall not exceed pre-development conditions.
 - (4) Convey stormwater along or through the property to an outfall.
 - (a) If diffused flow is proposed to be concentrated and discharged onto an adjacent property, the developer must document that adequate downstream conveyance facilities exist to safely transport the concentrated discharge or otherwise prove that no erosion, sedimentation, flooding or other harm will result from the concentrated discharge.
 - (b) An outfall shall have sufficient capacity to receive stormwater without deterioration of the facility and without adversely affecting property in the Township. This outfall may be a stream, or other drainage facility so designated by the township.
 - (c) Roof runoff.
 - [1] Roof runoff shall be conveyed into watercourses on the property or to a storm drainage system of the Township. However, a direct connection of roof drains to watercourses and storm drainage systems is prohibited unless approved by the Township Engineer. Discharge from roof drains over a sidewalk, into a driveway, over a parking area or into gutters will not be permitted.
 - [2] Compliance with groundwater recharge requirements requires that roof runoff generated by the groundwater recharge design storm be infiltrated on-site. Infiltration can be achieved locally (e.g., dry wells, French drain) or in conjunction with other on-site BMP's (e.g., infiltration trench, bioretention area, porous pavement sand filter).
 - [3] Where conditions are not suitable for groundwater recharge, roof drains are required to discharge onto a vegetated surface (e.g., lawn, filter strip, swale, grassed waterway). The minimum length of the flow path between the drain outlet and the point of discharge to a watercourse or storm sewer inlet shall be 20 feet.

- [4] Unsuitable groundwater recharge conditions must be documented to the satisfaction of the Township Engineer.
- [5] Roof runoff discharge points shall be no closer than 20 feet to an adjoining property.
- (d) Water originating from other than natural sources, such as air-conditioning units, sump pumps or other dry weather flow, wherever practicable, shall be discharged to infiltration areas or vegetative BMPs at the direction of the Township Engineer. Discharge from sump pumps shall be no closer than 20 feet to an adjoining property.
- (e) Water from swimming pools or similar uses containing chlorine shall be pretreated to remove chlorine to acceptable limits prior to discharge.
- J. A horizontal riparian corridor buffer area shall be established between the top of bank or high water mark of a water body and a line one foot above the one-hundred-year base flood elevation or from the top of bank or high water mark of a water body and a line 50 feet from the top of bank or high water mark of the water body, whichever distance is greater. The riparian corridor may be part of any lot to meet minimum lot area and minimum yard requirements. No building or structure of any kind or any work, such as earth disturbance, excavation, shall be permitted within the riparian corridor except as permitted within the Floodplain Conservation District under Chapter 255, Article XXII, Floodplain Conservation District.
- K. Where applicable, construction of stormwater management facilities shall comply with the requirements of Chapter 102 (Erosion Control), Chapter 105 (Dam Safety and Waterway Management) and Chapter 106 (Flood Plain Management) of Title 25, Pa Code, Rules and Regulations of DEP. Inquiries regarding dam safety permit requirements or other concerns shall be addressed to DEP. Copies of any correspondence to and from DEP must be provided to the Township.
- L. Stormwater management facilities, which are located in, adjacent to, or that will discharge to a state highway right-of-way shall be subject to the approval of the Pennsylvania Department of Transportation (PennDOT). Copies of any correspondence to and from PennDOT must be provided to the Township.
- M. Stormwater management facilities located within or affecting any floodplain shall be subject to the requirements of applicable DEP codes and the Township Code which regulates construction and development within areas which are subject to flooding. See Chapter 255, Zoning, Article XXII, Floodplain Conservation District.
- N. A permanent access easement to stormwater management facilities for maintenance purposes shall be granted to the Township for maintenance and operation of the facilities. Access ways shall be cleared and stabilized to a minimum of 20 feet wide, with an all-weather surface suitable for access for maintenance equipment and personnel. Proximity of facilities to public rights-of-way shall be encouraged in order to minimize the length of access ways. Multiple access ways shall be encouraged for major or regional facilities. The owner of the servient property shall be responsible for maintenance of the easement.

A deed restriction to the satisfaction of the Township Solicitor shall be submitted to provide for maintenance, to authorize the Township to take corrective maintenance measures if necessary and to lien the cost of the work against the property should corrective measures not be performed by the homeowner, association or entity owning the property.

- O. Additional studies and higher levels of control than the minimum provided in the requirements and criteria of this Chapter may be required by the Board of Commissioners to ensure adequate protection of life and property and preservation of water quality.
- P. A drainage release or easement, in a form approved by the Township Solicitor, may be required by the Township for discharges to adjoining properties and watercourses.
- Q. Landowners shall comply with any future requirements promulgated by the Township in order to conform with any local, county, state or federal watershed management plans adopted in the future.

§ 206-32. Permit Requirements by Other Government Entities

The following permit requirements may apply to certain activities, and must be met prior to commencement of earth disturbance activities, construction or modifications as applicable:

- A. All earth disturbance activities subject to permit requirements by DEP under regulations at 25 Pa. Code Chapter 102.
- B. Work within natural drainage ways subject to permit by DEP under 25 Pa. Code Chapter 105.
- C. Any stormwater management facility that would be located in or adjacent to surface waters of the Commonwealth, including wetlands, subject to permit by DEP under 25 Pa. Code Chapter 105.
- D. Any stormwater management facility that would be located on a state highway right-of-way, or that would require access from a state highway, shall be subject to approval by PennDOT.
- E. Culverts, bridges, storm sewers or any other facilities which must pass or convey flows from the tributary area and any facility which may constitute a dam subject to permit by DEP under 25 Pa. Code Chapter 105.

§ 206-33. Erosion and Sediment Control During Regulated Activities

- A. No regulated activities within the Township shall commence until the Township approves an Erosion and Sediment Control Plan for construction activities and a permit is issued.
- B. DEP has regulations that require an Erosion and Sediment Control Plan for any earth disturbance activity of 5,000 square feet or more, under 25 Pa. Code § 102.4(b).

- C. In addition, under 25 Pa. Code Chapter 92, a DEP "NPDES Construction Activities" permit is required for regulated earth disturbance activities on sites one acre or greater in area.
- D. Evidence of any and all necessary permit(s) for regulated earth disturbance activities from DEP or the County Conservation District must be provided to the Township prior to final approval or commencement of earthmoving activities.
- E. A copy of the approved Erosion and Sediment Control Plan and narrative, and any required permit, as required by DEP regulations, shall be available at the project site at all times.

§ 206-34. Water Quality Requirements After Regulated Activities Are Complete

- A. No regulated activities within the Township shall commence until the Township approves a plan which demonstrates compliance with State Water Quality Requirements after construction is complete.
- B. BMPs must be designed, implemented and maintained to meet State Water Quality Requirements, and any other more stringent requirements as published by the Township.
- C. To control post-construction stormwater impacts from regulated activities, State Water Quality Requirements can be met by BMPs, including site design, which provide for replication of pre-construction stormwater infiltration and runoff conditions, so that post-construction stormwater discharges do not degrade the physical, chemical or biological characteristics of the receiving waters. As described in the DEP Comprehensive Stormwater Management Policy (#392-0300-002, September 28, 2002), this shall be achieved by the following:
 - (1) Infiltration: replication of pre-construction stormwater infiltration quantities.
 - (2) Treatment: use of water quality treatment BMPs to ensure filtering out of the chemical and physical pollutants from the stormwater runoff.
 - (3) Streambank and Streambed Protection: management of volume and rate of post-construction stormwater discharges to prevent physical degradation of receiving waters (e.g., from scouring).
- D. DEP has regulations that require municipalities to ensure design, implementation and maintenance of BMPs that control runoff from new development and redevelopment after regulated earth disturbance activities are complete. These requirements include the need to implement post-construction stormwater BMPs with assurance of long-term operations and maintenance of those BMPs.
- E. Evidence of any necessary permit(s) for earth disturbance activities must be provided to the Township.
- F. BMP operations and maintenance requirements are described in Article IV of this Chapter.

§ 206-35. Water quality requirement.

- A. One of the major objectives of this Chapter is to maintain and, if possible, improve existing water quality by preventing discharge of stormwater runoff pollutants. In considering issues such as ease of implementation and cost-effectiveness, the following minimum water quality criteria are established to meet the objective of this Chapter.
- B. Stormwater detention facilities shall include provisions to detain, for extended periods of time, runoff from the water quality design storm (one-year, twenty-four-hour rainfall event), using methodology appropriate for the drainage area under consideration and approved by the Township Engineer.
- C. Release of detained stormwater can begin at the start of the storm (i.e., the stormwater detention facility will not permanently retain a portion of the runoff). The design of the facility shall consider and minimize the chances of clogging and sedimentation potential.
- D. When detention basins are used to satisfy the water quality requirement, the invert of the water quality orifice may be placed at the invert of the basin. Because the standard for water quality may result in a fairly small outlet orifice in detention basins, the Township Engineer will determine the minimum standard diameter orifice as part of the stormwater management plan review. In soils nonconductive to infiltration, the addition of an underdrain is required, although this requirement can be waived upon determination by the Township Engineer that conditions warrant such a waiver.
- E. All stormwater management facilities must implement the water quality requirement of this section. The water quality objective can be obtained through a variety of approved BMP's or combinations thereof, including retention basins, detention basins, and bioretention areas.
- F. Below-grade detention facilities may not be used to satisfy the water quality requirement. Examples include below-grade infiltration beds or galleries and below-grade detention chambers. In these instances, approved water quality BMP's which supplement the below-grade stormwater detention facilities shall be installed. Examples include water quality inlets (including oil/water separators), filter strips and sand filters. All such water quality BMP's must be designed to treat runoff derived from the water quality design storm (one-year, twenty-four-hour rainfall event).
- G. Unless derived from roofs associated with known or suspected contamination, roof runoff is exempt from the water quality requirement. However, this exemption applies only to roof runoff before it is combined with runoff from other sources.
- H. Commercial and Industrial properties and establishments must demonstrate compliance with the NPDES (40 CFR, Chapter 1, Part 122), as administered by DEP. Copies of stormwater pollution prevention plans (SWPPP) and monitoring reports shall be provided to the Township.

§ 206-36. Groundwater recharge requirement .

- A. BMP's shall be provided to retain all runoff generated by the groundwater recharge design storm (seventy-five-hundredths-inch, twenty-four-hour rainfall event) for infiltration.
- B. BMP's shall be designed to infiltrate retained runoff within a forty-eight-hour period. Infiltration rates shall be based on field measurements using a method approved by the Township Engineer. Tests shall be conducted at the proposed depth of the bottom of the infiltration device. A factor of safety of 3, or greater, shall be used when computing infiltration potential of a BMP from field measurements of infiltration rate.
- C. Compliance by lot owners; exceptions.
 - (1) Lot owners must comply, individually, with the groundwater recharge requirement. However, groundwater recharge BMP's will not be required on properties where:
 - (a) Average slopes for the property exceed 10%.
 - (b) Seasonal high water table is shallower than four feet below final grade.
 - (c) Soil or bedrock conditions will not permit efficient percolation (nominal infiltration rate of less than 0.2 inches/hour).
 - (d) Site configuration will require that runoff must be infiltrated within:
 - [1] One hundred feet of a known or suspected sinkhole
 - [2] Fifty feet of a water supply well
 - [3] Fifty feet of a perennial stream
 - [4] Twenty feet of a basement wall.
 - [5] Fifty feet of a septic system.
 - (2) The groundwater recharge objective can be obtained through a variety of approved BMP's or combinations thereof, including bioretention areas, dry wells, French drains, infiltration trenches, porous pavement, and some types of sand filters. Community (multi-lot) groundwater recharge BMP's may be approved by the Township Engineer. However, the total upgradient drainage areas served by any groundwater recharge BMP may not exceed five acres.
- D. The storage volume of detention basins or retention basins may not be used to satisfy the required retention volume for groundwater recharge.

- E. Potentially contaminated runoff may not be infiltrated without appropriate pretreatment. The Township Engineer will determine whether contaminated runoff can be satisfactorily treated to permit infiltration. Sites which generate contaminated runoff must segregate uncontaminated runoff (e.g., roof runoff). Measures shall be introduced to infiltrate uncontaminated runoff generated by a property during the groundwater recharge design storm (e.g., roof runoff).
- F. Above-grade groundwater recharge BMP's which incorporate biofiltration are required for the infiltration of untreated runoff from public, commercial or industrial parking lots. Runoff from private or institutional parking lots may utilize below-grade devices (e.g., infiltration trenches, porous pavement).
- G. Direct runoff from public roads is exempt from the groundwater recharge requirement. However, privately owned and maintained roads must comply with this requirement.
- H. Procedures used to predict runoff must use standard and accepted calculation methodology and be satisfactory to the Township Engineer.
- I. Groundwater recharge BMP's shall be designed to provide storage equal to 100% of the required retention volume.

§ 206-37. Stormwater design standards and criteria.

- A. The design and construction requirements for stormwater management and stormwater conveyance systems, described in Article VI of this Chapter, are hereby established as indicated in said article.
- B. Runoff control measures or BMPs
 - (1) Any selected BMP must meet the required water quality and runoff peak rate requirements of this Chapter.
 - (2) Developers shall consider the use of innovative BMP's (e.g., infiltration techniques, wet ponds, riparian buffers, bioretention areas, underground detention, seepage beds, artificial wetlands), if appropriate, to provide for water quality improvement and groundwater recharge. Guidelines for the selection and design of a wide variety of BMP's are available in the Pennsylvania Handbook of Best Management Practices for Developing Areas (Pennsylvania Association of Conservation Districts, 1998) and its successor document or documents when available. Other design guides, approved by the Township, may also be used in preparing stormwater management plans. In selecting the appropriate BMP's or combinations thereof, the following must be considered:
 - (a) Contributing drainage area served by the BMP.
 - (b) Hydraulic conductivity of soils and bedrock.
 - (c) Depth to seasonal high water table and bedrock.

- (d) Erodibility of soils.
 - (e) Land availability and topographic constraints.
 - (f) Existing natural resources which require conservation or enhancement.
 - (g) Other factors as may be identified by the Township Engineer, MCCCD, DEP, EPA, or other state and federal agencies.
- (3) Exemptions.
- (a) Any regulated activity specified in Article IV which meets the stormwater management plan exemption criteria is exempt from meeting the water quality requirements of § 206-35. This exemption shall apply to the total proposed development even if development is to take place in stages. Exemption shall not relieve the applicant from providing adequate stormwater management to meet the purpose of the Chapter. Nevertheless, the following control techniques are encouraged where appropriate:
 - [1] Small on-site bioretention areas, providing detention storage, with grassed overflow.
 - [2] Oversized storm sewers with flow constrictions (reduced orifice) at discharge.
 - [3] Stream channel preservation and protection of vegetation; energy reduction spillways.
 - [4] Reduction of maintained landscaped areas.
 - [5] Preservation of existing vegetation, especially native plantings and woodland.
 - [6] Planting of wetland species along drainage swales and depressions.
 - [7] Fertilization practices minimized/eliminated.
 - [8] Site design criteria which prevent significant alteration of existing topography.
 - [9] Sites that have suitable soils are encouraged to incorporate on-site infiltration methods, such as grassed waterways, shrub filter strips, and French drains and trenches, into the design of the development.

- (b) All sites with suitable conditions must comply with the groundwater recharge requirement. The groundwater recharge requirement may be satisfied using a variety of BMP's.
- (4) Subregional (combined site) storage.
- (a) Traditionally, the approach to stormwater management has been to control the runoff on an individual site basis. However, there is a growing commitment to finding cost-effective comprehensive control techniques which both preserve and protect the natural drainage system. In other words, two developers developing sites adjacent to each other could pool their capital resources to provide for a community stormwater management facility in the most hydrologically advantageous location or locations.
 - (b) The goal is the development and use of the most cost effective and environmentally sensitive stormwater runoff controls which significantly improve the capability and flexibility of land developers and communities to control runoff.
 - (c) An advantage to combining efforts is to increase the opportunity to utilize stormwater management facilities to meet other community needs and safety considerations. For example, certain stormwater management facilities could be designed so that recreational facilities, such as ball fields, open space, sand volleyball courts, etc. could be incorporated. Natural or artificial ponds and lakes could serve both recreational and stormwater management objectives.
 - (d) To take this concept a step further, there is also the possibility that the stormwater could be managed off-site; that is, in a location off the property(s) in question. There could be a regional detention, retention, lake, pond or other physical facilities to serve multiple developments. Any such facility shall have a construction, ownership and maintenance program, in a recordable form.
- (5) All stormwater management facility designs shall conform to the applicable standards and specifications of the following governmental and institutional agencies:
- (a) American Society of Testing and Materials (ASTM).
 - (b) Asphalt Institute (AI).
 - (c) Montgomery County Conservation District. (MCCD).
 - (d) Federal Highway Administration (FHWA).
 - (e) National Crushed Stone Association (NCSA).

- (f) National Sand and Gravel Association (NSGA).
 - (g) Pennsylvania Department of Environmental Protection (DEP).
 - (h) Pennsylvania Department of Transportation (PENNDOT).
 - (i) United States Department of Agriculture, Natural Resources Conservation Service, Pennsylvania (USDA, NRCS, PA)
 - (j) Montgomery County Planning Commission. (MCPC).
 - (k) Environmental Protection Agency. (EPA).
 - (l) Federal Emergency Management Agency. (FEMA).
 - (m) U.S. Army Corps of Engineers (ACOE).
- (6) If special geological hazards or soil conditions, such as carbonate derived soils, are identified on the site, the developer's engineer and geologist shall consider the affect of proposed stormwater management measures on these conditions. In such cases, the Township may require an in-depth report by a competent registered professional engineer and/or geologist.

§206-38. (Reserved)

§206-39. (Reserved)

§206-40. (Reserved)

ARTICLE IV
Stormwater Management Plan Requirements

§ 206-41. General requirements for stormwater management plans.

All subdivision or land development plans prepared for any site within the Township in accordance with the Municipalities Planning Code requirements or Township Code requirements shall submit a stormwater management plan for the site in accordance with the requirements found in § 206-43 of this Chapter, unless exempt by § 206-42 below.

§ 206-42. Exemptions.

- A. The following activities are exempt from submitting a full stormwater management plan in accordance with the requirements of this Chapter, but instead shall submit a stormwater management plan in accordance with Subsection B below. This criterion shall apply to the total development even if development is to take place in phases. Exemption shall not relieve the applicant from providing adequate stormwater management to meet the purpose of this Chapter.

- (1) Land disturbance associated with existing or proposed one- and two-family dwellings is exempt.
 - (2) Any land disturbance associated with agricultural activities including growing crops, rotating crops, tilling of soil and grazing animals, and activities operated in accordance with a conservation plan or erosion and sedimentation control plan approved by the Conservation District or the NRCS.
 - (3) Any land disturbance associated with forest management operations which is following DEP's management practices, including those contained in its publication "Soil Erosion and Sedimentation Control Guidelines for Forestry," and which is operating under an erosion and sedimentation control plan approved by the Conservation District is exempt.
 - (4) Any land disturbance associated with mining operations approved and operated in accordance with all applicable rules and regulations of the DEP and operating under an erosion and sedimentation control plan approved by the applicable agency is exempt.
 - (5) Use of land for gardening for home consumption is exempt.
 - (6) Any land disturbance which would increase the peak runoff by less than five-tenths (0.5 or 1/2) cubic foot per second (CFS) from the existing conditions in a 100-year storm.
- B. An applicant for an exempt activity as listed in § 206-42.A above shall do the following:
- (1) Select appropriate stormwater management techniques.
 - (2) Prepare a stormwater management plan showing general features and locations of proposed stormwater management techniques. The design of the proposed stormwater management plan shall be provided by a licensed professional engineer trained and experienced in stormwater management and erosion and sedimentation control. The design, construction, integrity and installation of the control measures are the responsibility of the land owner/developer and the developer's professional.
 - (3) Submit two copies of the stormwater management plan to the Township Engineer and one copy to the township for review and approval.
- C. For exempt activities, the stormwater management plan must be approved by the Township Engineer before issuance of any building or zoning permits.
- D. No exemption from the plan requirements shall be provided for regulated activities.

§ 206-43. Stormwater management plan contents.

The Stormwater management plan shall be prepared by a licensed professional engineer experienced in stormwater management and erosion and sedimentation control. The following items shall be included in the stormwater management plan:

- A. Written report, including the following information:
 - (1) Narrative description of project.
 - (2) Narrative description of proposed stormwater management controls and facilities, both during and after development, including construction specifications.
 - (3) Narrative description of erosion and sedimentation controls, including those contained in any required erosion and sedimentation control plan, including construction specifications and all necessary calculations.
 - (4) Complete hydrologic, hydraulic and structural computations for all stormwater management facilities accompanied by a narrative description of the computations including an explanation of all assumptions, estimations, and design criteria.
 - (5) Expected project time schedule, including anticipated start and completion dates.
 - (6) Written maintenance plan for post-construction time frame.

- B. Maps including or prepared in accordance with the following:
 - (1) Drafting standards. The drafting standards, including requirements for scale, dimensions, sheet numbering and plan size, shall be the same standards as those listed in the Township Code, Chapter 212, Subdivision and Land Development.
 - (2) General information.
 - (a) Name or identifying title of project and tax parcel number.
 - (b) Name and address of the record owner, applicant and developer.
 - (c) Name and address of the individual who prepared the plan.
 - (d) A location map for the purpose of locating the site, at a scale not less than 800 feet to the inch, showing the relation of the tract to adjoining property and to all streets, roads and municipal boundaries existing within 1,000 feet of any part of the tract.
 - (e) Plan date and date of latest revision to plan, North point, graphic scale and written scale.
 - (f) Note on plan indicating any area that is to be offered for dedication.

- (g) Certificate, signed and sealed by an individual registered in the Commonwealth of Pennsylvania and qualified to perform such duties, indicating compliance with the stormwater management plan application.
 - (h) Total acreage of tract.
 - (i) Existing and proposed impervious area.
- (3) Existing features.
- (a) Complete outline survey of the property to be subdivided or developed shall be provided showing all courses, distances and area and tie-ins to all adjacent intersections.
 - (b) The location, names and widths of streets; the location of property lines and names of owners; the location of sanitary sewers, storm drains and similar features within 400 feet of any part of the land to be subdivided or developed; the location of streams, lakes, ponds or other watercourses outside the project area which will be affected by runoff from the project.
 - (c) The location, size and ownership of all underground and above ground utilities and services (e.g., wells, on-site sewage disposal systems) and any rights-of-way or easements within the property. Include the PA One-Call serial number.
 - (d) The location of existing buildings, streets and other significant features within the property; the location and area of all floodplains, riparian corridors, woods, forests, lakes, ponds, watercourses (including drainage swales), wetlands, slopes 10% to 15%, steep slopes 15% to 25%, steep slopes 25% or steeper.
 - (e) Contours at vertical intervals of two feet. One foot intervals shall be shown on lands with any slope of 5% or less. Contouring shall be in compliance with the National Map Accuracy Standards.
 - (f) An overlay showing soil types, boundaries, limitations for proposed uses and a statement as to how the soils data was obtained. Include soil data from Montgomery County Soil Survey.
 - (g) Watershed boundaries applicable to the site.
 - (h) All trees 8" in diameter or larger.
 - (i) Tree masses.
 - (j) Boundary monumentation
 - (k) Easements and restrictions of record.

- (4) Proposed features.
- (a) Proposed land use, total number of lots and dwelling units and extent of commercial, industrial, or other nonresidential uses.
 - (b) Locations and dimensions of all proposed streets, sidewalks, lot lines, setbacks, building locations, parking compounds, impervious and semi-impervious surfaces (total area), sanitary sewer facilities, water facilities and areas proposed for public dedication.
 - (c) Proposed changes to land surface and vegetative cover, including areas to be cut or filled as shown on a plan for surface drainage.
 - (d) Final contours at vertical intervals of two feet. One foot intervals shall be shown on lands with any slope of 5% or less.
 - (e) Plans and profiles of proposed stormwater management facilities, including horizontal and vertical location, size and type of material. This information shall be of the quality required for the construction of all facilities and include all calculations, assumptions and criteria used in the design of the facilities; a schedule for installation of such facilities; and a proposed schedule of inspections which will be performed by the applicant's engineer or designee in company with the Township Engineer.
 - (f) The locations of septic tank infiltration areas and wells when infiltration methods, such as cisterns, seepage beds or trenches, infiltration basins or porous pavement are used. Also soil percolation tests and submission of the percolation data and test locations to substantiate percolation rates used in the drainage calculations.
 - (g) Plans and profiles of all erosion and sedimentation control measures, temporary as well as permanent, including all calculations, assumptions, and criteria used in designing the controls and a schedule for their implementation.
 - (h) An encroachment map which illustrates all natural features and a preliminary regrading plan which illustrates all disturbance of the identified natural feature areas; the amount of each natural feature disturbed indicated and illustrated on the encroachment map.
 - (i) Rights-of-way and/or easements proposed to be created for all drainage purposes, utilities or other reasons.
 - (j) Construction sequence.
 - (k) Street and parking lot grades.
 - (l) Landscaping.

- (m) Features to be demolished.
- C. Description of an ownership and maintenance program, in a recordable form, that clearly sets forth the ownership and maintenance responsibility for all temporary and permanent stormwater management facilities to the satisfaction of the Township Solicitor, including the following:
- (1) Description of the method and extent of the maintenance requirements.
 - (2) When maintained by a private entity, identification of a responsible individual, corporation, association or other entity for ownership and maintenance. Deed covenants and restrictions must be submitted to provide for maintenance by this entity, and the legally binding document must provide that the Township shall have the right to:
 - (a) Enter the property and inspect the facilities at any time.
 - (b) Require the private entity to take corrective measures and assign the private entity reasonable time periods for any necessary action.
 - (c) Authorize maintenance to be done by the Township and lien the cost of the work against the properties of the private entity responsible for maintenance.
 - (d) Be provided with a yearly maintenance report by a qualified professional. Two copies to be forwarded to the township and one copy to the township engineer.
 - (3) Where the stormwater management plan proposes that the Township own or maintain the facilities, a description of the methods, procedures and the extent to which any facilities shall be turned over to the Township.
 - (4) Stormwater management easement area shown and recorded in the Office of the Recorder of Deeds.
- D. Financial security for the completion of stormwater management facilities.
- E. Maintenance guaranty.
- F. When a stormwater management plan is submitted in sections, a generalized stormwater management plan for the entire project site shall be submitted in addition to the detailed stormwater management plan for the proposed section. This generalized plan shall demonstrate how the stormwater of the proposed section will relate to the entire development. If temporary facilities are required for construction of a section, such facilities shall be included in the submitted stormwater management plan.

§ 206-44. Plan submission.

A. For subdivision and land development:

- (1) The stormwater management plan shall be submitted by the developer to the Office of Code Enforcement as part of the preliminary plan submission for a subdivision or land development.
- (2) Eighteen copies of the stormwater management plan and any reports shall be submitted.
- (3) Distribution of the stormwater management plan shall be as follows:

<u>Distribution</u>	<u>Number of Copies</u>
Township	1
Commissioners Planning Committee	7
Township Engineer	2
Township Manager	1
Township Solicitor	1
Code Enforcement Office	1
Planning Advisory Board	1
Environmental Protection Advisory Board	1
Public Works Department	1
Parks and Recreation Department	1
Montgomery County Planning Commission	1

- (4) Developer is responsible for submitting plans and reports to Montgomery County Conservation District, PA Dept. of Environmental Protection, Army Corps of Engineers, Montgomery County Planning Commission and other agencies as required for permitting.

B. For new or additional construction of impervious or semi-pervious surfaces, buildings or structures that do not require action by the Board of Commissioners under Sect. 206-44.A, six copies of the stormwater management plan shall be submitted by the developer

to the Office of Code Enforcement as part of the building permit application. Distribution of the stormwater management plan and any reports shall be as follows:

<u>Distribution</u>	<u>Number of Copies</u>
Code Enforcement Office:	1
Public Works Department:	1
Township Engineer:	2

C. For diversion or piping of stream channel and installation of stormwater systems:

- (1) The stormwater management plan shall be submitted by the developer to the Office of Code Enforcement, the Montgomery County Planning Commission, and the Montgomery County Conservation District for coordination with the DEP permit application process under Chapter 105 (Dam Safety and Waterway management) or Chapter 106 (Flood Plain Management) of DEP's Rules and Regulations.
- (2) Six copies of the stormwater management plan shall be submitted to the Office of Code Enforcement for distribution as follows:

<u>Distribution</u>	<u>Number of Copies</u>
Code Enforcement Office:	1
Public Works Department:	1
Township Engineer:	2

D. The stormwater management plan shall be accompanied by the permit application and requisite permit fee, in accordance with the fee schedule adopted by the Board of Commissioners and found in Chapter 110, Fees, of the Township Code.

§ 206-45. Plan review and approval.

- A. Following receipt of the Township Engineer's review of the stormwater management plan, the Board of Commissioners shall review and approve or disapprove a stormwater management plan submitted pursuant to § 206-44.A.
- B. The Township Engineer shall review, and approve or disapprove a stormwater management plan submitted pursuant to § 206-44.B and C.
- C. The Township Engineer shall review all stormwater management plans for consistency with this Chapter and any additional stormwater management provisions contained in the Township Code, as applicable, as well as accepted engineering practices.

- D. No stormwater management plan for a regulated activity shall be approved if the stormwater management plan has been found to be inconsistent with this Chapter as determined by the Township Engineer.
- E. The developer shall be responsible for completing a certified as-built survey prepared by a professional land surveyor of all stormwater management facilities included in the approved stormwater management plan. Criteria for the as-built plan will be provided at the pre-construction meeting. The certified As-Built Survey and explanation of any discrepancies with the design plans shall be submitted to the Township Engineer for review and approval. In no case shall the Township Engineer approve the As-Built Survey until the Township Engineer receives a copy of an approved declaration of adequacy, highway occupancy permit from PennDOT and any applicable permits from DEP.
- F. Modification of plans.
 - (1) A modification to a submitted stormwater management plan for a proposed development site which involves a change in control methods or techniques, or which involves the relocation or redesign of control measures, or which is necessary because soil or other conditions are not as stated on the stormwater management plan as determined by the Township Engineer shall require the resubmission of a modified stormwater management plan consistent with § 206-43 and subject to review per this Chapter.
 - (2) Minor design changes may be permitted as authorized by the Board of Commissioners and as recommended by the Township Engineer without resubmission consistent with the requirements of this Chapter.
 - (3) A modification to an approved stormwater management plan shall require a new stormwater management permit. The permit shall be issued following approval of the revised plan.
- G. Resubmission of disapproved stormwater management plan. A disapproved stormwater management plan may be resubmitted, with the revisions addressing the Township Engineer's concerns documented in writing, to the Township Engineer in accordance with the plan submittal requirements of this Chapter and subject to the plan review requirements of this Chapter. The applicable Township Engineer's review security must accompany a resubmission of a disapproved stormwater management plan.

§ 206-46. Permit requirements and procedures.

- A. A regulated activity as defined in this chapter shall not be initiated nor any disturbance, clearing or cutting of trees, until a Township stormwater management permit has been issued, regardless of the receipt of permits of other regulatory agencies.
- B. Application requirements.
 - (1) The land owner shall obtain the required stormwater management permit for regulated activities related to land development and subdivision after obtaining

the required subdivision or land development plan approval and stormwater management plan approval as specified in Article IV of this Chapter. The stormwater management permit will be issued by the Township Engineer.

- (2) The land owner shall obtain the required stormwater management permit for regulated activities specified in § 206-5B (3) and (4) after obtaining the required building permit approval and stormwater management plan approval as specified in Article IV of this chapter. The stormwater management permit will be issued by the Township Engineer concurrently with the issuance of the building permit.
- (3) The land owner shall obtain the required stormwater management permit for regulated activities specified in § 206-5B(5) and (6) from the Office of Code Enforcement after obtaining any necessary county, state and/or federal permits, copies of which shall be provided to the Office of Code Enforcement.

C. Application for permit.

- (1) Applications for stormwater management permits required by this Chapter shall be made by the land owner on forms supplied by the Township Engineer. Such applications shall provide a brief description of the stormwater management controls and regulated activities. This application shall become part of the stormwater management plan submission required by Article IV of this Chapter.
- (2) Any incomplete application submission shall be rejected by the Township Engineer without any further processing or review.

D. Modification of plans. A modification to an approved stormwater management plan, shall require a new stormwater management permit. The permit shall be issued following approval of the revised plan.

E. Expiration and renewal.

- (1) All stormwater management permits shall expire 24 months from the date of issuance, unless construction is commenced prior to this date, or an extension of time is approved or if more than 12 months is required for completion of site work, as incorporated into the Construction Escrow documentation.
- (2) All extension requests must be submitted in writing to the Township Engineer at least 60 days prior to permit expiration.
- (3) A stormwater management permit shall not expire while a request for an extension is pending.
- (4) An extension of an expired stormwater management permit may be issued by the Board of Commissioners following the submission of a written request if, in the opinion of the Township Engineer, the subject property or affected surrounding area has not been altered in a manner which requires alteration to the stormwater management plan.

- (5) A renewal of an expired stormwater management permit may be issued by the Board of Commissioners following a resubmittal of the permit application form and review by the Township Engineer to determine if any changes have occurred in project site conditions or stormwater management plan requirements since the original permit was issued. If such changes have occurred, the Board of Commissioners may require the applicant to resubmit the stormwater management plan for a new review pursuant to Article IV of this chapter.
- (6) The refusal of the Board of Commissioners to reissue an expired stormwater management permit shall be in writing and contain the reasons for such refusal.

F. Suspension and revocation.

- (1) Any stormwater management permit issued under this chapter may be suspended or revoked by the Board of Commissioners or Township Engineer for:
 - (a) Noncompliance with or failure to implement any provision of the permit.
 - (b) A violation of any provision of this Chapter or any other applicable law, ordinance, rule or regulation relating to the project.
 - (c) The creation of any condition or the commission of any act during construction or development which constitutes or creates a hazard or nuisance or which endangers the life or property of others.
- (2) Suspension of a stormwater management permit requires owner/contractor to stabilize all disturbed areas, restore all erosion & sedimentation controls, stop all site activity and perform all needed maintenance operations to the satisfaction of the Township Engineer.
- (3) A suspended stormwater management permit shall be reinstated by the Township Engineer when:
 - (a) The Township Engineer has inspected and approved the corrections to the stormwater management control measures(s) or the elimination of the hazard or nuisance; and/or
 - (b) The Township Engineer is satisfied that the violation of the ordinance, law or rule and regulation has been corrected.
- (3) A stormwater management permit which has been revoked by the Township cannot be reinstated. The applicant may apply for a new permit under the procedures outlined in this chapter.
- (4) All construction activities must cease when a stormwater management permit has been suspended or revoked.

§ 206-47. (Reserved)

§ 206-48. (Reserved)

§ 206-49. (Reserved)

§ 206-50. (Reserved)

ARTICLE V

Stormwater Management Operations and Maintenance Plan Requirements

§ 206.51. General Requirements

- A. No regulated activities within the Township shall commence until the Township Engineer approves a Stormwater Management Operations and Maintenance Plan which describes how the permanent (e.g., post-construction) stormwater management facilities will be properly operated and maintained.
- B. The following items shall be included in the Stormwater Management Operations and Maintenance Plan:
 - (1) Plan(s) of the project area, in a form that can be recorded at the offices of the Recorder of Deeds of Montgomery County, submitted on 24-inch x 36-inch. The contents of the maps(s) shall include, but not be limited to:
 - (a) Clear identification of the location and nature of all permanent stormwater management facilities.
 - (b) The location of the project site relative to watercourses, roads, municipal boundaries or other identifiable landmarks.
 - (c) Existing and final contours at intervals of two feet, or others as appropriate.
 - (d) Existing wetlands, floodplains, streams, lakes, ponds, or other watercourses within the project site area.
 - (e) Other physical features including flood hazard boundaries, sinkholes, existing drainage courses, and areas of natural vegetation to be preserved.
 - (f) The locations of all existing utilities, sanitary sewers, and water lines within 100 feet of property lines of the project site.
 - (g) Proposed final changes to the land surface and vegetative cover, including the type and amount of impervious area that would be added, and the type, amount and depth of fill material to be placed.
 - (h) Proposed structures, roads, paved areas, and buildings, and

- (i) A twenty-foot wide access easement to all stormwater management facilities for ingress to and egress from a public right-of-way.
- (2) A description of how each permanent stormwater facility will be operated and maintained, and the identity of the person(s) responsible for operations and maintenance,
- (3) The name of the project site, the name and address of the owner of the property, and the name of the individual or firm preparing the Plan.
- (4) A statement, signed by the land owner, acknowledging that the stormwater management facilities are fixtures that can be altered or removed only after approval by the Township.
- (5) Legal document to be recorded that subjects the alteration or removal of stormwater management facilities to the approval of the Township.

§ 206-52. Responsibilities for Stormwater Management Operations and Maintenance

- A. The Stormwater Management Operations and Maintenance Plan for the project site shall establish, land owner responsibilities for the continuing operation and maintenance of all permanent stormwater management facilities, as follows:
 - (1) If a Plan includes structures or lots which are to be separately owned and in which streets, sewers and other public improvements are to be dedicated to the Township, stormwater management facilities may also, at the option of the township, be dedicated to and maintained by the Township.
 - (2) If a Plan includes operations and maintenance by a single ownership, or if sewers and other public improvements are to be privately owned and maintained, then the operation and maintenance of stormwater management facilities shall be the responsibility of the owner or private management entity.
- B. The Township shall make the final determination on the continuing operations and maintenance responsibilities. The Township reserves the right to accept or reject the operations and maintenance responsibility for any or all stormwater management facilities.

§ 206-53. Review of Stormwater Management Operations and Maintenance Plan.

- A. The Township Engineer and Solicitor shall review the Stormwater Management Operations and Maintenance Plan for consistency with the purposes and requirements of this Chapter, and any permits issued by DEP.
- B. The Township Engineer shall notify the Applicant in writing whether the Stormwater Management Operations and Maintenance Plan is approved.
- C. The Township will require an "As-Built Survey" of all stormwater management facilities, and an explanation of any discrepancies with the Operations and Maintenance Plan.

- D. Stormwater management plans shall be reviewed every three (3) years after initial issuance of plan approval.

§ 206-54. Adherence to Stormwater Management Operations and Maintenance Plan

It shall be unlawful to alter or remove any permanent stormwater management facility required by an approved Stormwater Management Operations and Maintenance Plan, or to allow a property to remain in a condition which does not conform to an approved Stormwater Management Operations and Maintenance Plan, unless an exception is granted in writing by the Board of Commissioners. Failure to maintain SWM structures will result in no future U & O of any kind to be issued by the Zoning Officer until all maintenance items have been completed.

§ 206-55. Operations and Maintenance Agreement for Privately Owned Stormwater Management Facilities

- A. The property owner shall sign an operations and maintenance agreement with the Township covering all stormwater management facilities that are to be privately owned. The Township Solicitor shall determine the form of the agreement.
- B. Other items may be included in the agreement where determined necessary to guarantee the satisfactory operation and maintenance of all permanent stormwater management facilities. The agreement shall be subject to the review and approval of the Township Engineer and Township Solicitor.

§ 206-56. Stormwater Management Easements

- A. Stormwater management easements are required for all areas used for off-site stormwater discharge and management, unless a waiver is granted by the Township Engineer.
- B. Stormwater management easements shall be provided by the property owner if necessary for (1) access for inspections and maintenance, or (2) preservation of stormwater runoff conveyance, infiltration, and detention areas and other facilities, by persons other than the property owner. The purpose of the easement shall be specified in any agreement under § 206-55.

§ 206-57. Recording of Approved Stormwater Management Operations and Maintenance Plan and Related Agreements

- A. When permanent stormwater management facilities are placed, constructed or implemented, as described in the Stormwater Management Operations and Maintenance Plan, the Township shall record the following documents in the Office of the Recorder of Deeds for Montgomery County, within 15 days of approval of the Stormwater Management Operations Plan by the Township:
 - (1) The Operations and Maintenance Plan, or a summary thereof. If a summary is recorded, the summary document shall identify a location where the complete Plan may be viewed.

- (2) Operations and Maintenance Agreements under § 206-55.
 - (3) Easements under § 206-56.
 - (4) Declaration of Covenants and Restrictions or other similar documents under § 206-51.
 - (5) Deeds of Dedication, or other similar documents under § 206-52.
- B. The Township may suspend or revoke any approvals granted for the project site upon discovery of the failure of the owner to comply with this Section.

§ 206-58. Township Stormwater Management Operation and Maintenance Fund

- A. If stormwater management facilities are accepted by the Township for dedication, the Township may require persons installing stormwater management facilities to pay a specified amount to the Township Stormwater Management Operation and Maintenance Fund, to help defray costs of operations and maintenance activities. The amount may be determined as follows:
- (1) If the stormwater management facility is to be owned and maintained by the Township, the amount shall cover the estimated annual costs for operations and maintenance for ten (10) years, as determined by the Township.
 - (2) The estimated annual costs shall be converted to present value to determine the payment.
- B. If a stormwater management facility also serves as a recreation facility (e.g. ball field), the Township may adjust the amount due accordingly.

§ 206-59. (Reserved)

§ 206-60. (Reserved)

**ARTICLE VI
Inspections and Right of Entry**

§ 206-61. Inspections.

- A. DEP or its designee (e.g., Montgomery County Conservation District), as well as the Township, monitors compliance with any permits issued, including those for stormwater management. In addition to DEP compliance programs, the Township will inspect all phases of the construction, operations, maintenance and any other implementation of stormwater management facilities.

- B. During any stage of regulated activities, if the Township determines that any stormwater management facilities are not being installed, operated or maintained in accordance with this Chapter, the Township may suspend or revoke any existing permits or other approvals until the deficiencies are corrected.

§ 206-62. Right of Entry.

- A. Upon presentation of proper credentials, duly authorized representatives of the Township may enter at reasonable times upon any property within the Township to inspect the implementation, condition, or operation and maintenance of the stormwater management facilities in regard to any aspect governed by this Chapter.
- B. Stormwater management facility owners and operators shall allow persons working on behalf of the Township ready access to all parts of the premises for the purposes of determining compliance with this Chapter.
- C. Persons working on behalf of the Township shall have the right to temporarily locate on any stormwater management facility in the Township such devices as are necessary to conduct monitoring and/or sampling of the discharges from such stormwater management facility.
- D. Unreasonable delays in allowing the Township access to a stormwater management facility is a violation of this Chapter.

§ 206-63. Schedule of inspections.

- A. Prior to approval of the stormwater management plan, the owner, applicant or the developer must coordinate a schedule of inspections, including a final inspection schedule with the Township Engineer. These inspection provisions pertain only to construction activities regulated by the plan preparation provisions of Article IV. Any activities granted exemption from plan preparation provisions are not exempt from the inspection provisions, and must nonetheless manage stormwater in a manner specified in the other provisions of this Chapter.
- B. Required inspections.
 - (1) The Township Engineer shall inspect all phases of development of the site including, but not limited to:
 - (a) Completion of preliminary site preparation, which includes clearing and grubbing, stockpiling of topsoil and construction of temporary stormwater management and erosion control facilities.
 - (b) Completion of rough grading, but prior to placing topsoil, permanent drainage or other site development improvements and ground covers.
 - (c) Construction of the permanent stormwater management facilities at such times as specified by the Township Engineer.

- (d) Completion of permanent stormwater management facilities, including established ground covers and plantings.
 - (e) Completion of any final grading, vegetative control measures or other site restoration work done in accordance with the approved stormwater management plan and permit.
- (2) There shall be pre-topsoil and a post-topsoil volume checks with surface basins.
- C. No work shall begin on a subsequent stage until the preceding stage has been inspected and approved by the Township Engineer.
- D. It is the responsibility of the land owner, to notify the Township Engineer at least 48 hours in advance of the completion of each identified phase of development.
- E. Any portion of the work that does not comply with the approved stormwater management plan must be corrected by the land owner within 15 days of notice. No work may proceed on any subsequent phase of the stormwater management plan, the subdivision or land development or building construction until the required corrections have been made.
- F. If, at any stage of the work, the Township Engineer determines that the soil or other conditions are not as stated or shown in the approved application, the same may refuse to approve further work, and the Township may revoke existing permits until a modified stormwater management plan is submitted and approved, as required by of this Chapter. If the modified stormwater management plan cannot remedy the situation, then the Township reserves the right to cancel its approval and halt all work except for that work required to eliminate the activity and return the site to pre-activity conditions as much as is reasonably possible.
- G. If the Township Engineer discovers that the facilities or measures installed may be in violation of Chapter 102 (Erosion Control) of the Clean Streams Law, the Township Engineer will refer these violations to the Montgomery County Conservation District.
- H. When the land owner has completed his inspection of all the required facilities, he shall notify the Township, in writing, by certified or registered mail, and shall send a copy of such notice to the Township Engineer. Within 15 days after receipt of such notice, the Township Engineer shall inspect the required facilities. Following this final inspection, the Township Engineer shall promptly file a report, in writing, with the Township and shall deliver a copy of the report to the developer by actual delivery, certified mail, registered mail or first class mail. The report shall be made and delivered within five days after final inspection by the Township Engineer.
- I. Following final inspection, the land owners shall submit reproducible drawings bearing the seal and certification of a Pennsylvania registered professional surveyor indicating the as-built improvements called for in the approved plan.

§ 206-64. (Reserved)

§ 206-65. (Reserved)

§ 206-66. (Reserved)

§ 206-67. (Reserved)

§ 206-68. (Reserved)

§ 206-69. (Reserved)

§ 206-70. (Reserved)

**ARTICLE VII
Fees and Expenses**

§ 206-71. General.

The Township may charge a reasonable fee for review of a Stormwater Management Plan and Stormwater Management Operations and Maintenance Plan to defray review costs incurred by the Township. The Applicant shall pay all such fees.

§ 206-72. Expenses Covered by Fees.

The fees required by this Chapter may cover:

- A. Administrative/clerical costs.
- B. The review of the Stormwater Management Plan and the Stormwater Management Operations and Maintenance Plan by the Township Engineer.
- C. Site inspections including, but not limited to, pre-construction meetings, inspections during construction of stormwater management facilities, and final inspection upon completion of the stormwater management facilities.
- D. Any additional work required to monitor and enforce any provisions of this Chapter, correct violations, and assure proper completion of stipulated remedial actions.
- E. Video or photographic recording of conditions at pre-construction, during construction and after construction.

§ 206-73. Financial and maintenance guaranties.

- A. Performance guaranties. Financial security shall be provided by the land owner as a performance guaranty for stormwater management facilities in accordance with improvement guaranty provisions outlined in § 509 of the Municipalities Planning Code or any amendment thereto.
- B. Maintenance responsibility and guaranties.
- (1) The maintenance responsibilities for permanent stormwater management facilities shall be determined based upon the type of ownership of the property that is occupied by the facilities.
- (a) Single entity ownership. Where the permanent stormwater management facilities designed to manage runoff from property in a single entity ownership, the maintenance responsibility for the stormwater management facilities shall be with the single entity owner. The stated responsibilities of the entity related to owning and maintaining the facilities shall be submitted with the Stormwater Management Operations and Maintenance Plan for determination of their adequacy. Approval of the Stormwater Management Plan shall depend upon the approval of these terms. These terms shall be in writing, shall be in recordable form, and shall, in addition to any other terms deemed necessary by the Board of Commissioners, contain a provision permitting inspection at any reasonable time, by the Township Engineer or other Township officials of all such facilities deemed critical to the public welfare consistent with current Township practices.
- (b) Municipal ownership. Where the Board of Commissioners has accepted an offer of dedication of the permanent stormwater management facilities, the Township shall be responsible for maintenance. Upon approval of the stormwater management facilities by the Board of Commissioners, the developer shall provide a financial security, in a form approved by the Township Solicitor for maintenance guaranties, as follows:
- [1] Construction maintenance bond. The Board of Commissioners may require the posting of a maintenance bond to secure the structural integrity and functioning of said facilities, in accordance with the design and specifications as depicted on the approved stormwater management plan for a term not to exceed 18 months from the date of acceptance of dedication. Said financial security shall be the same type as required in accordance with the improvement guaranty provisions in the Municipalities Planning Code or any amendment thereto, and the amount of the financial security shall not exceed 10% of the actual cost of installation of said facilities. A cash contribution can be used as the financial security in lieu of a maintenance bond, although the contribution must be equivalent to the amount that would be estimated for the maintenance bond.

- [2] Operation and Maintenance Fund. Long-term maintenance shall be secured through a payment to the Township Stormwater Management Operation and Maintenance Fund in an amount equal to the present worth of maintenance of the facilities for a ten-year period. This amount shall be determined by the Township Engineer.
- [3] Documentation.
- [a] The terms of the maintenance guaranties shall be documented as part of the stormwater management plan.
- [b] For certain types of facilities, the Board of Commissioners may benefit by transferring the maintenance responsibility to an individual or group of individuals residing within the controlled area. These individuals may have the permanent stormwater management facilities adjacent to their lots or otherwise have an interest in the proper maintenance of the facilities. In these instances, the Board of Commissioners and the individual(s) may enter into a formal agreement for the maintenance of the facilities whereby the Township shall maintain ownership of the facilities and be responsible for periodic inspections.
- [c] Individual lot ownership. Where any stormwater management facility is located on an individual lot, and maintenance thereof is the responsibility of that landowner, a description of the facility or systems and the terms of the required maintenance shall be noted on the Record Plan and incorporated as a part of the deed to the property. The deed shall be recorded with the Montgomery County Office for the Recording of Deeds within 90 days following the Board of Commissioners approval. In addition, the Board of Commissioners may require as a condition of approval that a deed conveying any interest in such lot contain language indicating that the conveyance is subject to an express covenant by the grantee that the grantee will maintain the stormwater management facility.
- [d] Multi-entity ownership. In cases where property is in multiple ownership (i.e., many individual interests in various portions of the property on which stormwater facilities are located), the developer(s) shall enter into an agreement with the Township to determine the maintenance of the permanent stormwater facilities. If maintenance is prescribed for each individual lot owner, the requirements above for single-entity ownership shall apply.

(2) The failure of any person, individual lot owner or private entity to properly maintain any stormwater management facility shall be construed to be a violation of this Chapter and is declared to be a public nuisance, subject to penalties as set forth in this chapter.

C. Liability insurance. If, in the opinion of the Board of Commissioners based upon a recommendation from the Township Engineer, the nature of the work is such that it may create a hazard to human life or endanger adjoining property or streets, the Board of Commissioners shall, before issuing the stormwater management permit, require that the applicant file a certificate of insurance showing that there exists insurance against claims for damages for personal injury, bodily injury and property damage, including damage to the Township by surface water flow which has been altered on the site. The liability insurance shall be to the amount prescribed by the Board of Commissioners in accordance with the nature of risks involved and include the Township of Upper Dublin as an additional insured. Such insurance shall be written by a company licensed to do business in the Commonwealth. Neither issuance of the stormwater management permit nor compliance with the provisions hereto or any conditions imposed by the Township shall relieve any person from any responsibility for damage otherwise imposed by law, nor impose any liability upon the Township or its officers and employees for damages to persons or property.

§ 206-74. (Reserved)

§ 206-75. (Reserved)

§ 206-76. (Reserved)

§ 206-77. (Reserved)

§ 206-77. (Reserved)

§ 206-78. (Reserved)

§ 206-79. (Reserved)

§ 206-80. (Reserved)

ARTICLE VIII
Prohibitions

§ 206-81. Prohibited Discharges.

- A. No person in the Township shall allow, or cause to allow, discharges into the Township's MS4 that are not composed entirely of stormwater, except (1) as provided in subsection B below, and (2) discharges allowed under a state or federal permit.
- B. Permissible discharges which the Township finds do not significantly contribute to pollution to surface waters of the Commonwealth, are:
- (1) Discharges from fire fighting activities.
 - (2) Potable water sources including dechlorinated water line and fire hydrant flushings.
 - (3) Irrigation drainage.
 - (4) Routine external building washdown (that does not use detergents or other compounds).
 - (5) Air conditioning condensate.
 - (6) Water from individual residential car, boat, other vehicle washing (that does not use detergents or other compounds).
 - (7) Springs.
 - (8) Water from crawl space pumps.
 - (9) Uncontaminated water from foundation or from footing drains.
 - (10) Flows from riparian habitats and wetlands.
 - (11) Lawn watering.
 - (12) Pavement washwaters where spills or leaks of toxic or hazardous materials have not occurred (unless all spill material has been removed) and where detergents are not used.
 - (13) Dechlorinated swimming pool discharges.
 - (14) Uncontaminated groundwater.
- C. In the event that the Township determines that any of the discharges identified in Subsection B significantly contribute to pollution of waters of the Commonwealth, or is

so notified by DEP, the Township will notify the responsible person to cease the discharge.

- D. Upon notice provided by the Township under subsection C, the discharger will have a reasonable time, as determined by the Township, to cease the discharge consistent with the degree of pollution caused by the discharge.
- E. Nothing in this Section shall affect a discharger's responsibilities under federal or state law.
- F. Permittee must notify Township at least 7 days prior to any discharges. Township reserves the right to sample any discharges.

§ 206-82. Prohibited Connections.

- A. The following connections are prohibited, except as provided in § 206-81.B. above:
 - (1) Any drain or conveyance, whether on the surface or subsurface, which allows any non-storm water discharge including sewage, process wastewater, and wash water, to enter the MS4, and any connections to the storm drain system from indoor drains, washers, slop tubs and sinks.
 - (2) Any drain or conveyance connected from a non-residential land use to the municipal separate storm sewer system which has not been documented in plans, maps, or equivalent records, and approved by the Township.

§ 206-83. Roof drains, sumps, french drains and underground drains.

- A. Roof drains, sumps, french drains and underground drains shall not directly discharge to watercourses or be connected to streets, sanitary or storm sewers or roadside ditches, except as provided in § 206-83.B.
- B. Connections of roof drains, sumps, french drains and underground drains to streets or roadside ditches may be permitted by the Township if the Township finds the connection does not significantly contribute to pollution to surface waters of the Commonwealth.
- C. Roof drains, sumps, french drains and underground drains shall discharge to infiltration areas or vegetative BMPs to the maximum extent practicable.

§ 206-84. Alteration of Stormwater Management Facilities

- A. No person shall modify, remove, fill, landscape or alter any existing stormwater management facility or easement, unless it is part of an approved maintenance program, without the written approval of the Township Engineer.
- B. No person shall place any structure, fill, landscaping or vegetation into a stormwater management facility or within a drainage easement which would interfere with the access and maintenance or limit or alter the functioning of the facility without the written approval of the Township Engineer.

- C. Landowners shall properly maintain existing stormwater management facilities located on their property.

§ 206-85. (Reserved)

§ 206-86. (Reserved)

§ 206-87. (Reserved)

§ 206-88. (Reserved)

§ 206-89. (Reserved)

§ 206-90. (Reserved)

**ARTICLE IX
Enforcement and Penalties**

§ 206-91. Public Nuisance

- A. The violation of any provision of this Chapter is hereby deemed a Public Nuisance.
- B. Each day that a violation continues shall constitute a separate violation.

§ 206-92. Notification of failure to comply.

In the event that an owner, subdivider, developer or his agent fails to comply with the requirements of this Chapter or fails to conform to the requirements of any permit issued hereunder, the Township shall provide written notification of violation. Such notification shall set forth the nature of the violation(s) and establish a time limit for correction of the violation(s). Upon failure to comply within the time specified, the owner, subdivider, developer or his agent shall be subject to the penalty provisions of this chapter or other penalty provisions where applicable.

§ 206-93. Enforcement Generally

- A. Whenever the Township finds that a person has violated a prohibition or failed to meet a requirement of this Chapter, the Township may order compliance by written notice to the responsible person. Such notice may require without limitation:
 - (1) The performance of monitoring, analyses, and reporting.

- (2) The elimination of prohibited connections or discharges.
 - (3) Cessation of any violating discharges, practices, or operations.
 - (4) The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property.
 - (5) Payment of a fine to cover administrative and remediation costs.
 - (6) The implementation of stormwater management measures.
 - (7) Operation and maintenance of stormwater management facilities.
- B. Such notification shall set forth the nature of the violation(s) and establish a time limit for correction of these violations(s). Said notice may further advise that, if applicable, should the violator fail to take the required action within the established deadline, the work will be done by the Township and the expense thereof shall be charged to the violator.
- C. Failure to comply within the time specified shall also subject such person to the penalty provisions of this Chapter. All such penalties shall be deemed cumulative and shall not prevent the Township from pursuing any and all other remedies available in law or equity.

§ 206-94. Suspension and Revocation of Permits and Approvals

- A. Any building, land development, grading or other permit or approval issued by the Township may be suspended or revoked by the Township for:
- (1) Non-compliance with or failure to implement any provision of the permit;
 - (2) A violation of any provision of this Chapter; or
 - (3) The creation of any condition or the commission of any act during construction or development which constitutes or creates a hazard, nuisance or pollution or which endangers the life or property of others.
- B. A suspended permit or approval shall be reinstated by the Township when:
- (1) The Township Engineer or designee has inspected and approved the corrections to the stormwater management facilities, or the elimination of the hazard or nuisance, and/or;
 - (2) The Township is satisfied that the violation of the Chapter, law, or rule and regulation has been corrected.
- C. A permit or approval which has been revoked by the Township cannot be reinstated. The applicant may apply for a new permit under the procedures outlined in this Chapter.

§ 206-95. Violations and penalties.

- A. Any person violating the provisions of this Chapter or who fail to comply with any written notice from the Township that describes a condition of noncompliance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than \$600 for each violation, plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof.
- B. If the defendant neither pays nor appeals the judgment in a timely manner, the Board of Commissioners may enforce the judgment pursuant to the applicable rules of civil procedure.
- C. Each day that a violation continues shall constitute a separate violation, 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 such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation.
- D. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice.
- E. The Township, through the Township Solicitor, may institute injunctive, mandamus or any other appropriate action or proceeding at law or in equity for the enforcement of this Chapter. Any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, mandamus or other appropriate forms of remedy or relief.
- F. All judgments, costs and reasonable attorney fees collected for the violation of this Chapter shall be paid over to the Board of Commissioners.
- G. The Montgomery County Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.
- H. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the township the right to commence any action for enforcement pursuant to this section.

§ 206-96. Appeals

Any person aggrieved by any action of the Township or its designee, relevant to the provisions of this Chapter, may appeal to the relevant judicial or administrative body within the time period allowed.

§ 206-97. (Reserved)

§ 206-98. (Reserved)

§ 206-99. (Reserved)

§ 206-100. (Reserved)

ARTICLE X
Design Schedules

§ 206-101. Schedule I: General Performance Standards.

All erosion and sedimentation controls are to be in place prior to the start of construction.

Measures used to collect and convey stormwater on any site shall be designed to meet the following minimum performance standards.

- A. Prevent erosion damage and satisfactorily convey and control the rate and volume of discharge of stormwater to waters of the Commonwealth.
- B. When soil conditions are suitable, require runoff control measures to infiltrate the stormwater into the ground to aid in the recharge of groundwaters, and the preservation of baseflow.
- C. Control/accommodate not only the anticipated peak discharge from the on-site disturbed area, but also the existing runoff being contributed from all land at a higher elevation in the same watershed.
- D. Maintain the adequacy of the natural stream channels. Accelerated bank erosion shall be prevented by controlling the rate and velocity of runoff discharged to these watercourses, so as to avoid increasing the occurrence of stream bank overflow.
- E. Preserve the adequacy of existing culverts and bridges by suppressing the new flood peaks created by the new earth disturbances and new increased imperviousness.
- F. If, in the course of preparing or reviewing the stormwater management plan, the Township Engineer determines that off-site improvements are necessary to satisfactorily control the stormwater from the site, the applicant shall be responsible for such off-site improvements.
- G. All stormwater detention and retention facilities shall be in place and functioning prior to the creation of any impervious surface.
- H. Whenever a watercourse, stream or intermittent stream is located within a grading site, it shall remain open in its natural state and location and shall not be piped unless permitted by DEP and the Township Board of Commissioners. *See Upper Dublin Chapter 240 for activity in and near a watercourse.*

- I. The existing points of natural drainage discharge from and onto adjacent properties shall not be altered without the written approval of and a drainage easement from the affected upstream and downstream land owners.
- J. No stormwater runoff or natural drainage shall be so diverted as to overload existing drainage systems or create flooding or the need for additional drainage structures on other private properties or public lands.

§ 206-102. Schedule II: Detention Facility Design.

- A. Stormwater detention facilities. Stormwater detention facilities include all structural measures which can reliably and predictably achieve the peak discharge requirements of this ordinance. Stormwater detention facilities include, but are not necessarily limited to, detention basins, retention basins, bioretention areas, open (at-grade) sand filters, closed (below-grade) sand filters, water quality inlets, dry wells, below-grade detention chambers and rooftop detention.
- B. Peak discharge design storms. The design storm criteria to be used in calculations for the watershed is to limit the post-development runoff for the one-, two-, ten-, fifty- and one-hundred-year storms to the corresponding predevelopment rates. Any stormwater detention facilities required by this Chapter and subject to the water quality requirements and stormwater runoff peak rate requirements herein shall meet the applicable water quality and peak rate requirement for the one-, two-, ten-, fifty- and one-hundred-year return period runoff events (design storms) consistent with the standard and accepted calculation methodology and engineering standards and be satisfactory to the Township Engineer.
- C. Runoff calculation methodology.
 - (1) Any stormwater runoff calculation involving drainage areas greater than 20 acres, including on-and off-site areas, shall use a generally accepted calculation technique that is based on the NRCS soil cover complex method. It is assumed that all methods will be selected by the design professional based on the individual limitations and suitability of each method for a particular site.
 - (2) All calculations consistent with this Chapter using the soil cover complex method shall use the appropriate design rainfall depths for the various return periods cited.
 - (3) For purposes of predevelopment flow rate determination, undeveloped land shall be considered as meadow, in good condition, unless the natural ground cover generates a lower curve number or Rational C value. Landowner is to use the lower runoff coefficient value.
 - (4) All calculations using the Rational Method shall use rainfall intensities consistent with appropriate times of concentration for overland flow and return periods from NCRS Methodology. Time of concentration for sheet flow (maximum 150 feet) and concentrated flow shall both be calculated using NCRS methodology. Times of concentration for channel and pipe flow shall be computed using Manning's Equation or NCRS Methodology.

- (5) The design of any stormwater detention facilities intended to meet the performance standards of this Chapter shall be verified by routing the design storm hydrograph through these facilities using accepted methods of practice. The Township Engineer may approve the use of any generally accepted reservoir routing technique which shall use a total runoff volume that is consistent with the volume from a method that produces a full hydrograph. The computer routing program used must take into account the tailwater effect of the discharge pipe on the outlet design as well as the submergence of the discharge pipe outlet.
- (6) Outlet structures for stormwater management facilities shall be designed to meet the performance standards of this chapter using any generally accepted hydraulic analysis technique or method approved by the Township Engineer.

D. Stormwater detention and retention facilities. Stormwater detention and retention facilities shall meet the following minimum design/construction standards:

- (1) Detention basins shall be designed to allow regular maintenance, mowing and periodic silt removal and reseeding. Shallow broad basins are preferred to steep sided basins.
- (2) The maximum slope of the basin embankment shall be 3 to 1. Whenever possible, the side slope and basin shape shall conform to the natural topography.
- (3) Unless approved as a conditional use, detention basins shall not be located within riparian corridors, floodplains, nor within areas of floodplain or alluvial soils.
- (4) Detention basins shall be designed so they return to normal conditions within approximately 24 hours after termination of the storm, unless the Township Engineer finds that downstream conditions may warrant other design criteria for stormwater release.
- (5) If retention basins are used, the applicant shall demonstrate that such ponds are designed to protect public health, safety and welfare.
- (6) Fences may be required for any detention or retention basins where there is a permanent water surface or conditions warrant.
- (7) The minimum top width of a basin berm shall be 10 feet. A cut-off trench (keyway) shall be provided beneath all embankments requiring fill material. The keyway shall be a minimum 8 feet wide, minimum three feet deep and have 1 to 1 side slopes.
- (8) Unless designed to be a naturalized basin, in order to ensure proper drainage on a basin bottom, a minimum grade of 2% shall be maintained for sheet flow. If deemed necessary by the Township Engineer, an underdrain shall be placed in the basin floor to help dry the basin.

- (9) All basin embankments shall be placed in eight-inch maximum lifts to a minimum dry density of 95%. Prior to proceeding to the next lift, compaction shall be checked by the Township Engineer or an approved soils engineer who shall provide the Township Engineer with a written report. Compaction tests shall be performed using the modified proctor method in accordance with ASTM D-1557. Compaction tests shall be run on the leading and trailing edge as well as the top of the berm.
- (10) Emergency overflow facilities shall be provided for facilities to accommodate runoff in excess of design flows. Emergency spillways for basins shall be constructed on undisturbed ground. If the emergency spillway is constructed on filled ground, the emergency spillways shall be constructed of concrete pavers, gabions or other similar materials approved by the Township Engineer. All emergency spillways shall be constructed so that the detention basin berm is protected against downstream embankment erosion if the basin berm is overtopped. The minimum capacity of the emergency spillways shall be the peak flow rate of the one-hundred-year design storm after development. The construction material of the emergency spillway shall extend along the upstream and downstream berm embankment slopes. The upstream edge of the emergency spillway shall be a minimum of three feet below the spillway crest elevation. The downstream slope of the spillway shall, as a minimum, extend to the toe of the berm embankment. The emergency spillway shall not discharge over earthen fill or easily erodible material.
- (11) The minimum freeboard shall be one foot as measured from the top of the post-development 100 year flood elevation over the spillway and the top of the berm.
- (12) Antiseep collars shall be installed around the pipe barrel within the normal saturation zone of the detention basin berms. The antiseep collars and their connections to the pipe barrels shall be watertight. The antiseep collars shall extend a minimum of two feet beyond the outside of the principle pipe barrel. The maximum spacing between collars shall be 14 times the minimum projection of the collar measured perpendicular to the pipe. A minimum of two antiseep collars shall be installed on each outlet pipe.
- (13) All outlet pipes through a basin berm shall be reinforced concrete pipe, designed to withstand the loading caused by a fully saturated berm and shall have watertight joints using O-ring joint pipe. Outlet pipes shall be backfilled with material similar to the core material (semi-impervious).
- (14) The invert of the inlet pipe(s) into a basin shall be above the basin floor or lining so that it can adequately drain after rainstorms. Inlet pipe(s) shall discharge to areas of the basin that slope toward the outlet structure, having the minimum slope as prescribed in paragraph #8 above.
- (15) Energy dissipaters and/or level spreaders shall be installed at points where pipes or drainage ways drain to or from the basin. Energy dissipaters shall comply with criteria in Hydraulic Engineering Circular No. 15 - Design of Stable Channels with Flexible Linings, published by the Federal Highway Administration of the

U.S. Department of Transportation or the Engineering Field Manual for Conservation Practices, NCRS energy dissipating device calculations shall be submitted for township review and approval.

- (16) Inlet and outlet structures shall be located at a maximum distance from one another in order to promote water quality benefits. The Township Engineer may require a rock filter or rock filled gabion for entrapping sediments carried in stormwater if sufficient separation of inlet and outlet structures cannot be achieved. The use of forebays as a sediment removal feature is encouraged for all basins.
- (17) A perforated riser or similar sediment control device shall be provided at each outlet of all detention basins during construction for sediment control. The riser shall be constructed of metal or concrete. The riser shall extend to a maximum elevation of two 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 inch shall be spaced 12 inches vertically. The horizontal spacing shall be in accordance to DEP Soil Erosion and Sedimentation Control Manual Specifications. 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 pipe. All risers shall have a concrete base attached with a watertight connection. The base shall be of sufficient weight to prevent flotation of the riser. An antivortex device consisting of a thin vertical plate normal to the base and berm shall be provided at the top of the riser. Unless this structure is part of the permanent outlet control, it shall be removed from the site when it has been adequately stabilized as determined by the Township Engineer.
- (18) All drainage channels shall be designed to prevent erosion of the bed and banks. The maximum permissible flow velocity shall not exceed the design requirements outlined in the current Soil Erosion and Sedimentation Control Manual, published by the Pennsylvania Department of Environmental Protection. Suitable stabilization shall be provided where required to prevent erosion of the drainage channels. The design procedure used shall be that contained in the current Soil Erosion and Sedimentation Control Program manual, published by the Pennsylvania Department of Environmental Protection.
- (19) Any vegetated drainage channel requiring mowing of the vegetation shall have a maximum grade of three horizontal to one vertical on those areas to be mowed.
- (20) Because of the critical nature of vegetated drainage channels, the design of all vegetated channels shall, as a minimum, conform to the design requirements outlined in the current Soil Erosion and Sedimentation Control Program Manual, published by the Pennsylvania Department of Environmental Protection.

§ 206-103. Schedule III: Stormwater Conveyance System.

A. General.

- (1) Storm sewers, culverts, bridges and related installations shall be provided to:
 - (a) Permit unimpeded flow of natural watercourses and in such a manner as to protect the natural character of the watercourses and to provide regulated discharge.
 - (b) Ensure adequate drainage of all low points along the line of streets.
 - (c) Intercept stormwater runoff along streets at intervals reasonably related to the extent and grade of the area drained and to prevent substantial flow of water across intersections.
- (2) All storm sewer system components shall conform to current Upper Dublin Township Engineering and Construction Standards and PennDOT standards for materials, manufacture and construction.
- (3) Drainage structures, which drain watershed areas in excess of one-half square mile (320 acres) or which have a span of eight feet or more, shall be designed for a maximum expected runoff as calculated using the Soil Conservation Service Technical Release 55, Urban Hydrology for Small Watersheds (Less Than 2000 Acres).
- (4) The design storm of all cross roadway culverts shall be 1, 2, 5, 10, 25, 50 and 100-year storm. A water obstruction permit shall be obtained from DEP for the waterway opening before final design is undertaken.
- (5) The cartway over a culvert or bridge shall be as wide as the ultimate width of the roadway approaches. Additional width may be required to provide sidewalks on one or both sides of the cartway.

B. Storm sewer design and construction requirements.

- (1) Minimum pipe size is 18 inches.
- (2) Minimum pipe slope shall be 0.005 foot per foot.
- (3) Minimum drop across junctions shall be two inches. At changes in pipe diameter, pipe crowns shall be matched at junctions (manhole, inlet or junction box).
- (4) Maximum distance between junctions shall be 300 feet.
- (5) Runoff to proposed storm sewers and inlets shall be calculated using the Rational Method.

- (6) The time of concentration shall be assumed five minutes for pipes under 30 inches. For pipes 30 inches or greater, the calculated time of concentration can be utilized.
 - (7) The time of concentration to inlets for grate capacity calculations shall be five minutes.
 - (8) All storm sewer pipes shall be designed at a minimum to accommodate a 10 year storm. Twenty-five year storms shall be used if required by the Township Engineer.
 - (9) All storm sewer pipes downstream of inlets in sump condition shall be designed to accommodate the 50 year storm.
 - (10) All storm sewer pipes and inlets intended to drain to detention facilities shall be designed to accommodate the 100 year storm if any of the stormwater runoff bypass or overflow will not reach the basin by overland flow. In cases where the bypass or overflow will flow over land, a stable swale shall be constructed to accommodate the excess floods in a non-erosive manner.
 - (11) All inlets in sump condition shall be 6 foot inlets or dual 4 foot inlets, as needed.
 - (12) All storm sewer systems shall be analyzed for both inlet and outlet control (including tailwater effects) by using the equations and nomographs as shown in the FHA's Hydraulic Design Services No. 5. In lieu of this, computer programs that calculate the actual hydraulic grade line for the storm sewer system can be used, provided that all losses (friction, bend, junction, etc.) are taken into account. Documentation for the program must be submitted for approval.
 - (13) Minimum cover over pipes is two feet from finished grade to outside of pipe bell.
 - (14) Inlet capacities shall be calculated using PennDOT or manufacturer's nomographs. Documentation for manufacturer's nomograph must be provided to the Township Engineer.
- C. Shoulders in cut areas (without swales).
- (1) Water flowing in the shoulder shall not encroach more than two-thirds the shoulder width during a twenty-five-year frequency storm of five-minute duration.
 - (2) The maximum velocity as determined by Manning's Equation shall not exceed the allowable velocities for the specific type of shoulder material.
 - (3) Inlets shall be provided to control the shoulder encroachment and water velocity.
- D. Swales adjacent to shoulders.

- (1) Swales in cut areas shall be designed to prevent the passage of water on the cartway during a twenty-five-year frequency storm of five-minute duration.
 - (2) The maximum velocity as determined by Manning's Equation shall not exceed the allowable velocities for the specific type of shoulder material.
- E. Curbed sections.
- (1) Inlets shall be provided to control the encroachment of water on the pavement.
- F. Inlets, general.
- (1) At street intersections, inlets shall be placed in the tangent portion, rather than the curved portion, of the curbing.
 - (2) If the capacity of the shoulder, swale, curb section or depressed median section exceeds the assumed inlet capacities, the inlet capacities shall govern the spacing of inlets.
 - (3) If the capacity of the shoulder, swale, curb section or depressed median section is less than the inlet capacities, then the shoulder, swale, curb section or depressed section capacity shall govern the spacing of inlets.

§ 206-104. Schedule IV: Water Quality and Groundwater Recharge Stormwater Management Facilities.

- A. Development, which increases runoff, poses a significant threat to the environmental resources of Pennsylvania's groundwater, streams and wetlands. Therefore, attention is being turned to methods of increasing infiltration and groundwater recharge to offset the loss of infiltration and increased runoff due to development.
- B. All stormwater management facilities shall be designed to satisfy the following requirements.
- (1) All facilities shall be provided with the capability to withstand the discharge associated with the one-hundred-year return rainfall event, without failing or resulting in damage to downstream areas. Some nondetention facilities may be designed to bypass stormwater discharges which are in excess of the appropriate design storm. In this case, conveyance must be provided to transport the one-hundred-year surcharge flow to a downstream facility, natural watercourse or storm drainage system inlet.
 - (2) All groundwater recharge devices shall be protected from sedimentation. Areas designated for recharge shall not receive runoff until the contributory drainage areas have achieved final stabilization.
 - (3) Groundwater recharge requirement. The recommended criterion for addressing groundwater recharge is to maintain the annual volume of total runoff at predevelopment levels. This approach is implemented by requiring that a

minimum retention volume be completely infiltrated on the site during every storm. The retention volume for Upper Dublin Township is 0.75 inches. Therefore, all rainfall events of less than 0.75 inches of rainfall should be completely retained on the site and infiltrated. If an analysis shows that runoff from the site will be negligible during this event, then the groundwater recharge requirement is satisfied. Controlling runoff from the groundwater recharge design storm is the only requirement for preserving the overall water budget for the watershed.

- C. For design of BMP's refer to the Pennsylvania Handbook of Best Management Practices for Developing Areas, or its successor document.

§ 206-105. (Reserved)

§ 206-106. (Reserved)

§ 206-107. (Reserved)

§ 206-108. (Reserved)

§ 206-109. (Reserved)

§ 206-110. (Reserved)

ARTICLE XI

Low Impact Development Practices For Managing Stormwater Runoff

§ 206-111. General Guidelines for Low Impact Development.

- A. Natural hydrologic conditions may be altered unnecessarily by poorly planned development practices, such as introducing unneeded impervious surfaces, destroying existing drainage swales, constructing unnecessary storm sewers, and changing local topography. A traditional approach has been to remove runoff from a site as quickly as possible and capture it in a detention basin. This leads ultimately to the degradation of water quality as well as expenditure of additional resources for detaining and managing concentrated runoff at some downstream location.
- B. Developers shall use design practices that minimize post-development runoff rates and volumes, which minimize artificial conveyance and storage facilities, and which simulate pre-development hydrologic conditions. Forced infiltration is often necessary to offset the loss of infiltration by creation of impervious surfaces.
- C. Preserving natural hydrologic conditions requires careful alternative site design practices

that include preserving natural drainage features, minimizing impervious surface area, reducing the hydraulic connectivity of impervious surfaces, and protecting natural depression storage.

- D. A careful consideration of the existing topography and implementation of a combination of the above mentioned techniques mentioned in this section may avoid construction of costly stormwater management facilities. Other benefits include reduced potential of downstream flooding, water quality degradation of receiving streams/water bodies and enhancement of aesthetics and reduction of development costs. Beneficial results include more stable baseflows in receiving streams, improved groundwater recharge, reduced flood flows, reduced pollutant loads, and reduced costs for conveyance and storage.

§ 206-112. Protecting Natural Drainage Features and Depression Storage Areas.

- A. Natural drainage features, particularly vegetated drainage swales and channels, shall be protected because of their ability to infiltrate and attenuate flows and to filter pollutants. Runoff and pollutants generated from impervious surfaces shall not flow directly into storm sewers with no opportunity for attenuation, infiltration, or filtration. Developments shall be designed to fit site topography and minimize the amount of grading on site.
- B. Depressional storage areas have no surface outlet, or drain very slowly following a storm event. They can be commonly seen as ponded areas in farm fields during the wet season or after large runoff events. The volume and release-rate characteristics of depressions should be protected in the design of the development site. The depressions shall be protected by simply avoiding the depression or by incorporating its storage as additional capacity in required detention facilities.

§ 206-113. Avoiding introduction of impervious areas.

Site planning shall consider reducing impervious coverage to the maximum extent possible. Building footprints, sidewalks, driveways and other features producing impervious surfaces shall be evaluated to minimize impacts on runoff. Porous pavement and open graded pavers are two alternate methods.

§ 206-114. Reducing the Hydraulic Connectivity of Impervious Surfaces.

Impervious surfaces shall not be directly connected to an impervious conveyance system (such as storm sewer). Roof runoff shall be directed over lawns and infiltrated where appropriate and the use of storm sewers shall be minimized. Site grading shall promote increasing travel time of stormwater runoff, and shall reduce concentration of runoff to a single point in the development.

§ 206-115. Routing Roof Runoff Over Lawns.

Roof runoff shall be routed over lawns. Direct connections of downspouts to storm sewers or parking lots is discouraged. The practice also discourages sloping driveways and parking lots shall be minimized. Driveways shall be crowned direct to run off to lawn areas.

§ 206-116. Reducing the Use of Storm Sewers.

The use of storm sewers for draining streets, parking lots, and back yards shall be minimized to reduce the potential for accelerating runoff from the development.

§ 206-117. Reducing Street Widths.

Street widths may be reduced by either eliminating on-street parking or by reducing roadway or cartway widths. Developers who desire to reduce street widths should consult with the Township Engineer prior to application for subdivision/land development approval regarding any waivers or deviations from the requirements of Chapter 212 that may be needed for reduced street widths.

§ 206-118. Limiting Sidewalks to One Side of the Street.

A sidewalk on one side of the street may be considered in low-traffic neighborhoods. The deleted sidewalk may be replaced with bicycle/recreational trails that follow back-of-lot lines. Where appropriate, backyard trails should be constructed using pervious materials. Developers who desire to reduce sidewalks should consult with the Township Engineer prior to application for subdivision/land development approval regarding any waivers or deviations from the requirements of Chapter 212 that the Board of Commissioners may need to grant for limited sidewalks.

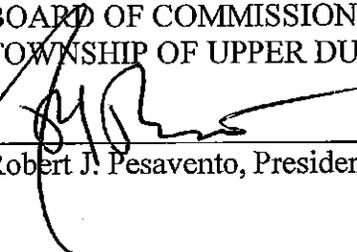
§ 206-119. Using Permeable Paving Materials.

These materials include permeable interlocking concrete paving blocks or porous bituminous concrete. Such materials should be considered as alternatives to conventional pavement surfaces, especially for low use surfaces such as driveways, overflow parking lots, and emergency access roads.

§ 206-120. (Reserved)

Enacted by the Board of Commissioners of Upper Dublin Township this 24th day of September, 2004.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN


Robert J. Pesavento, President

ATTEST:


Paul A. Leonard, Secretary/Township Manager

AN ORDINANCE

NO. 1142

AN ORDINANCE To Amend The Code Of Township Of Upper Dublin By Amending Chapter 91, Dumping; Chapter 99, Excavations; Chapter 145, Littering; Chapter 158, Nuisances; Chapter 192, Sewers; Chapter 207, Connecting Roads, and Chapter 218, Swimming Pools; to Include References to and Provisions Regulating Stormwater Management and Water Quality Protection.

The Board of Commissioners of the Township of Upper Dublin hereby ordains:

Section 1. The Code of the Township of Upper Dublin, Chapter 91, Dumping, shall be amended by revising the chapter to provide as follows:

§ 91-1. Deposit prohibited.

No paper, trash, rubbish, ashes, junk, waste, discarded materials, pollutant or refuse of any kind shall be thrown, deposited, discharged, or dumped in or on any ravine, ditch, gutter, swale, storm drain, storm sewer or watercourse; or any highway, road, street, avenue, lane, alley, sidewalk or footpath in the Township of Upper Dublin; nor on any public place or private property, vacant or occupied, within the limits of the Township of Upper Dublin.

§ 91-4. Violations and penalties.

A. Any owner, occupant, tenant, person, firm, association or corporation who shall violate any of the provisions of this chapter or who shall fail to comply with the conditions or requirements of any permit granted in accordance with the provisions of this section of this chapter shall, upon conviction thereof, be liable to pay a fine or penalty of one thousand dollars (\$1,000.) for each and every offense and shall remove the paper, trash, rubbish, ashes, junk, waste, discarded materials, pollutant or refuse from the township. Additionally, all costs of cleanup incurred by the township shall be assessed to and paid by the violator.

Section 2. The Code of the Township of Upper Dublin, Chapter 99, Excavations, shall be amended by revising the chapter to provide as follows:

§ 99-6. Permit required; exceptions.

* * * * *

D. A single-family house site where the maximum gradient between property lines or the maximum excavation or fill (exclusive of the situations referred to in Subsection C hereof) do not exceed the grades or quantities set forth in the following table:

Single-Family House Site (square feet)	Maximum Gradient Without Permit (feet)	Maximum Excavation or Fill Without Permit (cubic yards)
Less than 6,000	12 in 100	75
From 6,000 to 10,000	15 in 100	100
From 10,001 to 18,000	15 in 100	200
From 18,001 to 30,000	15 in 100	250
From 30,000 to 1 acre	20 in 100	250

§ 99-7. Permit application.

A. Every applicant for a grading permit shall file a written application therefore with the Township Engineer. Such application shall:

* * * * *

(2) Be accompanied by plans and specifications prepared by a registered engineer or surveyor.

(a) Such plans and specifications shall include:

- [1] A contour map showing the present contours of the land after completion of the proposed grading.
- [2] A plot plan showing the location of the grading, boundaries, lot lines, neighboring streets and alleys, buildings, trees over 10 inches in diameter two feet above the ground and sufficient dimensions and other data to show the location of all work.

- [3] A description of the type and classification of the soil.
- [4] Details and location of any proposed drainage structures and pipes, walls and cribbing.
- [5] An erosion and sedimentation control plan.
- [6] The nature of fill material and such other information as the Township Engineer may require to carry out the purposes of this chapter.

§ 99-15. Drainage.

Adequate provisions shall be made to prevent stormwater and surface waters from damaging the cut face of an excavation or the sloping surface of a fill. All excavations and fills shall be made in accordance with Chapter 206, Stormwater Management. Slopes of more than 10 feet in vertical height shall be separated by level berms of at least four feet in width. Berm ditches shall be constructed where necessary to prevent erosion. All drainage provisions shall be of such design as to carry stormwater and surface waters to the nearest practical stormwater facility or natural watercourse approved by the Township Engineer as a safe place to deposit and receive such waters. The Township Engineer may require such drainage structures or pipes to be constructed or installed which in his opinion are necessary to prevent erosion damage and to satisfactorily carry off surface waters.

Section 3. The Code of the Township of Upper Dublin, Chapter 145, Littering, shall be amended by revising the chapter to provide as follows:

§ 145-2. Definitions and word usage.

PUBLIC PLACE -- Any and all streets, sidewalks, boulevards, alleys, storm drains, storm sewers, stormwater management facilities, watercourses; parking, loading and unloading areas of commercial, industrial, shopping center and institutional establishments or other places to which the public has access; and any and all public parks, squares, spaces, grounds and buildings.

§ 145-3. Deposit in or upon public places prohibited.

No person shall throw or deposit litter in or upon any public place within the township except in public receptacles, in authorized private receptacles for collection or in official township dumps.

§ 145-11. Bodies of water.

No person shall throw or deposit litter in any fountain, pond, lake, stream, bay or watercourse within the township.

Section 4. The Code of the Township of Upper Dublin, Chapter 158, Nuisances, shall be amended by revising the chapter to provide as follows:

§ 158-2. Sewage disposal.

J. Kitchen and laundry wastewater shall only be discharged to a public sanitary sewer system or an approved on-lot sewage facility.

§ 158-3. Animal excrement.

- A. Excrement from livestock, pets, and other kept or domesticated animals shall not be allowed to accumulate.
- B. Excrement from livestock, domesticate animals, pets, and other kept animals shall not be deposited in or discharged to storm drains, storm sewers, watercourses, or waters of the commonwealth.

§ 158-6. Industrial waste regulations.

- A. No person, partnership, firm or corporation maintaining a slaughterhouse, rendering works, depository for dead animals, glue works, tannery, wool-washing establishment, paper mill, by-product coke oven, dye works, oil

refinery, medical facility, veterinary facility, dairy, creamery, cheese factory, milk station or similar establishment; or engaged in the manufacture of gas, chemicals, pharmaceuticals, explosives, fertilizers, or similar products; or in the business of soap making, cosmetics, fish oil extraction, bone boiling or similar occupations; shall allow any noxious exhalation, odors, gases or fluids that are deleterious or detrimental to public health to accumulate upon the premises; or be thrown or allowed to discharge into any street, roadway or public place; or be thrown or allowed to discharge into any storm drain, storm sewer, stream, watercourse, or other waters of the commonwealth.

Section 5. The Code of the Township of Upper Dublin, Chapter 192, Sewers, shall be amended by revising the chapter to provide as follows:

§ 192-6. Definitions.

* * * * *

SANITARY SEWAGE -- The waste products or excrement or other discharge from the bodies of human beings or animals, household liquid waste and all substances defined by the Commonwealth of Pennsylvania as "sewage," but shall not include stormwater, roof or surface waters, steam or air conditioning condensate, oils, tar, grease, gasoline, benzene or other combustible gases and liquids, industrial waste or substances which would impair, impede, affect, interfere with or endanger the sewer system or any part thereof in any manner whatsoever, or the functioning of the processes of sewage treatment.

SEWER SYSTEM or SANITARY SEWER SYSTEM -- Refers to the public sanitary sewage collection system and sewage treatment plant acquired, constructed and operated by an operator in the Township and all additions, extensions and improvements thereto. Excludes stormwater management facilities and storm sewers.

* * * * *

STORM SEWER -- A public or private conveyance or system of conveyances (including roads, streets, catch basins, curbs, gutters, ditches, man-made channels, swales, pipes, culverts or storm drains, and other stormwater management facilities) primarily used for collecting and conveying stormwater runoff.

* * * * *

§ 192-9. Compliance required; rules and regulations.

* * * * *

D. Sewage discharge.

- (1) No stormwater, roof drain, condensate line, cellar seepage, surface or ground waters, oils, tar, grease, gasoline, combustible gases or liquids, garbage or insoluble solids or any substance which would impair or interfere with the sewer system or any part thereof in any manner or with the function of the processes of sewage treatment shall be connected or discharge to the sewer system.

* * * * *

- (4) Sewage shall not be discharged to storm sewers.

Section 6. The Code of the Township of Upper Dublin, Chapter 207, Streets and Sidewalks, shall be amended by revising the chapter to provide as follows:

§ 207-1. Connecting roads.

Every driveway, lane, alley and entrance road connecting with any public highway, street, road or avenue of the Township of Upper Dublin shall be so constructed, maintained, and repaired or replaced that the water and surface drainage in the public right-of-way shall not be blocked or diverted from the course of the gutter or other roadside stormwater conveyance and that the surface drainage from such driveway, lane, alley or entrance road shall flow into the gutter or other stormwater conveyance of said public highway, road, street or avenue and not upon the roadbed thereof.

Section 7. The Code of the Township of Upper Dublin, Chapter 218, Swimming Pools, shall be amended by revising the chapter to provide as follows:

§ 218-1. Permit required.

It shall be unlawful for any person or persons desiring to construct a bathing, swimming place or swimming pool or artificial body of water, or any excavation in which water may collect in excess of a depth of two (2) feet, including a stormwater management facility, until a permit is first obtained from the Building Inspector of the Township of Upper Dublin.

* * * * *

§ 218-2. Permit application.

All applications for permits shall include such plans and drawings in duplicate or other data as may be required by the Building Inspector and shall satisfactorily indicate the method of fencing and latching and the manner of emptying of the pool or body of water

§ 218-4. Fence required.

No person or persons shall construct or maintain a bathing, swimming place or artificial body of water, or any excavation in which water may collect in excess of two (2) feet, including a stormwater management structure, within three hundred (300) feet of any property line of the property on which it is located, unless it is surrounded by a substantial wire mesh fence or its approved type not less than four (4) feet nor more than six (6) feet in height. The type, quality and method of construction of said fence shall be such as shall be approved by the Building Inspector with the intent that it shall act as a safeguard and protection to life, especially children.

§ 218-5. Drainage.

Discharges of water originating from other than natural sources, such as swimming pools, air-conditioning units, sump pumps or other dry weather flow, and which do not significantly contribute to pollution to surface waters of the Commonwealth, shall be discharged to a stormwater management facility or on the property at a rate and volume to allow for maximum absorption and infiltration. The discharge shall be dechlorinated and free from pollutants. If the sanitary sewer operator grants permission, discharge of pool backwash water, neutralized pool cleaning wastewater and standing water to the sanitary sewer system is the best environmental alternative. If sanitary sewers are not in the immediate area and the water can not be dechlorinated or otherwise treated onsite to remove pollutants, the water should be hauled off-site for disposal at an approved treatment facility.

* * * * *

Section 8. Nothing in this Ordinance or in the Code of the Township of Upper Dublin, as hereby amended, shall be construed to affect any suit or proceedings in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Code prior to the adoption of this amendment.

Section 9. 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 this 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 if such illegal, invalid, or unconstitutional section,

sentence, clause, part, or provision had not been included herein.

Section 10. This Ordinance shall take affect and be in force from and after its approval as required by law.

Enacted by the Board of Commissioners of Upper Dublin Township this 14th day of September, 2004.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN



Robert J. Pesavento, President

ATTEST:



Paul A. Leonard, Secretary/Township Manager

AN ORDINANCE

NO. 1143

AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF UPPER DUBLIN, CHAPTER 110, ENTITLED FEES, SECTION 110-3, "BUILDING CONSTRUCTION" TO INCREASE PERMIT FEES FOR NEW CONSTRUCTION, TO REQUIRE PERMIT FEES FOR FIRE SPRINKLERS, FIRE SUPPRESSION SYSTEMS, FIRE ALARMS, AND FIREPLACES, AND TO REQUIRE FEES FOR CONSULTING SERVICES BY THE FIRE MARSHAL; SECTION 110-5, "EXCAVATION PERMITS" TO REQUIRE PERMIT FEES FOR IN-GROUND POOLS, NEW HOMES OR ADDITIONS, WALKS, RETAINING WALLS, PATIOS OR DECKS, AND TO REQUIRE FEES FOR APPLICATION AND INITIAL INSPECTION.

The Board of Commissioners of the Township of Upper Dublin does hereby enact and ordain:

Section 1. The Code of the Township of Upper Dublin, Chapter 110 thereof, entitled Fees, Section 110-3, "Building construction", shall be amended to provide as follows:

§ 110-3. Building construction.

In accordance with Chapter 73, Building Construction, the following fees shall be charged:

A. Applicants for permits to be issued under Chapter 73, Building Construction, shall pay to the Township at the time of application the fees prescribed in this section.

(1) New construction.

(d) Permit fees for all nonresidential construction shall be as follows:

[2] For the floor area in excess of 1,000 square feet: an additional fee of \$300 for each additional 1,000 square feet or fraction thereof.

- (2) Alterations, residential additions, repairs, demolition and installation of permanent equipment.

- (c) Permit fees for the alteration or repair of a residential building, the installation of permanent equipment therein, and the repair of miscellaneous structures accessory thereto, shall be as follows:

[1] The floor area of any proposed alteration, repair or equipment installation referred to in this subsection shall be computed from the plans submitted at the time application is made for a permit by taking the sum of the gross floor area of each building room or space to be altered, repaired or improved with equipment. The floor area for any proposed demolition shall be computed the same as for new construction described in Subsection A(1) above. For the first 1,500 square feet, including attached garages, the basic fee is \$375.

[2] Where the total floor area of each alteration, repair, demolition or equipment installation is more than 1,500 square feet: an additional fee of \$100 for each additional 500 square feet, or fraction thereof over 1,500 square feet.

- (d) Permit fees for the alteration or repair of a nonresidential building and the installation of permanent equipment therein and the repair of miscellaneous structures accessory thereto, shall be \$600 for each 1,000 square feet of floor area or fraction thereof. The floor area of any proposed building referred to in this subsection shall be computed from the plans submitted at the time application is made for a permit by taking the sum of the gross floor area of each building room or space to be altered, repaired or improved with equipment. The floor area for any proposed demolition shall be computed the same as for new construction described in Subsection A(1) above.

- (11) Fire Sprinklers.

- (a) For the review of nonresidential sprinkler plans and permit, the fee shall be \$100.
- (b) For the review of residential sprinkler plans and permit, the fee shall be

\$40.

- (12) Fire suppression systems.
 - (a) For plan review, the fee shall be \$100.
 - (b) For permit, the fee shall be \$250 plus 15% of each thousand dollars of project cost exceeding \$1,000.
- (13) Fire alarms.
 - (a) For plan review and registration, the fee shall be \$50.
 - (b) For permit, the fee shall be 15% of the total project cost.
- (14) Fireplaces. For plan review and permit for gas or wood burning fireplaces, the fee shall be \$50.
- (15) Consulting services by the Fire Marshal including extensive technical review, research, or specification review shall be billed on a time and material basis at the rate of \$100 per hour.

Section 2. The Code of the Township of Upper Dublin, Chapter 110 thereof, entitled Fees, Section 110-5, "Excavation permits", shall be amended to provide as follows:

§ 110-5. Excavation permits

The following permits are issued under Chapter 99, Excavations:

- A. Before issuing a grading permit, the appropriate official of the Township shall collect a permit fee as follows:
 - (1) The permit fee for a subdivision and land development application shall be determined as follows:

Volume of Material	Permit Fee
Not more than 50 cubic yards	\$30
More than 50 cubic yards and not more than 250 yards	\$35

More than 250 cubic yards and not more than 500 cubic yards	\$40
More than 500 cubic yards and not more than 1,000 cubic yards	\$45
More than \$1,000 cubic yards	\$50, plus \$5 for each additional 1,000 cubic yards or portion thereof

- (2) The permit fee for an in-ground pool shall be \$275 plus an inspection fee of \$25 per half hour.
- (3) The permit fee for new homes or home additions greater than 500 square feet shall be \$300 plus an inspection fee of \$25 per half hour.
- (4) The permit fee for a walk, retaining wall, patio or deck shall be \$150.
- B. The fee for an application and initial inspection shall be \$55 in addition to the permit fee indicated above.

Section 2. Nothing in this Ordinance or in Chapter 110 of the Code of the Township of Upper Dublin, as hereby amended, shall be construed to affect any suit or proceeding in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Chapter 110 prior to the adoption of this amendment.

Section 3. 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 illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

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

ENACTED AND ORDAINED this 14th day of September, 2004.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN

ATTEST:


PAUL A. LEONARD, SECRETARY


ROBERT J. PESAVENTO, PRESIDENT

AN ORDINANCE

NO. 1144

An Ordinance To Amend The Code Of The Township Of Upper Dublin, Chapter 233 Thereof, Entitled Vehicles And Traffic, Article VIII, Schedules, Section 233-50, Schedule IX: Stop Intersections, By Establishing 4-Way "Stop" Regulations At The Intersections of Summit Ave. and Montgomery Ave. and Summit Ave. and Prospect Ave.; and Amend Section 233-52, Schedule XI: Closing of Certain Streets to Certain Vehicles, by Establishing a "No Trucks" Restriction The Entire Length of Summit Ave. All Of These New Restrictions Shall Be Temporary And Expire 2 Years After Enactment.

Section 1. The Code of the Township of Upper Dublin, Chapter 233, entitled Vehicles and Traffic, Section 233-50, Schedule IX: Stop Intersections, is hereby amended by adding thereto the following regulations:

§ 233-50. Schedule IX: Stop Intersections.

Stop Sign on	Direction of Travel	At Intersection Of
Summit Avenue	Both	Montgomery Avenue
Summit Avenue	Both	Prospect Avenue

Section 2. The Code of the Township of Upper Dublin, Chapter 233 thereof, entitled Vehicles and Traffic, Article VIII, "Schedules", Section 233-52, Schedule XI: Closing of Certain Streets to Certain Vehicles, shall be amended to provide as follows:

§ 233-52. Schedule XI: Closing of Certain Streets to Certain Vehicles

In accordance with the provisions of § 233-52, with the exception of vehicles making local deliveries, it shall be unlawful for an owner or operator of any truck, commercial vehicle, tractor, trailer, or tractor-trailer combination with a gross vehicle weight in excess of five tons, to operate such vehicle on the following township streets or parts of streets thereof:

Name of Street	Limits
	* * * *
Summit Avenue	Entire Length

Section 3. Nothing in this Ordinance or in Chapter 233 of the Code of the Township of Upper Dublin, as hereby amended, shall be construed to affect any suit or proceeding in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Chapter 233 prior to the adoption of this amendment.

Section 4. 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 illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

Section 5. This Ordinance shall take effect and be in force from and after its approval as required by law. The restrictions contained in this Ordinance are temporary and shall automatically terminate two (2) years from the date of enactment.

Approved by the Board this *17th* day of *October*, 2004.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN



ROBERT J. PESAVENTO, PRESIDENT

ATTEST:



PAUL A. LEONARD, SECRETARY

g:\ford\chapter 233-vehicles & traffic\06\06-12-04

ANNUAL BUDGET OF THE TOWNSHIP OF UPPER DUBLIN FOR THE YEAR 2005

AN ORDINANCE OF UPPER DUBLIN TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA APPROPRIATING SPECIFIC SUMS ESTIMATED TO BE REQUIRED FOR THE SPECIFIC PURPOSES OF THE MUNICIPAL GOVERNMENT, HEREINAFTER SET FORTH, DURING 2005.

The Board of Commissioners of the Township of Upper Dublin does hereby ENACT AND ORDAIN as follows:

SECTION 1: That for the expenses for the fiscal year 2005 the following amounts are hereby appropriated from the revenues available for the current year for the specific purposes set forth below, which amounts are more fully itemized in the budget form.

SUMMARY OF ALL ESTIMATED RECEIPTS

Receipts from Current Tax Levy	13,629,414
Receipts from Taxes of Prior Years	44,000
Other Revenues and Receipts	<u>6,912,364</u>
TOTAL ESTMATED RECEIPTS AND CASH	20,585,778

SUMMARY OF ALL APPROPRIATIONS

GENERAL GOVERNMENT	
Administration and Finance	1,891,217
Treasurer and Tax Collector	19,515
Library	799,354
Municipal Buildings	<u>325,010</u>
TOTAL	3,035,096
PROTECTION TO PERSON AND PROPERTY	
Police	4,818,631
Fire	772,683
Emergency Services	<u>245,668</u>
TOTAL	5,836,982

SANITARY SEWER	12,500
SANITATION	2,159,810
CODE ENFORCEMENT	494,415
HIGHWAY AND ENGINEERING	2,589,868
PARKS AND RECREATION	1,469,136
DEBT SERVICE	1,509,164
NON EXPENDABLE TRUSTS	3,900
CAPITAL PROJECTS	
General Capital	2,375,497
Storm Sewer Management Projects	965,000
Open Space	<u>122,160</u>
	TOTAL
	3,462,657
COMMUNITY CONTRIBUTIONS	12,250
	TOTAL APPROPRIATIONS
	20,585,778

SECTION 2: An estimate of the specific items making up the amounts appropriated to the respective departments is on file in the office of the Township of Upper Dublin, Montgomery County, Pennsylvania.

SECTION 3: That an Ordinance, or part of an Ordinance, conflicting with this Ordinance be and the same is hereby repealed insofar as the same affects this Ordinance.

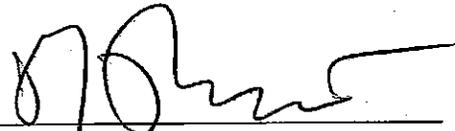
SECTION 4: Nothing in this Ordinance shall be construed to affect any suit or processing in any Court, any rights acquired or liability incurred, any permit issued, or any causes of action existing prior to the adoption of this amendment.

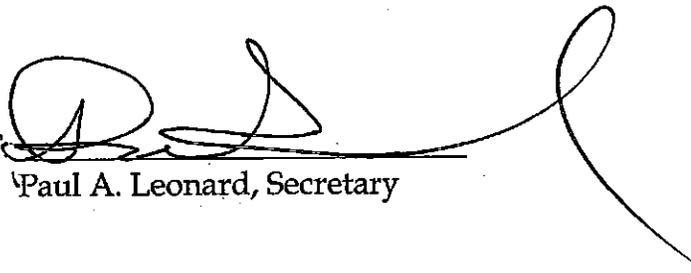
SECTION 5: The provisions of this Ordinance are severable, and if any section, sentence, clause, part or provision thereof shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of the Court shall not affect or impair the remaining sections, sentences, 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 illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

SECTION 6: This Ordinance shall take effect and be in force from and after January 1, 2005.

ENACTED AND ORDAINED THIS 14th day of December 2004.

BOARD OF COMMISSIONERS
UPPER DUBLIN TOWNSHIP

BY: 
Robert J. Pesavento, President

ATTEST: 
Paul A. Leonard, Secretary

ORDINANCE NO. 1146

AN ORDINANCE OF UPPER DUBLIN TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA, FIXING THE TAX RATE FOR THE YEAR 2005 FOR GENERAL PURPOSES, THE TAX RATE FOR THE YEAR 2005 FOR DEBT SERVICE, THE TAX RATE FOR THE YEAR 2005 FOR FIRE PROTECTION, THE TAX RATE FOR THE YEAR 2005 FOR PARKS AND RECREATION AND ESTABLISHING DISCOUNTS AND PENALTIES THEREFOR.

The Board of Commissioners of the Township of Upper Dublin does hereby ENACT AND ORDAIN as follows:

SECTION 1: Tax Rate for General Purposes

That a tax be and the same is hereby levied on all property and occupation within the said municipality subject to taxation for the fiscal year 2005, as follows:

Tax rate for General Purposes, the sum of	2.626 mils
on each dollar of assessed valuation, or the sum of	26.26 cents
on each one hundred dollars of assessed valuation.	

The same being summarized in tabular form as follows:

	<u>Mils on Each Dollar of Assessed Valuation</u>	<u>Cents on Each One Hundred Dollars of Assessed Valuation</u>
Tax Rate for General Purposes	2.626	26.26

SECTION 2: Tax Rate for Debt Service

That a tax be and the same is hereby levied on all property and occupation within the said municipality subject to taxation for the fiscal year 2005, as follows:

Tax rate for Debt Service, the sum of	0.376 mils
on each dollar of assessed valuation, or the sum of	3.760 cents
on each one hundred dollars of assessed valuation.	

The same being summarized in tabular form as follows:

	<u>Mils on Each Dollar of Assessed Valuation</u>	<u>Cents on Each One Hundred Dollars of Assessed Valuation</u>
Tax Rate for Debt Service	.376	3.760

SECTION 3: Tax Rate for Fire Protection

That a tax be and the same is hereby levied on all property and occupation within the said municipality subject to taxation for the fiscal year 2005, as follows:

Tax rate for Fire Protection, the sum of	0.244 mils
on each dollar of assessed valuation, or the sum of	2.440 cents
on each one hundred dollars of assessed valuation.	

The same being summarized in tabular form as follows:

	<u>Mils on Each Dollar of Assessed Valuation</u>	<u>Cents on Each One Hundred Dollars of Assessed Valuation</u>
Tax Rate for Fire Protection	.244	2.440

SECTION 4: Tax Rate for Parks and Recreation

That a tax be and the same is hereby levied on all property and occupation within the said municipality subject to taxation for the fiscal year 2005, as follows:

Tax rate for Parks and Recreation, the sum of	0.484 mils
on each dollar of assessed valuation, or the sum of	4.840 cents
on each one hundred dollars of assessed valuation.	

The same being summarized in tabular form as follows:

	<u>Mils on Each Dollar of Assessed Valuation</u>	<u>Cents on Each One Hundred Dollars of Assessed Valuation</u>
Tax Rate for Parks and Recreation	.484	4.840

SECTION 6: Discounts and Penalties

All taxpayers shall be entitled to a discount of two per centum (2%) from the amount of tax levied upon property, upon making payment of amount of such tax within sixty (60) days of the date of the tax notice. All taxpayers who shall fail to make payment of any such taxes charged against them within one hundred twenty (120) days of the date of the tax notice, shall be charged a penalty of ten per centum (10%) of the amount of the tax, which penalty shall be added to the taxes by the tax collector and collected as provided by law.

SECTION 7: Nothing in this Ordinance shall be construed to affect any suit or processing in any Court, any rights acquired or liability incurred, any permit issued, or any causes of action existing prior to the adoption of this amendment.

SECTION 8: 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 illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

SECTION 9: This Ordinance shall take effect and be in force from and after January 1, 2005.

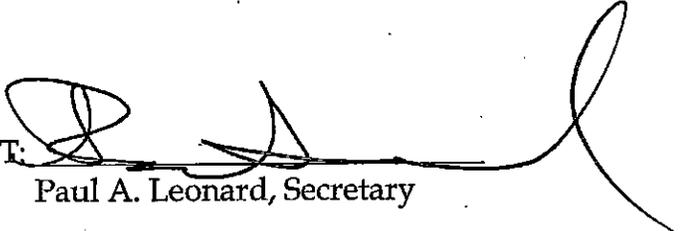
ENACTED AND ORDAINED THIS 14th day of December 2004.

BOARD OF COMMISSIONERS
UPPER DUBLIN TOWNSHIP

BY: _____


Robert J. Pesavento, President

ATTEST: _____


Paul A. Leonard, Secretary

ORDINANCE NO. 1147

AN ORDINANCE OF UPPER DUBLIN TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA, ESTABLISHING THE DATES OF THE REGULAR MEETINGS OF THE COMMISSIONERS OF THE TOWNSHIP OF UPPER DUBLIN DURING THE YEAR 2005.

The Board of Commissioners of the Township of Upper Dublin does hereby ENACT and ORDAIN as follows:

SECTION 1. The regular stated monthly meetings of the Commissioners of the Township of Upper Dublin for the year 2005 shall be held on the second Tuesday of each month unless the same shall be a legal holiday or election day, in which case the meeting will be held on the next regular business day following, at 7:30 PM, local time.

SECTION 2. The Public Safety, Works and Services Committee meetings for the year 2005 shall be held on the first Tuesday of January, March, May, July, September, November, unless the same shall be a legal holiday or election Day, in which case the meeting will be held on the next regular business day following, at 6:30 PM., local time.

SECTION 3. The Public Activities, Lands and Contracts Committee meetings for the year 2005 shall be held on the first Tuesday of January, March, May, July, September, November, unless the same shall be a legal holiday or election Day, in which case the meeting will be held on the next regular business day following, at 7:30 PM., local time.

SECTION 4. The Commissioners Planning Committee meetings for the year 2005 shall be held on the third Tuesday of each month at 7:00 PM, local time.

SECTION 5. The Finance Committee meetings for the year 2005 shall be held on the fourth Tuesday of April, July and October at 7:00 PM, local time, or as needed.

SECTION 6. The public is welcome to attend all meetings, and participation by the public is welcome.

SECTION 7. Persons with disabilities who wish to attend any public meeting and require auxiliary aid, service or other accommodations to participate in the proceedings may contact the Township Manager's Office to discuss how the Township may best accommodate an individual's needs.

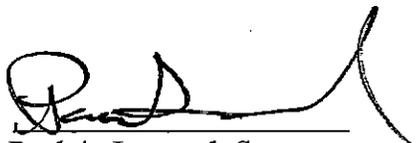
SECTION 8. All meetings will be held in the Upper Dublin Township Building, 801 Loch Alsh Avenue, Fort Washington, Pennsylvania, unless otherwise specifically directed.

ENACTED AND ORDAINED this *8th* day of *February*, 2005.

BOARD OF COMMISSIONERS
UPPER DUBLIN TOWNSHIP



Robert J. Pesavento, President

Attest: 

Paul A. Leonard, Secretary

AN ORDINANCE

NO. 1148

AN ORDINANCE Amending The Code Of The Township Of Upper Dublin, Chapter 255, Zoning, Article XXIX DO Dresher Overlay District, To Remove Reference To PennDOT Standards For A Low Volume Driveway.

The Board of Commissioners of the Township of Upper Dublin hereby ordains:

Section 1. The Code of the Township of Upper Dublin, Chapter 255 thereof, entitled Zoning, Article XXIX DO Dresher Overlay District, § 255-219. Use and dimensional requirements, subsection A, Conditional use standards, paragraph (2)(d), is hereby amended to provide as follows:

**Article XXIX
DO Dresher Overlay District**

§ 255-219. Use and dimensional requirements.

- A. Conditional use standards. All conditional use applications shall be filed and processed in compliance with Article XXV. In addition, applicants shall demonstrate compliance with the following:

(2) Traffic Control. The conditional use application shall be accompanied by a transportation impact study and parking analysis as provided in § 212-35.1. The study shall set forth the improvements needed to provide for the safe, efficient and orderly movement of traffic and shall be subject to the approval of the Township Engineer.

- d) Use of individual parcels shall be limited to those that require less than 750 vehicle trips per day. Applicant's traffic impact study shall include projected traffic generation data

sufficient to establish compliance with this paragraph in a form acceptable to the Township Engineer.

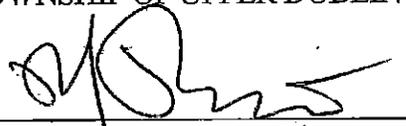
Section 2. Nothing in this Ordinance or in Chapter 255 of the Code of the Township of Upper Dublin, as hereby amended, shall be construed to affect any suit or proceeding in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Chapter 255 prior to the adoption of this amendment.

Section 3. 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 illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

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

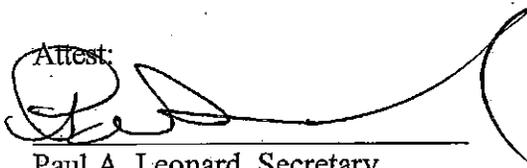
Approved by the Board this *12th* day of *April*, 2005.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN



Robert J. Pesavento, President

Attest:



Paul A. Leonard, Secretary

g:\board\deklar\triggle\vehicle trip amendment
3.29.05

AN ORDINANCE

NO. 1149

AN ORDINANCE, To Amend The Code Of The Township Of Upper Dublin, Chapter 233, Vehicles And Traffic, Article VIII, "Schedules", Section 233-55, "Parking Prohibited Certain Hours"; By Adding "No Parking" Restrictions Daily Between The Hours of 7 AM And 8 PM On The North Side Of Morse Drive From A Point 340 Feet East Of The Centerline Of Terrace Drive, Continuing Eastwardly To And Including The Cul De Sac At The Terminus And On The South Side Of Morse Drive From A Point 355 Feet East Of The Centerline Of Terrace Drive, Continuing Eastwardly To And Including The Cul De Sac At The Terminus.

The Board of Commissioners of the Township of Upper Dublin does hereby enact and ordain:

Section 1. The Code of the Township of Upper Dublin, Chapter 233 thereof, entitled Vehicles and Traffic, Article VIII, "Schedules", Section 233-55, Schedule XIV: Parking Prohibited Certain Hours, is hereby amended by adding thereto the following regulation in alphabetical order:

§ 233-55. Schedule XIV: Parking Prohibited Certain Hours

<u>Name of Street</u>	<u>Side</u>	<u>Hours/Days</u>	<u>Location</u>

Morse Drive	North	7 am to 8 pm/Daily	From a point 340 feet east of the centerline of Terrace Drive, continuing eastwardly to and including the cul de sac at the terminus.
Morse Drive	South	7 am to 8 pm/Daily	From a point 355 feet east of the centerline of Terrace Drive, continuing eastwardly to and including the cul de sac at the terminus

Section 2. Nothing in this Ordinance or in Chapter 233 of the Code of the Township of Upper Dublin, as hereby amended, shall be construed to affect any suit or proceeding in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Chapter 233 prior to the adoption of this amendment.

Section 3. 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 illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

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

ENACTED AND ORDAINED this 12th day of April, 2005.

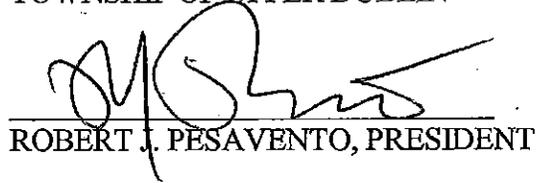
BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN

ATTEST:



Handwritten signature of Paul A. Leonard, Secretary, written in black ink over a horizontal line.

PAUL A. LEONARD, SECRETARY



Handwritten signature of Robert J. Pesavento, President, written in black ink over a horizontal line.

ROBERT J. PESAVENTO, PRESIDENT

ud\ord\CH 233 VEHICLES & TRAFFIC\NoPark-MorseCuldeSac-3.1.05

AN ORDINANCE

NO. 1150

AN ORDINANCE To Amend the Zoning Code of The Township of Upper Dublin by the Addition of a New Article XXXII, Jarrettown Village District, to be an Overlay on Existing Zoning Districts for the Purpose of Creating a Village Center in Jarrettown, Requiring the Preservation of Existing Historic Resources; Permitting Commercial, Retail and Personal Service Uses; Establishing a Table of Performance Regulations; Imposing Regulations on Building Design, Signage, Access, Parking, Streetscape Improvements, Landscaping and Buffering; and Imposing Traffic Control Standards.

The Board of Commissioners of the Township of Upper Dublin hereby ordains:

Section 1. The Code of the Township of Upper Dublin, Chapter 255, Zoning, shall be amended by the addition of a new Article XXXII, to provide as follows:

**ARTICLE XXXII
JT Jarrettown Village District**

§ 255-237 Legislative Intent

The Jarrettown Village District is intended and designed to:

- A. Apply only to properties that contain existing Historic Resources as determined by the Board of Commissioners.
- B. Require the preservation of existing historic buildings by permitting their renovation and adaptive re-use for a variety of residential and non-residential uses, and by providing a variety of incentives to preserve existing historic buildings.
- C. Provide for the creation of a pedestrian friendly village center composed of limited commercial and office uses as well as residential uses, all of which are compatible with the existing residential neighborhood.
- D. Provide regulations that permit infill development at a scale and intensity that is appropriate for surrounding neighborhoods, in an architectural style that is compatible with existing historic buildings.

- E. Require building additions to be to the rear or side of existing structures, and to reflect the design elements of existing structures with respect to massing, texture, building materials, color, and fenestration.
- F. Require buffering and landscaping to protect adjacent residential neighborhoods.

§ 255-238 Applicability

- A. The Jarrettown Village District shall be deemed an overlay on any zoning district now or hereafter applicable to any lot located within the District, provided that lot contains an Historic Resource, as determined by the Board of Commissioners.
 - 1. The Jarrettown Hotel, situated at the intersection of Jarrettown Road and Limekiln Pike, was built in 1847. It served the community as a hotel for more than 125 years and currently operates as a restaurant. It is an established and familiar visual feature within Jarrettown. This well known landmark has significant character, interest and value as part of the development, heritage and cultural character of Upper Dublin Township. Therefore, the Board of Commissioners designates the Jarrettown Hotel as the primary historic resource on North Limekiln Pike. As such, any development of this parcel under the provisions of this overlay district must retain and preserve this structure in its entirety.
 - 2. According to historic records just east of the Jarrettown Hotel, on the same property, there was a barn, or large shed. In 1896 a tornado severely damaged the original structure, collapsing a wall and the roof. The existing stone stable/barn is larger than the original structure and is believed to have been rebuilt after that time. Therefore, the Board of Commissioners designates the existing barn/stable as a contributing resource on North Limekiln Pike. As such, any development of this parcel under the provisions of this overlay district must retain and preserve the façade of the structure visible from the public right of way, that being the northeast and north west facades.
- B. **Criteria for designation.** A building, structure, or site, or a complex of the same, may be placed on the Historic Resource Inventory if it meets any three or more of the following criteria:
 - (1) Has significant character, interest or value as part of the development, heritage or cultural characteristics of the Township, County, Region, Commonwealth or Nation, or is associated with the life of a person significant in the past; or
 - (2) Is associated with an event of importance to the history of the Township, County, Region, Commonwealth or Nation, or

- (3) Embodies an icon associated with an era characterized by a distinctive architectural style; or
- (4) Embodies distinguishing characteristics of an architectural style or engineering specimen; or
- (5) Is the noteworthy work of a designer, architect, landscape architect or designer, or engineer whose work has significantly influenced the historical, architectural, economic, social, or cultural development of the Township, County, Region, Commonwealth or Nation; or
- (6) Contains elements of design, detail, materials or craftsmanship which represent a significant innovation; or
- (7) Is part of or related to a commercial center, park, community or other distinctive area which should be preserved according to an historic, cultural or architectural motif; or
- (8) Owing to its unique location or singular physical characteristic, represents an established and familiar visual feature of the neighborhood, community or Township; or
- (9) Has yielded, or may be likely to yield, information important in pre-history or history; or
- (10) Exemplifies the cultural, political, economic, social or historical heritage of the community.

B. Where the provisions of this article and the provisions in the underlying zoning district conflict and the property owner has elected to develop the property in accordance with the Village District requirements, the provisions of this article shall apply.

§ 255-239 Uses

In the Jarrettown Village District a property may be used as permitted in the underlying zoning district. Alternatively, the following uses and no others shall be permitted as indicated either as a single use within a building or as one of several uses within a building. Multiple buildings are permitted on a single parcel.

A. Permitted Uses. The following uses are permitted on lots which have existing historic buildings:

- (1) Retail sale/loan of dry goods, books, variety and general merchandise, clothing, food, flowers, beverages, drugs, household supplies or furnishings,

antiques, art galleries and picture framing, sale or repair of jewelry, watches, clocks, optical goods, musical, professional or scientific products, small scale hardware, and any other use of the same general character.

- (2) Restaurant, tearoom, café, taproom, confectionary, bakery, or similar establishment producing or serving food or beverages.
- (3) The following personal service shops, dealing directly with retail customers: barber shop, beauty parlor, cobbler, millinery, seamstress, spa, tailor or upholstery shop.
- (4) Travel agent, real estate agency cultural studio, or professional medical office.
- (5) Business or professional office, or insurance agencies, but not on the ground floor of any building.
- (6) Exercise gym or yoga studio, provided it does not exceed 30% of the ground floor area.
- (7) Bed and Breakfast Inn.
- (8) Multiple Dwelling.
- (9) Hotel with no more than 10 rooms.

§ 255-240 Dimensional Regulations

A. Right-of-Way. The ultimate right of way applicable to the Table of Dimensional Regulations below shall be that set forth on the Township Street Map.

B. Table of Dimensional Regulations

Minimum Net Lot Area	Maximum Impervious Surface	Maximum Building Coverage	Maximum Individual Building Coverage (sq. ft.)	Minimum Yards (feet)		
				Front	Side	Rear
< 1 acre	75%	15%	5,000	15	10	20
1 – 2 acres	70%	20%	8,000	15	10	25
>2 acres	65%	25%	11,000	15	10	35

C. Dimensional Regulations for All Lots.

- (1) Maximum Building Height: Three (3) stories are permitted, provided the building height does not exceed 35 feet.
- (2) The front yard setback shall be measured from the ultimate right of way of the street.
- (3) The maximum front yard setback shall be 25 feet.
- (4) When a side or rear lot line abuts a property that is in residential use, that side or rear yard setback shall be increased by 10 feet.
- (5) The maximum impervious surface coverage may be increased by 5 percent over the square footage otherwise permitted on any lot in this District provided that 100% of the stormwater generated by the additional impervious surface during a 100-year storm is recharged.

§ 255-241 Design Regulations

The following design regulations shall apply to the construction of new structures and alterations to any existing structure in the Jarrettown Village District:

- A. General Standards. All new and rehabilitated buildings shall comply with the following standards:
- (1) All uses shall be served by public water and sewer service.
 - (2) All utility lines serving all uses shall be placed underground from the edge of the right-of-way to the place of service.
 - (3) Drive-through windows or uses are prohibited.
 - (4) A building's Primary Front Façade shall contain window space, public access points and signage. Windows shall be vertically proportioned wherever possible. To the extent possible, upper story windows shall be vertically aligned with the location of windows and doors on the ground level, including storefront or display windows.
 - (5) The façade treatment of walls facing residential uses or residential zoning districts shall contain windows. The walls and fenestration shall be architecturally compatible with the style, materials, colors and details of the building.
 - (6) A building's public access points shall be articulated and visible from the street. If the building has frontage on more than one street, the building shall provide public access points oriented towards both streets, or a single access point to the corner where two streets intersect.
 - (7) Driveways, parking areas and traffic circulation patterns shall be designed as shared facilities whenever feasible, in order to reduce the total number of curb cuts within the district.
 - (a) All developments shall provide for future access to adjacent properties.
 - (b) Documentation confirming the ownership and/or maintenance arrangements shall be submitted to the Township with the application for land development approval.
 - (c) The design of these elements shall create a unified site plan between lots.
 - (8) Exterior site lighting shall be designed to prevent glare onto adjacent properties and onto roadways and shall minimize the view of lights and fixtures from adjacent properties and roadways.
 - (a) Lighting shall be designed to limit both light trespass onto adjacent residential properties and light pollution into the sky
 - (b) The illumination level shall be no more than 0.3 footcandle measured either vertically or horizontally at a height of five feet above grade from adjacent residential properties.

- (c) Lighting shall be designed to shield the source of illumination and to prevent glare on adjacent residential properties through the use of either "cutoff" or "full cutoff" type luminaries and low brightness light sources.

B. Building Design. The following provisions apply to additions to existing buildings and to new construction.

- (1) Building placement: All buildings must be placed to encourage continuous uninterrupted pedestrian accessways that link windows and doorways.
- (2) Building Frontages: Multi-story buildings shall articulate the line between the ground and upper levels with a cornice, canopy, balcony, arcade, or other visual device.
 - (a) The ground floor of a Primary Front Façade are recommended to contain shall contain between 40 and 75 percent clear windows and doors.
 - (b) Windowless walls, if visible from a right-of-way or accessway, are prohibited unless the construction of a blank wall is necessitated by local building codes, in which case the wall shall be articulated by one or more of the following: details in exterior materials such as masonry courses, scoring in stucco, blank window openings, etc., or recessed or projecting display cases.
- (3) Building Massing: The mass of a building or buildings shall be de-emphasized in a variety of ways, including the use of projecting and recessed elements such as porches, windows and roof dormers, to reduce their apparent overall bulk and volume, to enhance visual quality and contribute to human-scaled development.
 - (a) Such breaks in the facades and rooflines are recommended to occur no more frequently than every 25 feet, nor less frequently than every 100 feet.
 - (b) Building Length: Multiple buildings fronting on a street shall vary in building length. The maximum average building length shall not exceed 150 feet on each lot
- (4) Roof Design:
 - (a) The roof shall be designed with either overhanging eaves, bargeboards or cornices on all sides or other architectural elements appropriate to the period of the historic resource.
 - (b) Roofing materials shall vary on buildings so that porches, cupolas, or bay windows are featured.
 - (c) Roof material may include fiberglass architectural shingles that represent slate or wood, natural slate, shakes, shingle (either wood or asphalt composition) and metal formed to resemble "standing seams". Specifically prohibited are white, tan or blue shingles, red clay tiles, and corrugated plastic or metal.
 - (d) Flat roofs shall be prohibited from the main massing of one-story buildings.

(e) Flat roofs may be used on buildings of two or more stories. In these instances, all visibly exposed walls shall have parapet walls or articulated cornices that project horizontally from the vertical building wall plane.

(5) Awnings, Canopy or Porches: All buildings are encouraged to have permanent porches, canopies, arcades or retractable cloth awnings to protect pedestrians along the fronting sidewalk.

(a) Awnings intended primarily as signs are prohibited. However, signs are permitted as accessory to the awning when located on the valance and/or sides of the awning.

(b) No permanent porch or canopy shall be permitted to encroach into a dedicated right-of-way.

(c) No canopy or awning shall interfere with the function of any pedestrian or vehicular accessway.

(6) Building Materials: Exterior wall material shall be of a consistent or complementary material, shape, color and texture as that of the Historic Resource on the property.

C. Signs. The provisions of Article XXI shall apply in the JT Jarrettown Village District, except as set forth below.

(1) General Standards.

(a) Signs shall be designed to be complimentary in their use of color, shape, similar themes and/or logos to create an overall theme for the Jarrettown Village District and maintain continuity throughout the District.

(b) If signs are illuminated, only external lighting shall be permitted.

(c) No sign shall be placed within a sight triangle area.

(d) Signs shall not hide architectural features of buildings, nor shall they interfere with pedestrian or vehicular access on the site or within the right-of-way.

(e) Signs shall be in proportion with the architecture of the building and the scale of the pedestrian, yet visible to a passing motorist.

(2) The following standards apply to all uses within the overlay district:

(a) Permitted Permanent Building Signs: Only one of the following sign types shall be permitted per use on a building:

(i) Projecting Signs. No portion of a projecting sign may extend more than four feet from the building façade. A clear space of not less than eight feet shall be provided below all parts of the projecting sign. The sign may be no greater than 15 square feet.

(ii) Signs painted on shop windows or other types of window graphics are permitted, up to 30 percent of the clear window surface.

(iii) Fire resistant cloth awnings may be used for signs, provided the text is located on the vertical face of the awning flap. Business logos or emblems

are permitted on the top or angled portion of the awning up to a maximum of 8 square feet. One emblem or logo is permitted per awning.

(iv) Wall signs are permitted, provided they do not exceed 10 percent of the wall area, do not extend past the roof eaves, and do not block windows.

(b) Building Sign and Location Approval: All permanent building signs shall be approved by the Code Enforcement Official in accordance with the criteria of this District.

(c) Permitted Temporary Signs: A sidewalk sandwich board shall be permitted in addition to the above signs, provided the sign face is no larger than 4 square feet per side, it is located directly in front of the store.

(d) Permitted Free Standing Signs.

i. Kiosk Signs are permitted in multi-tenanted buildings. They shall include an updated map of the Jarrettown area and a directory of all uses. The sign shall be pedestrian oriented.

ii. One freestanding sign and one directory sign per lot are permitted. Such freestanding or directory signs shall be monument signs no higher than 10 feet nor greater than 40 square feet.

D. Pedestrian Accessibility Standards.

(1) Pedestrian Accessibility: Sidewalks shall be constructed along all street frontages and across major access driveways.

(2) Pedestrian crosswalks across public streets shall be designed with curb bump outs to facilitate non-vehicular movement.

(3) Crosswalks across public streets and major access driveways shall utilize differentiated material, or color and texture from the cart way as well as appropriate signage and other pavement markings to alert drivers to pedestrians.

(4) Parking areas shall contain dedicated and articulated pedestrian access ways.

E. Parking Intent and Standards.

(1) Required Parking: All buildings and uses shall comply with the parking requirements of Article XIX of this chapter.

(2) Parking Setbacks:

(a) Parking shall be set back a minimum of 10 feet from all property lines and the ultimate right-of-way line. This setback may be eliminated in the case of shared parking between two adjacent properties developed in accordance with this District. When the side or rear lot line abuts a property that is in single-family detached residential use, a six foot privacy fence and a substantial vegetated buffer shall be provided designed to create a visual shield between the properties.

(b) Parking shall be set back a minimum of 5 feet from any building.

- (c) The area between parking and lot lines, right-of-way lines, and buildings shall be used for pedestrian accessways and planting beds.

(3) **Parking Location and Design.**

- (a) Large parking areas shall be divided into smaller sections.
 - (b) Surface parking lots shall be located behind or to the side of the principal buildings to the greatest extent possible.
 - (c) If surface parking is visible from the street frontage, then plantings shall be provided to maintain the street edge and to buffer views of the parking.
 - (d) Parking areas shall be buffered from any adjacent accessway by street trees and by a four foot wide landscaped area with a continuous row of 2-3 foot high shrubs, fence or seating wall.
 - (e) The buildings shall be directly accessible to pedestrians from all parking areas.
 - (f) Entrance drives and aisles within a parking area may be multifunctional, serving for both pedestrian and vehicular access and providing a limited amount of parking.
- (4) **On-Street Parking.** For new or rehabilitated buildings in compliance with the design standards of this District, legal on-street parking along the property frontage may be counted toward the minimum required number of parking spaces, subject to the approval of the Township Traffic Engineer.

F. Streetscape Improvements:

- (1) **Public Street Improvements:** All new developments and renovations shall incorporate streetscape improvements, including sidewalks, in accordance with the Township Subdivision and Land Development Code.
- (2) Cross walks at all public intersections shall be installed using stamped concrete or some other construction materials to differentiate them from the road and drive aisles.
- (3) Street lights shall be placed at a minimum of 80 feet on center along all sidewalks, and shall use fixtures that are compatible with the historic character of Jarrettown. In addition, pedestrian light fixtures shall be installed along all pedestrian facilities, including sidewalks, internal walkways, stairways, etc.
- (4) Street furniture, such as benches, receptacles, and bollards, etc., shall comply with the standards contained in Township Subdivision and Land Development Code, Section 212-29.

G. Landscaping and Buffering:

- (1) **Refuse Facility:** All trash refuse and recycling facilities shall be indoors or maintained in a common trash facility that is totally screened with masonry walls with wooden gates. Such refuse areas shall be located at least 25 feet from any

adjacent property that is residentially used and may not be located in front of the buildings.

- (2) **Buffer Requirements:** When any proposed mixed use or non-residential development abuts a lot containing a residential use, a Screen Buffer, as required in §212-32F(3) of the Township Subdivision and Land Development Code shall be provided, with the following exceptions:
 - (a) A screen buffer shall not be required along a common property line if the two properties have a shared access driveway, shared parking, or other shared facilities.
 - (b) A screen buffer shall be 10 feet in width.
 - (c) If required by the Board of Commissioners, safe, comfortable and inviting access between the adjacent residential neighborhood and the development site shall be created by providing an improved pathway through the buffer plantings.

H. Loading:

- (1) All buildings and uses shall provide adequate areas for loading and unloading entirely within the lot lines.
- (2) Loading areas near residential uses and/or zoning districts shall be screened from view in compliance with the provisions of this Chapter and the Township Subdivision and Land Development Code.

§ 255-242 Development Standards

All applications shall be filed and processed in compliance with Article XXV. In addition, applicants shall demonstrate compliance with the following:

- A. Existing Conditions Analysis: All existing trees over six inches in caliper shall be shown on the plan. Healthy mature trees shall be preserved to the greatest extent possible and incorporated into the development's site plan.
- B. Architectural Characteristics: The applicant shall submit drawings with the application to demonstrate compliance with the standards, including building elevations, colored renderings, and signage.
- C. Traffic Control: The preliminary land development application shall be accompanied by a transportation impact study, parking analysis, and pedestrian analysis as further provided in §212-35.1 of the Township Subdivision and Land Development Code.
 - (1) New applications shall provide shared access, cross access easements, driveway interconnections, shared parking and parking easements with other properties in order to facilitate the legislative intent of this District.
 - (2) Access easements and maintenance agreements or other suitable legal mechanisms shall be provided, acceptable to the Board of Commissioners.

- (3) When it is not yet appropriate to construct driveway interconnections, shared access or shared parking, access easements shall be set aside for future use.
 - (4) The number of vehicle trips shall be limited to 750 per day for each driveway. If a driveway serves two or more properties, the number of vehicle trips shall be limited to 750 per day times the number of properties served. If a driveway intersects with a public street at a signalized intersection, the limitation on the number of vehicle trips per day shall be increased by 375 vehicle trips for each additional use category on a lot.
- D. Village Characteristics. The design of any development proposed for the Jarrettown Village District shall have a compact building and site layout that has a pedestrian orientation (i.e. the mass, scale and placement of buildings, pathways and gathering spaces is such that people perceive themselves to be in an outdoor "room").
- (1) Pedestrian spaces, including gathering areas and linkages, shall be physically and/or visually separated and differentiated from vehicular spaces to create a feeling of comfort and perception of safety. .
 - (2) The site layout shall provide direct, convenient and safe pedestrian access to the lot and to and between uses on the lot.
 - (3) The village design shall create an orderly mix of compatible and complimentary land uses that meet the needs of area residents, and conform to all of the applicable requirements of this Chapter.
- E. Preservation of Historic Resource. The Applicant shall submit with its application for land development a form of façade easement/preservation covenant providing for the Historic Resource and the façade of any contributing resource on the property to be preserved in perpetuity. The Board of Commissioners may approve the land development plan subject to alterations in the form of the easement or covenant, the final form of which shall be subject to the approval of the Township Solicitor. The final land development plan and the easement or covenant shall be recorded at the same time with the Recorder of Deeds, Norristown, PA.

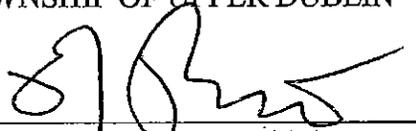
Section 3. Nothing in this ordinance or in Chapter 255 of the Code of the Township of Upper Dublin, as hereby amended, shall be construed to affect any suit or proceedings in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Chapter 255 prior to the adoption of this amendment.

Section 4. 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 this 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 if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

Section 5. This ordinance shall take effect and be in force from and after its approval as required by law.

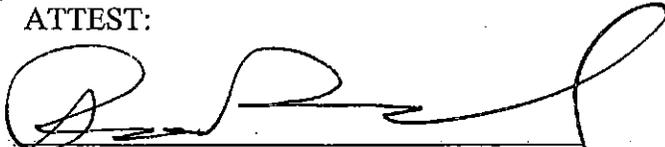
Enacted by the Board of Commissioners of Upper Dublin Township this *19th* day
of *April*, 2005.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN



Robert J. Pesavento, President

ATTEST:


Paul A. Leonard, Secretary/Township Manager

AN ORDINANCE
NO. 1151

AN ORDINANCE Amending The Code Of The Township Of Upper Dublin, Chapter 255, Zoning, By Revising The Zoning Map To Place The Jarrettown Village District As An Overlay District To The Existing Zoning On The Following Two Properties: Block 007, Unit 020, Parcel Number 54-00-10336-005, Known As 1425 N. Limekiln Pike, Jarrettown, The Property Of Giuseppe And Marianna Randazzo Upon Which The Jarrettown Hotel Is Situated; And Block 007, Unit 021, Parcel Number 54-00-10333-008, The Property Of Giuseppe And Marianna Randazzo.

The Board of Commissioners of the Township of Upper Dublin hereby ordains:

Section 1. The Code of the Township of Upper Dublin, Chapter 255, entitled Zoning, Section 255-9, Zoning Map, is hereby amended to place the Jarrettown Village District as an overlay to the existing zoning on the following two properties: Block 007, Unit 020, Parcel Number 54-00-10336-005, Known As 1425 N. Limekiln Pike, Jarrettown, The Property Of Giuseppe And Marianna Randazzo Upon Which The Jarrettown Hotel Is Situated; And Block 007, Unit 021, Parcel Number 54-00-10333-008, The Property Of Giuseppe And Marianna Randazzo. The two properties are more specifically described as follows:

Parcel 1

ALL THAT CERTAIN lot or piece of ground with the buildings and improvements thereon erected, Situate in Upper Dublin Township, Montgomery County, Pennsylvania.

BEGINNING at a point in the middle line of Limekiln Turnpike in line of land of Sisto and Mary Fanfarillo; thence extending along the middle line of Limekiln Turnpike, as now laid out, South 55 degrees 47 minutes East 219.85 feet to a point in line of other land of Irvin F. Rotzell of which this is a part; thence extending along said land along the Southeast side of a lane or right-of-way 16.5 feet in width South 43 degrees 50 minutes West crossing the Southwest side of said Limekiln Turnpike 234 feet to an iron pin in line of land of Robert and Anna Fairley; thence extending along said land North 50 degrees 41 minutes West crossing an iron pin on the Northwest side of said lane or right-of-way 216.37 feet to a stone in line of land of Sisto and Mary Fanfarillo; thence extending along said land North 43 degrees 33 minutes East crossing an iron pin in the Southwest side of the Limekiln Turnpike 214.33 feet to the first mentioned point and place of beginning, which premises are described according to a survey made thereof by C. Raymond Weir, Registered Surveyor of Ambler, PA on June 6, 1939.

Parcel 2

ALL THAT CERTAIN unimproved lot or piece of land Situate in the Township of Upper Dublin, County of Montgomery and State of Pennsylvania, bounded and described

according to a certain Survey and Plan made thereof by C. Raymond Weir, Registered Surveyor on December 7, 1943, as follows:

BEGINNING at a point in the middle line of Limekiln Pike laid out and opened of a public road for highway of a width of 50 feet a corner of this and other land of the said Grantees; thence extending along the center line of said Limekiln Pike on a course bearing to the right Southeasterly an arc distance of 257-1/2 feet; thence on a course bearing South 46 degrees 43 minutes West crossing the Southwesterly half of said Turnpike Road 98.60 feet along land of said Grantor of which this was formerly a part; thence continuing along said land the next two courses and distances, to wit: South 16 degrees 2 minutes West 27.20 feet; thence South 45 degrees West 106.39 feet to a stone in line of land of Robert and Anna Fairley; thence along the same on a course bearing North 50 degrees and 41 minutes West 262.90 feet to a point in the Southeast side of a certain pole wide road or cartway leading into and from said Limekiln Pike; thence along said side of said right-of-way on a course bearing North 43 degrees and 50 minutes East 234 feet to the middle of said Limekiln Pike, being the first mentioned point and place of beginning.

Section 2. Nothing in this Ordinance or in Chapter 255 of the Code of the Township of Upper Dublin, as hereby amended, shall be construed to affect any suit or proceeding in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Chapter 255 prior to the adoption of this amendment.

Section 3. 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 illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

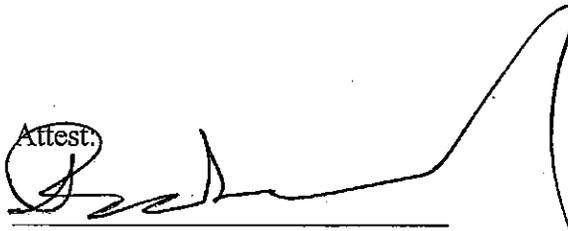
Section 4. This Ordinance shall take effect and be in force from and after its approval as required by law.

Approved this 19th day of April, 2005.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN


Robert J. Pesavento, President

Attest.


Paul A. Leonard, Secretary

AN ORDINANCE

NO. 1152

AN ORDINANCE Amending The Code Of The Township Of Upper Dublin, Chapter 255, Zoning, By Revising The Zoning Map To Change From EC Employment District to MD Multiple Dwelling District Property On Camp Hill Road Lying Between The Pennsylvania Turnpike And The Railroad Tracks Of The Consolidated Rail Corporation (Trenton Cutoff), The Property Belonging to WFP Pennland Company, LP, Consisting Of Approximately 51 Acres Of Land.

The Board of Commissioners of the Township of Upper Dublin hereby ordains:

Section 1. The Code of the Township of Upper Dublin, Chapter 255, entitled Zoning, Section 255-9, Zoning Map, is hereby amended to change from EC Employment Center District to MD Multiple Dwelling District: Block 50, Unit 029 and Block 52, Unit 007, located on Camp Hill Road, being the property of WFP Pennland Company, LP, more specifically described as follows:

ALL THAT CERTAIN parcel or tract of land situate in Upper Dublin Township, Montgomery County, Pennsylvania, being more fully described as follows:

BEGINNING at the point of intersection of the centerline of Camp Hill Road and the southerly sideline of the Pennsylvania Turnpike; thence, extending along the said southerly sideline of the Pennsylvania Turnpike in a westerly direction, ± 5000 feet to a point in the line of lands of N/L Allied Concrete and Supply Company (taxmap block 52, unit 4); thence, extending along the Allied Concrete lands in a southwesterly direction, ± 500 feet to a point on the northerly sideline of the lands of Consolidated Rail Corporation (Trenton Cutoff); thence, extending along the said railroad sideline, westerly, to a point of intersection with the aforementioned centerline of Camp Hill Road; thence, continuing along the said railroad sideline in a westerly direction, ± 1200 feet to a point; thence, leaving said railroad sideline, partially along other lands of the Pennsylvania Turnpike in a northwesterly direction, ± 330 feet to a point on the aforementioned southerly sideline of the Pennsylvania Turnpike; thence, extending along the said southerly sideline in an easterly direction, ± 1600 feet to a point in the centerline of Camp Hill Road, said point being the point and place of beginning.

CONTAINING approximately 51 acres of land area, be the same, more or less.

Section 2. Nothing in this Ordinance or in Chapter 255 of the Code of the Township of Upper Dublin, as hereby amended, shall be construed to affect any suit or proceeding in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Chapter 255 prior to the adoption of this amendment.

Section 3. 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 illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

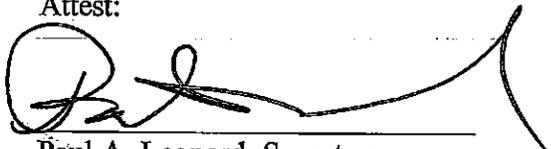
Section 4. This Ordinance shall take effect and be in force from and after its approval as required by law.

Approved this 19th day of July, 2005.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN


Robert J. Pesavento, President

Attest:


Paul A. Leonard, Secretary

AN ORDINANCE

NO. 1153

An Ordinance To Amend The Code Of The Township Of Upper Dublin, Chapter 233 Thereof, Entitled Vehicles And Traffic, Article VIII, Schedules, Section 233-50, Schedule IX: Stop Intersections, By Establishing "Stop" Regulations On Barton Drive at Victor Lane, Nash Drive at Victor Lane, Victor Lane at Hazelwood Drive, and Hazelwood Drive at Donna Drive.

Section 1. The Code of the Township of Upper Dublin, Chapter 233, entitled Vehicles and Traffic, Section 233-50, Schedule IX: Stop Intersections, is hereby amended by adding thereto the following regulations:

§ 233-50. Schedule IX: Stop Intersections.

Stop Sign on	Direction of Travel	At Intersection Of
Barton Drive	West	Victor Lane
Nash Drive	East	Victor Lane
Victor Lane	North	Hazelwood Drive
Hazelwood Drive	West	Donna Drive

Section 2. Nothing in this Ordinance or in Chapter 233 of the Code of the Township of Upper Dublin, as hereby amended, shall be construed to affect any suit or proceeding in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Chapter 233 prior to the adoption of this amendment.

Section 3. 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 illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

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

Approved by the Board this *9th* day of *August*, 2005.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN



ROBERT J. PESAVENTO, PRESIDENT

ATTEST:



PAUL A. LEONARD, SECRETARY

g:\ud\ord\chapter 233-vehicles & traffic\Stop Reg - Barton-6.10.05

TOWNSHIP OF UPPER DUBLIN
(Montgomery County, Pennsylvania)

ORDINANCE No. 1154

AUTHORIZING THE INCURRENCE OF NONELECTORAL DEBT OF THE TOWNSHIP OF UPPER DUBLIN BY THE ISSUANCE OF \$5,390,000 AGGREGATE PRINCIPAL AMOUNT GENERAL OBLIGATION BONDS, SERIES OF 2005, TO ADVANCE REFUND A PORTION OF THE TOWNSHIP'S OUTSTANDING GENERAL OBLIGATION BONDS, SERIES OF 2002 AND TO PAY THE COSTS OF ISSUING THE 2005 BONDS; AUTHORIZING THE PREPARATION OF A DEBT STATEMENT AND OTHER DOCUMENTATION; COVENANTING TO CREATE A SINKING FUND AND TO BUDGET, APPROPRIATE AND PAY DEBT SERVICE ON THE BONDS; PLEDGING THE FULL FAITH, CREDIT AND TAXING POWER OF THE TOWNSHIP FOR THE PROMPT AND FULL PAYMENT OF THE BONDS; SETTING FORTH THE SUBSTANTIAL FORM OF THE BONDS; SETTING FORTH THE STATED PRINCIPAL MATURITY DATES AND AMOUNTS, INTEREST RATES AND INTEREST PAYMENT DATES, PLACE OF PAYMENT, SINKING FUND PROVISIONS AND OTHER DETAILS OF THE BONDS; AUTHORIZING THE EXECUTION OF A FIRST SUPPLEMENT TO CONTINUING DISCLOSURE AGREEMENT; FINDING THAT A COMPETITIVE PRIVATE INVITED SALE OF THE BONDS IS IN THE BEST FINANCIAL INTEREST OF THE TOWNSHIP; ACCEPTING A PROPOSAL FOR THE PURCHASE OF THE BONDS; APPOINTING A PAYING AGENT AND SINKING FUND DEPOSITORY; AND AUTHORIZING OTHER NECESSARY ACTION.

WHEREAS, the Township of Upper Dublin (the "Township") has heretofore issued its General Obligation Bonds, Series of 2002 (the "Prior Bonds"); and

WHEREAS, the Township has determined to advance refund a portion of its outstanding Prior Bonds, specifically those Prior Bonds maturing July 15, 2013 through and including July 15, 2021, and a portion (\$85,000) of the Prior Bonds maturing on July 15, 2012 (collectively, the "Refunded Bonds") in order to achieve debt service savings (the "Refunding Program") and is granted the power by the Local Government Unit Debt Act of the Commonwealth of Pennsylvania, as codified by Act of December 19, 1996, P.L. 1158, No. 177, as amended (the "Act"), to incur indebtedness and to issue bonds for the purposes of refunding its outstanding indebtedness; and

WHEREAS, the Township proposes to issue \$5,390,000 principal amount of its General Obligation Bonds, Series of 2005 (the "Bonds"), the proceeds of which shall be used for the purpose of financing the Refunding Program and paying the expenses of issuing the Bonds; and

WHEREAS, the Township has retained Public Financial Management, Inc., Harrisburg, Pennsylvania, as financial advisor in connection with the issuance of the Bonds (the "Financial Advisor"); and

WHEREAS, pursuant to an Invitation to Bid for the Bonds (the "Invitation to Bid") prepared by the Township's Financial Advisor, the Township competitively solicited, received and publicly opened bids for the Bonds; and

WHEREAS, upon the advice of its Financial Advisor, the Township has determined that the proposals for the purchase of the Bonds received from Citigroup Global Markets, Inc. offer the lowest net interest cost to the Township which now desires to authorize the issuance of the Bonds for the purpose of undertaking the Refinancing Program and paying the costs and expenses of issuing the Bonds and to accept the proposals of such firm for the purchase of the Bonds.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Township of Upper Dublin and IT IS HEREBY ORDAINED, as follows:

1. Authorization of Refunding Program and Incurrence of Indebtedness; Purpose of the Refunding Program. The Township hereby approves the Refunding Program described in the recitals hereto and shall incur indebtedness, pursuant to the Act, in the aggregate principal amount of \$5,390,000 for the purpose of providing funds for and toward the costs of the Refunding Program including the financing expenses associated therewith.

It is hereby determined and set forth that the purpose of the Refunding Program is to reduce the debt service that would otherwise be payable on the Refunded Bonds as shown on the schedule of debt service savings attached hereto as Exhibit A and made a part hereof.

The proceeds of the Prior Bonds were used to finance: (i) a portion of the costs of the Township's capital improvement program, which included capital projects consisting of the acquisition of open space land; a storm water management program; and the completion of construction of renovations, additions and improvements to the Township's Administration Building; (ii) the current refunding of the Township's General Obligation Bonds, Series of 1995 (the "1995 Bonds") and the advance refunding of the Township's General Obligation Bonds, Series of 1997; (the "1997 Bonds") and (iii) the payment of the costs of issuance of the Prior Bonds. The estimated useful lives of the projects financed by the Prior Bonds were not less than forty (40) years for the open space land and the storm water management program and not less than twenty (20) years for the renovations and improvements to the Township Building.

The latest maturity of the Bonds is July 15, 2021 (identical to the latest maturity of the Prior Bonds). The Township hereby states that the Bonds are scheduled to mature in accordance

with the limitations set forth in Section 8142 of the Act, taking into account such estimated useful lives of the projects financed by the Prior Bonds.

2. Authorization of Issuance of Bonds. The Township shall issue, pursuant to the Act and this Ordinance, \$5,390,000 aggregate principal amount General Obligation Bonds, Series of 2005 to provide funds for and toward the costs of the Refunding Program, including the expenses of issuing the Bonds, all as authorized in Section 1 hereof.

3. Type of Indebtedness. The indebtedness authorized by this Ordinance is nonelectoral debt.

4. Execution of Debt Statement, Bonds and Other Documents. The President or Vice President of the Board of Commissioners and the Township Secretary or Director of Finance of the Township and their successors are hereby authorized and directed to file the Debt Statement required by Section 8110 of the Act, to execute and deliver the Bonds in the name and on behalf of the Township and to take all other action required by the Act or this Ordinance in order to effect the issuance of the Bonds. Said officers or any of them are further authorized to apply to the Department of Community and Economic Development for approval of the debt herein authorized and to file with such application a transcript of the proceedings including a certified copy of this Ordinance, the Debt Statement, a Borrowing Base Certificate signed by the appropriate officials of the Township or by the accountants of the Township responsible for auditing its financial affairs, and to take any and all such further action and to execute and deliver such other documents as may be necessary or proper to comply with all requirements of the Act or to carry out the intent and purpose of this Ordinance.

5. Type of Bonds. The Bonds when issued will be general obligation bonds.

6. Covenant to Pay Debt Service - Pledge of Taxing Power. The Township hereby covenants with the registered owners of the Bonds: (a) that the Township has included in its budget for the fiscal year ending December 31, 2005 and will include in its budget for each year thereafter, the amount of the debt service on the Bonds which will be payable in each such fiscal year so long as the Bonds shall remain outstanding; (b) that the Township shall appropriate from its general revenues such amounts to the payment of such debt service; and (c) that the Township shall duly and punctually pay or cause to be paid from the sinking fund hereinafter created the principal of the Bonds and the interest thereon on the dates and at the place and in the manner stated in the Bonds according to the true intent and meaning thereof. For such budgeting, appropriation and payment the Township hereby pledges its full faith, credit and taxing power. This covenant shall be specifically enforceable. The amounts to be budgeted, appropriated and paid pursuant to the foregoing covenants are those set forth in Exhibit B attached hereto and made a part hereof which are hereby incorporated in the foregoing covenant with the same effect as if the same were specified in the text of such covenant.

7. Form of Bonds. The Bonds shall be substantially in the following form with appropriate omissions, insertions and variations:

(FORM OF BOND)

UNITED STATES OF AMERICA

COMMONWEALTH OF PENNSYLVANIA

TOWNSHIP OF UPPER DUBLIN
(Montgomery County, Pennsylvania)

GENERAL OBLIGATION BOND, SERIES OF 2005

No. R- _____ \$ _____

INTEREST RATE	MATURITY DATE	DATED DATE	CUSIP
	July 15, ____	October 15, 2005	

REGISTERED OWNER: CEDE & CO.

PRINCIPAL SUM: _____ DOLLARS

The Township of Upper Dublin, Montgomery County, Pennsylvania (the "Township"), for value received, hereby promises to pay to the registered owner hereof on the maturity date set forth above the principal sum set forth above, unless this Bond shall have been called for redemption and payment of the redemption price shall have been duly made or provided for, and to pay interest thereon from October 15, 2005 or the most recent Interest Payment Date to which interest has been paid or duly provided for, initially on January 15, 2006 and semiannually thereafter on January 15 and July 15 of each year (each, an "Interest Payment Date"), at the annual rate specified above, calculated on the basis of a 360-day year of twelve 30-day months until the principal sum is paid or has been provided for. This Bond will bear interest from the most recent Interest Payment Date to which interest has been paid or duly provided for or, if no interest has been paid, from October 15, 2005. The principal of this Bond is payable upon presentation and surrender hereof at the corporate trust office of Manufacturers and Traders Trust Company in Harrisburg, Pennsylvania (the "Paying Agent"). Interest on this Bond will be paid on each Interest Payment Date by check mailed to the person in whose name this Bond is registered on the registration books of the Township maintained by the Paying Agent, as bond registrar, at the address appearing thereon at the close of business on the last day of the calendar month next preceding such Interest Payment Date (the "Regular Record Date"). Any such interest not so timely paid or duly provided for shall cease to be payable to the person who is the registered owner hereof as of the Regular Record Date, and shall be payable to the person who is the registered owner hereof at the close of business on a Special Record Date for the payment of such defaulted interest. Such Special Record Date shall be fixed by the Paying

Agent whenever moneys become available for payment of the defaulted interest, and notice of the Special Record Date and payment date for such interest shall be given by first class mail to the registered owners of the Bonds not less than fifteen (15) days prior to the Special Record Date. The principal of and interest on this Bond are payable in lawful money of the United States of America.

This Bond is one of a duly authorized issue of General Obligation Bonds, Series of 2005, of the Township in the aggregate principal amount of \$5,390,000 (the "Bonds"), issued in fully registered form in the denomination of \$5,000 or any integral multiple thereof, all of like date and tenor, except as to dates of maturity, rates of interest and provisions for redemption, and all issued in accordance with the Local Government Unit Debt Act of the Commonwealth of Pennsylvania, as codified by Act of December 19, 1996, P.L. 1158, No. 177, as amended (the "Act"), and pursuant to an ordinance of the Board of Commissioners of the Township duly enacted on September 13, 2005 (the "Ordinance"). The Bonds are issued for the purpose of advance refunding a portion of the Township's outstanding General Obligation Bonds, Series of 2002 and paying the costs of issuing the Bonds.

Under the laws of the Commonwealth of Pennsylvania, this Bond and the interest thereon shall at all times be free from taxation within the Commonwealth of Pennsylvania, but this exemption shall not extend to gift, estate, succession or inheritance taxes or to any other taxes not levied or assessed directly on this Bond or the interest thereon. Profits, gains or income derived from the sale, exchange, or other disposition of this Bond are subject to state and local taxation.

The Bonds maturing on or after July 15, 2012 are subject to redemption prior to maturity at the option of the Township, on January 15, 2012 or any date thereafter, as a whole or from time to time in part, in such order of maturity or portion of each maturity as may be designated by the Township and within a maturity by lot, upon payment of a redemption price of 100% of principal amount, together with accrued interest to the date fixed for redemption. If less than an entire year's maturity of Bonds are to be redeemed at any particular time, such Bonds so to be called for redemption shall be chosen by lot by the Paying Agent.

For the purpose of selection of Bonds for redemption, any Bond of a denomination greater than \$5,000 shall be treated as representing such number of separate Bonds, each of the denomination of \$5,000, as is obtained by dividing the actual principal amount of such Bond by \$5,000. Any Bond which is to be redeemed only in part shall be surrendered at the corporate trust office of the Paying Agent, together with a duly executed instrument of transfer in form satisfactory to the Paying Agent, and the registered owner of such Bond shall receive, without service charge, a new Bond or Bonds of any authorized denomination as requested by such registered owner in aggregate principal amount equal to and in exchange for the unredeemed portion of the principal of the Bond so surrendered.

On the date designated for redemption and upon deposit with the Paying Agent of funds sufficient for payment of the principal of and accrued interest on the Bonds called for redemption, interest on the Bonds or portions thereof so called for redemption shall cease to accrue and the Bonds or portions thereof so called for redemption shall cease to be entitled to any benefit or security under the Ordinance, and registered owners of the Bonds so called for redemption shall

have no rights with respect to the Bonds or portions thereof so called for redemption, except to receive payment of the principal of and accrued interest on the Bonds so called for redemption to the date fixed for redemption.

Notice of any redemption shall be given by first-class mail, postage prepaid, mailed by the Paying Agent not less than 30 days nor more than 60 days before the redemption date to the registered owners of the Bonds at their addresses as they appear on the Bond register maintained by the Paying Agent. Such notice shall also be mailed to *The Bond Buyer*, or if no longer published, to such substitute financial journal as shall be acceptable to the Paying Agent. Such notice shall be given in the name of the Township, shall identify the Bonds to be redeemed (and, in the case of a partial redemption of any Bonds, the respective principal amounts thereof to be redeemed), shall specify the redemption date and the redemption price, and shall state that on the redemption date the Bonds called for redemption will be payable at the corporate trust office of the Paying Agent and that from the date of redemption interest will cease to accrue. The Paying Agent shall use "CUSIP" numbers (if then generally in use) in notices of redemption as a convenience to Bond owners, provided that any such notice shall state that no representation is made as to the correctness of such numbers either as printed on the Bonds or as contained in any notice of redemption and that reliance may be placed only on the identification numbers prefixed "R-" printed on the Bonds. Failure to mail any notice of redemption, or any defect therein, or in the mailing thereof, with respect to any Bond shall not affect the validity of any proceeding for the redemption of other Bonds so called for redemption.

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

The Bonds are transferable by the registered owners thereof, subject to payment of any required tax, fee or other governmental charge, upon presentation and surrender thereof at the designated corporate trust office of the Paying Agent, together with a duly executed instrument of transfer in form satisfactory to the Paying Agent. The Paying Agent shall not be required: (i) to issue, transfer or exchange any of the Bonds during a period beginning at the close of business on the fifth (5th) day next preceding the day of selection of Bonds to be redeemed and ending at the close of business on the day on which the applicable notice of redemption is given; or (ii) to transfer or exchange any Bond selected for redemption in whole or in part.

The Township and the Paying Agent may treat the person in whose name this Bond is registered on the Bond register maintained by the Paying Agent as the absolute owner of this Bond for all purposes and neither the Township nor the Paying Agent shall be affected by any notice to the contrary.

No recourse shall be had for the payment of the principal of or interest on this Bond, or for any claim based hereon, against any member, officer or employee, past, present or future, of the Township or of any successor body, as such, either directly or through the Township or through any

such successor body, under any constitutional provision, statute or rule of law, or by the enforcement of any assessment or by any legal or equitable proceeding or otherwise, and all such liability of such members, officers or employees is released as a condition of and as consideration for the execution and issuance of this Bond.

Whenever the due date for payment of interest on or principal of this Bond shall be a Saturday, Sunday, a legal holiday or a day on which banking institutions in the jurisdiction in which the corporate trust office payment office is located are authorized by law to close (a "Holiday"), then the payment of such interest or principal need not be made on such date, but may be made on the succeeding day which is not a Holiday, with the same force and effect as if made on the due date for payment of principal or interest.

It is hereby certified that the approval of the Department of Community and Economic Development of the Commonwealth of Pennsylvania for the Township to issue and deliver this Bond has been duly given pursuant to the Act; that all acts, conditions and things required by the laws of the Commonwealth of Pennsylvania to exist, to have happened or to have been performed, precedent to or in the issuance of this Bond or in the creation of the debt of which this Bond is evidence, exist, have happened and have been performed in regular and due form and manner as required by law; that this Bond, together with all other indebtedness of the Township, is within every debt and other limit prescribed by the Constitution and the statutes of the Commonwealth of Pennsylvania; that the Township has established a sinking fund for the Bonds and shall deposit therein amounts sufficient to pay the principal of and interest on the Bonds as the same shall become due and payable; and that for the prompt and full payment of all obligations of this Bond, the full faith, credit and taxing power of the Township are hereby irrevocably pledged.

This Bond shall not be entitled to any benefit under the Ordinance or be valid or become obligatory for any purpose until this Bond shall have been authenticated by the Paying Agent by execution of the certificate endorsed hereon.

IN WITNESS WHEREOF, the Township of Upper Dublin, Montgomery County, Pennsylvania has caused this Bond to be signed in its name and on its behalf by the signature of the President of its Board of Commissioners and an impression of its corporate seal to be hereunto affixed, duly attested by the signature of the Township Secretary.

TOWNSHIP OF UPPER DUBLIN

By: _____
President, Board of Commissioners

Attest: _____
Township Secretary

(SEAL)

AUTHENTICATION CERTIFICATE

This Bond is one of the Township of Upper Dublin General Obligation Bonds, Series of 2005, described in the within mentioned Ordinance.

DATE OF AUTHENTICATION:

By:

Authorized Representative

STATEMENT OF INSURANCE
[TO BE PROVIDED BY AMBAC]

ASSIGNMENT AND TRANSFER

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

PLEASE INSERT SOCIAL SECURITY OR EMPLOYER
IDENTIFICATION NUMBER OF ASSIGNEE

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

_____ attorney to
transfer said Bond on the books of the within named Paying Agent, with full power of substitution in
the premises.

Dated:

Signature Guaranteed by:

NOTICE: Signature(s) must be
guaranteed by an eligible guarantor
institution, an institution which is a
participant in a Securities Transfer
Association recognized signature
guaranteed program.

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

(Authorized Signature)

[END OF BOND FORM]

8. Terms of Bonds. The Bonds shall be issued in fully registered form, in denominations of \$5,000 or any integral multiple thereof, shall be dated October 15, 2005, shall be issued in the aggregate principal amount of \$5,390,000, shall bear interest from such date payable initially on January 15, 2006 and semiannually thereafter on January 15 and July 15 of each year until maturity or the date fixed for redemption at the annual rates and shall mature on July 15 of the years as set forth in the Bond Amortization Schedule attached hereto as Exhibit B and made a part hereof.

The Bonds are being amortized so that the debt service on all outstanding debt of the Township following the issuance of the Bonds will be brought more nearly into an over-all level annual debt service plan as shown on the total debt service schedule attached hereto as Exhibit C and made a part hereof.

The principal of the Bonds shall be payable in lawful money of the United States of America at the corporate trust office of Manufacturers and Traders Trust Company, in Harrisburg, Pennsylvania which is hereby appointed paying agent, registrar and sinking fund depository for the Bonds. Interest on the Bonds shall be payable in the manner provided in the Form of Bond set forth above.

9. Redemption of Bonds. The Bonds maturing on or after July 15, 2012 are subject to redemption prior to maturity, at the option of the Township, on January 15, 2012 or any date thereafter, as a whole or from time to time in part, in such order of maturity or portion of each maturity as may be designated by the Township and within a maturity by lot, upon payment of a redemption price of 100% of principal amount, together with accrued interest to the date fixed for redemption. If less than an entire year's maturity of Bonds are to be redeemed at any particular time, such Bonds so to be called for redemption shall be chosen by lot by the Paying Agent.

For the purpose of selection of Bonds for redemption, any Bond of a denomination greater than \$5,000 shall be treated as representing such number of separate Bonds, each of the denomination of \$5,000, as is obtained by dividing the actual principal amount of such Bond by \$5,000. Any Bond which is to be redeemed only in part shall be surrendered at the corporate trust office of the Paying Agent, together with a duly executed instrument of transfer in form satisfactory to the Paying Agent, and the registered owner of such Bond shall receive, without service charge, a new Bond or Bonds, of any authorized denomination as requested by such registered owner in aggregate principal amount equal to and in exchange for the unredeemed portion of the principal of the Bond so surrendered.

On the date designated for redemption and upon deposit with the Paying Agent of funds sufficient for payment of the principal of and accrued interest on the Bonds called for redemption, interest on the Bonds or portions thereof so called for redemption shall cease to accrue and the Bonds or portions thereof so called for redemption shall cease to be entitled to any benefit of security hereunder, and registered owners of the Bonds so called for redemption shall have no rights with respect to the Bonds or portions thereof so called for redemption, except to receive payment of the principal of and accrued interest on the Bonds so called for redemption to the date fixed for redemption.

Notice of any redemption shall be given by first class mail, postage prepaid, mailed by the Paying Agent not less than 30 days nor more than 60 days before the redemption date to the registered owners of the Bonds at their addresses as they appear on the Bond register maintained by the Paying Agent. Such notice shall also be mailed to *The Bond Buyer*, or if no longer published, to such substitute financial journal as shall be acceptable to the Paying Agent. Such notice shall be given in the name of the Township, shall identify the Bonds to be redeemed (and, in the case of a partial redemption of any Bonds, the respective principal amounts thereof to be redeemed), shall specify the redemption date and the redemption price, and shall state that on the redemption date the Bonds called for redemption will be payable at the corporate trust office of the Paying Agent and that from the date of redemption interest will cease to accrue. The Paying Agent shall use "CUSIP" numbers (if then generally in use) in notices of redemption as a convenience to Bond owners, provided that any such redemption notice shall state that no representation is made as to the correctness of such numbers either as printed on the Bonds or as contained in any notice of redemption and that reliance may be placed only on the identification numbers prefixed "R-" printed on the Bonds. Failure to mail any notice of redemption, or any defect therein, or in the mailing thereof, with respect to any Bond shall not affect the validity of any proceeding for redemption of other Bonds so called for redemption.

10. Appointment of Securities Depository. The Depository Trust Company, New York, New York ("DTC"), shall act as securities depository for the Bonds on behalf of the firms which participate in the DTC book-entry system ("DTC Participants"). The ownership of one fully registered Bond for each maturity of the Bonds will be registered in the name of Cede & Co., as nominee for DTC. Each bond certificate will be in the aggregate principal amount of such maturity as shown on Exhibit B attached hereto.

Pursuant to the book-entry only system, any person for whom a DTC Participant acquires an interest in the Bonds (the "Beneficial Owner") will not receive bond certificates and will not be the registered owner thereof. Ownership interest in the Bonds may be purchased by or through DTC Participants. Receipt by the Beneficial Owners (through any DTC Participant) of timely payment of principal, premium, if any, and interest on the Bonds, is subject to DTC making such payment to DTC Participants and such DTC Participants making payment to Beneficial Owners. Neither the Township nor the Paying Agent will have any direct responsibility or obligation to such DTC Participants or the persons for whom they act as nominees for any failure of DTC to act or make any payment with respect to the Bonds.

The Township is authorized to execute such documents as may be necessary or desirable in connection with DTC's services as securities depository.

DTC may determine to discontinue providing its services with respect to the Bonds at any time by giving notice to the Township and discharging its responsibilities with respect thereto under applicable law. Under such circumstances, the Township officials then holding the offices set forth in Section 4 of this Ordinance are hereby authorized to designate a successor securities depository or to deliver certificates to the Beneficial Owners of the Bonds.

The Township shall give notice or cause the Paying Agent to give notice, to DTC in accordance with the Blanket Letter of Representations for the redemption or other retirement of all of the Bonds. The Township will provide for the form of notice. Upon receipt of such notice, DTC will forward the notice to the DTC Participants for subsequent forwarding of such notice to the Beneficial Owners of the Bonds. The Township will pay the customary charges for such mailing.

11. Sale of Bonds. The Bonds shall be sold competitively at invited private sale as hereinafter set forth in Section 14. After due consideration, the Board of Commissioners hereby finds and determines, on the basis of the advice and recommendation of its Financial Advisor and all available information, that such an invited private sale of the Bonds is in the best financial interest of the Township. The form and use of various materials utilized in connection with such private sale, including the Invitation to Bid, are hereby approved and ratified.

12. Creation of and Deposits in Sinking Fund. The Township covenants that there shall be and there is hereby established and that it shall hereafter maintain a sinking fund (the "Sinking Fund") designated as the "Sinking Fund – General Obligation Bonds, Series of 2005" for the Bonds to be held by the Paying Agent (or such substitute or successor Paying Agent which shall hereafter be appointed in accordance with the provisions of the Act) in the name of the Township, but subject to withdrawal only by the Paying Agent.

The Township covenants and agrees to deposit in the Sinking Fund no later than January 15 and July 15 of each year beginning January 15, 2006 the debt service payable on the Bonds on such dates, all as set forth in Exhibit B attached hereto, or such greater or lesser amount as at the time shall be sufficient to pay the principal of and interest on the Bonds as they become due on each such date.

Pending application to the purpose for which the Sinking Fund is established, the President or Vice President of the Board of Commissioners or the Treasurer or Director of Finance the Township is hereby authorized and directed to cause the moneys therein to be invested or deposited and insured or secured as permitted and required by Section 8224 of the Act. All income received on such deposits or investments of moneys in the Sinking Fund during each applicable period shall be added to the Sinking Fund and shall be credited against the deposit next required to be made in the Sinking Fund.

The Paying Agent is hereby authorized and directed, without further action by the Township, to pay from the Sinking Fund the principal of and interest on the Bonds as the same become due and payable in accordance with the terms thereof and the Township hereby covenants that such moneys, to the extent required, will be applied to such purpose.

All moneys deposited in the Sinking Fund for the payment of the Bonds which have not been claimed by the registered owners thereof after two years from the date when payment is due, except where such moneys are held for the payment of outstanding checks, drafts or other instruments of the Paying Agent, shall be returned to the Township. Nothing contained herein shall relieve the Township of its liability to the registered owners of the unrepresented Bonds.

13. No Taxes Assumed. The Township shall not assume the payment of any tax or taxes in consideration of the purchase of the Bonds.

14. Award and Sale of Bonds. The Township hereby awards and sells the Bonds to Citigroup Global Markets, Inc. (the "Underwriter"), at a price of \$5,328,145.90 (representing the face amount of the Bonds less Underwriter's discount of \$40,263.30 and net original issue discount of \$21,590.80) plus accrued interest, if any, from October 15, 2005 to the date of delivery and in accordance with the other terms and conditions set forth in the proposal of the Underwriter dated September 13, 2005 which is hereby approved and accepted. A copy of said proposal shall be attached to this Ordinance and lodged with the official minutes of this meeting and is hereby incorporated herein by reference. The proper officers of this Township are hereby authorized and directed to endorse the acceptance of this Township on said contract and to deliver executed copies thereof to the Underwriter. Delivery of the accepted proposal to the Underwriter shall constitute conclusive evidence that the award and sale of the Bonds under this Ordinance have become final.

15. Contract with Paying Agent. The proper officers of the Township are authorized to contract with Manufacturers and Traders Trust Company in Harrisburg, Pennsylvania in connection with the performance of its duties as Paying Agent, Registrar and Sinking Fund Depository on usual and customary terms, including an agreement to observe and comply with the provisions of this Ordinance and of the Act.

16. Redemption of Refunded Bonds - Deposit of Funds. The Township hereby calls for redemption on January 15, 2012, all of the Refunded Bonds which mature on July 15, 2013 and thereafter, and \$85,000 of the Bonds maturing on July 15, 2012. The Township shall enter into a Pledge and Escrow Agreement (the "Pledge Agreement") with Commerce Bank/Pennsylvania, National Association, Philadelphia, Pennsylvania (the "Escrow Agent") providing, among other things, for: (a) the certification to such Escrow Agent of the amounts required to pay the interest and principal on the Refunded Bonds to the dates of maturity or redemption on January 15, 2012; (b) the deposit with said Escrow Agent of amounts which, together with the interest thereon, will meet such requirements; (c) the investment of the amounts deposited under the Pledge Agreement in accordance with the applicable regulations under Sections 103 and 141 through 150 of the Internal Revenue Code of 1986, as amended (the "Code"); and (d) the irrevocable pledge of all amounts and investments held under the Pledge Agreement for the payment of the Refunded Bonds to the dates of maturity or redemption and the application of the principal of and interest on the investments to such purposes. The Pledge Agreement shall be in form and substance as approved by the signing officers of the Township. The President or Vice President and Secretary or Assistant Secretary of the Township are hereby authorized and directed to execute said Pledge Agreement and to deliver the same to the Escrow Agent on behalf of the Township. The Escrow Agent is hereby authorized to purchase, on behalf of the Township, the investments for the escrow fund including United States Treasury Securities, State and Local Series. The officers of the Township are hereby authorized to notify and instruct the Escrow Agent, as paying agent for the Prior Bonds, to take all necessary action to implement the Refunding Program and the redemption of the Refunded Bonds.

17. Federal Tax Covenants. The Township hereby covenants not to take or omit to take any action so as to cause interest on the Bonds to be no longer excluded from gross income for purposes of federal income taxation and to otherwise comply with the requirements of Sections 103 and 141 through 150 of the Code, and all applicable regulations promulgated with respect thereto, throughout the term of the Bonds. The Township further covenants that it will make no investments or other use of the proceeds of the Bonds which would cause the Bonds to be "arbitrage bonds" as defined in Section 148 of the Code. The Township further covenants to comply with the rebate requirements (including the prohibited payment provisions) contained in Section 148(f) of the Code and any regulations promulgated thereunder, to the extent applicable, and to pay any interest or penalty imposed by the United States for failure to comply with said rebate requirements, to the extent applicable.

The Township hereby represents and warrants, after due investigation and to the best of its knowledge, that (i) the Bonds are not "private activity bonds" within the meaning of Section 141 of the Code and (ii) the aggregate face amount of "qualified tax-exempt obligations" within the meaning of Section 265(b)(3)(B) of the Code (which includes qualified 501(c)(3) bonds but not any other private activity bonds) issued or to be issued by the Township (and all "subordinate entities" thereof) during the 2005 calendar year, including the Bonds, is not reasonably expected to exceed \$10,000,000. The Township hereby designates each of the Bonds as a "qualified tax-exempt obligation" within the meaning of Section 265(b)(3)(B) of the Code. The Township hereby authorizes the proper officers of the Township to execute a certificate to that effect at the time of the closing.

18. Execution and Authentication of Bonds. As provided in Section 4, the Bonds shall be executed by the President or the Vice President of the Board of Commissioners of the Township and the Secretary or Assistant Secretary of the Township and each such execution shall be by manual signature. If any officer whose signature appears on the Bonds shall cease to hold such office before the actual delivery date of the Bonds, such signature shall nevertheless be valid and sufficient for all purposes as if such person had remained in such office until the actual delivery date of the Bonds. The Bonds shall be authenticated by the manual signature of an authorized representative of the Paying Agent.

19. Application of Bond Proceeds. The purchase price for the Bonds and any accrued interest payable by the Underwriter shall be paid to the Paying Agent on behalf of the Township. Upon receipt of the purchase price for the Bonds, including interest thereon accrued to the date of delivery, if any, the Paying Agent shall deposit the same in a settlement account. From the settlement account, the Paying Agent shall pay, or establish reserves for payment of, the costs and expenses of the financing in the amounts substantially as set forth in the purchase proposal of the Underwriter which are hereby approved and the proper officers of the Township are authorized to direct the Paying Agent to pay the issuance costs on behalf of the Township as set forth in written directions to the Paying Agent. The portion of the net proceeds of the Bonds issued to finance the Refinancing Program shall be transferred to the paying agent for the Prior Bonds as provided in Section 16 hereof. Any remaining balance of the proceeds shall be deposited in the Sinking Fund or an appropriate Township account(s) as set forth in instructions from the Township to the Paying Agent.

Any reserves in the above-described account shall be disbursed from time to time by the Paying Agent pursuant to written instructions from the President or Vice President of the Township Board of Commissioners and any balance ultimately remaining in any such reserve shall, upon written instructions of the President or Vice President of the Township Board of Commissioners, be deposited in the Sinking Fund for the Bonds.

20. Continuing Disclosure. The Township hereby authorizes and directs the appropriate officers to execute and deliver a First Supplement to Continuing Disclosure Agreement, supplementing the existing Continuing Disclosure Agreement of the Township (the existing Continuing Disclosure Agreement, as supplemented, the "Continuing Disclosure Agreement") in substantially the form presented at this meeting, subject to such changes as the executing officer may approve, such approval to be conclusively evidenced by his or her execution thereof. The Township further covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Agreement. Notwithstanding any other provision of this Ordinance, failure of the Township to comply with the Continuing Disclosure Agreement shall not be considered an event of default hereunder; however, the Paying Agent, any Participating Underwriter (as defined in the Continuing Disclosure Agreement), or any Bondholder may take such actions as may be necessary and appropriate, including seeking specific performance by court order, to cause the Township to comply with its obligations under this Section.

The Township has not failed to comply with any previous undertakings to provide secondary market disclosure pursuant to United States Securities and Exchange Commission ("SEC") Rule 15c2-12(b)(5) under the Continuing Disclosure Agreement.

21. Covenant to Pledge Sufficient Funds. The Township hereby covenants and agrees that, concurrently with the issuance of and payment for the Bonds:

- (a) The Township will have irrevocably pledged with the Escrow Agent, amounts sufficient, together with interest, if any, to be earned thereon, to pay: (i) all interest on the Refunded Bonds to the dates of maturity or redemption thereof; and (ii) the principal of the Refunded Bonds at the dates of maturity or redemption thereof so that the Refunded Bonds will no longer be outstanding under the Act; and
- (b) Such Escrow Agent will have invested the moneys required by the Pledge Agreement in accordance with the terms thereof.

22. Officers Authorized to Act. For the purpose of expediting the closing and the issuance and delivery of the Bonds, or in the event that the President of the Board of Commissioners or the Secretary of the Township shall be absent or otherwise unavailable for the purpose of executing documents, or for the purpose of taking any other action which they or either of them may be authorized to take pursuant to this Ordinance, the Vice President of the Board of Commissioners or the Assistant Secretary of the Township, respectively, are hereby authorized and directed to execute documents, or otherwise to act on behalf of the Township in their stead.

23. Approval of Official Statement. The Preliminary Official Statement dated September 6, 2005 in the form presented to this meeting, is hereby approved and "deemed final" by the Township as of its date for purposes of SEC Rule 15c2-12. A Final Official Statement, substantially in the form of the Preliminary Official Statement and also containing the final terms of the Bonds, shall be prepared and delivered to the Underwriter within seven (7) business days from the date hereof, and the Township hereby approves the use thereof in connection with the public offering and sale of the Bonds.

24. Bond Insurance. If the proposal for the purchase of the Bonds offering the lowest interest cost to the Township is based on insurance for the Bonds, the officers of the Township are hereby authorized to purchase a policy of insurance guaranteeing the payment of the principal of and interest on the Bonds, to pay the premium for such policy from the proceeds of the Bonds and to execute such documents as may be necessary to effect the issuance of such policy. If applicable, the Bonds issued under this Ordinance may include a statement of the terms of such insurance policy and the Authentication Certificate of the Paying Agent appearing on each Bond may include a statement confirming that the original or a copy of the insurance policy is on file with the Paying Agent.

25. Further Action. The proper officers of the Township are hereby authorized and directed to take all such action, execute, deliver, file and/or record all such documents, publish all notices and otherwise comply with the provisions of this Ordinance and the Act in the name and on behalf of the Township.

26. Act Applicable to Bonds. This Ordinance is enacted pursuant to, and the Bonds issued hereunder shall be subject to, the provisions of the Act and all the mandatory provisions thereof shall apply hereunder whether or not explicitly stated herein.

27. Contract with Bond Owners. This Ordinance constitutes a contract with the registered owners of the Bonds outstanding hereunder and shall be enforceable in accordance with the provisions of the laws of the Commonwealth of Pennsylvania.

28. Severability. In case any one or more of the provisions contained in this Ordinance or in any Bond shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision of this Ordinance or of said Bonds, and this Ordinance or said Bonds shall be construed and enforced as if such invalid, illegal or unenforceable provisions had never been contained therein.

29. Repealer. All ordinances and parts of ordinances heretofore enacted to the extent that the same are inconsistent herewith are hereby repealed.

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

EXHIBIT A

TOWNSHIP OF UPPER DUBLIN
(Montgomery County, Pennsylvania)

\$5,390,000 General Obligation Bonds, Series of 2005

SCHEDULE OF DEBT SERVICE SAVINGS

TOWNSHIP OF UPPER DUBLIN								
SERIES OF 2005								
REFUND A PORTION OF THE SERIES OF 2002				DATED 10/15/2005				

1	2	3	4	5	6	7	8	9
Date	Principal	Rate	Yield	Interest	Semi-Annual Debt Service	Fiscal Year Debt Service	Existing Debt Service	Savings
	2,633							
1/15/2006				49,103.13	49,103.13			
7/15/2006				98,206.25	98,206.25	147,309.98	240,135.00	92,825.63
1/15/2007				98,206.25	98,206.25			
7/15/2007	5,000	3.000	2.850	98,206.25	103,206.25	201,412.50	240,135.00	38,722.50
1/15/2008				98,131.25	98,131.25			
7/15/2008	25,000	3.000	2.900	98,131.25	123,131.25	221,262.50	240,135.00	18,872.50
1/15/2009				97,756.25	97,756.25			
7/15/2009	45,000	3.000	3.000	97,756.25	142,756.25	240,512.50	240,135.00	-377.50
1/15/2010				97,081.25	97,081.25			
7/15/2010	45,000	3.000	3.050	97,081.25	142,081.25	239,162.50	240,135.00	972.50
1/15/2011				96,406.25	96,406.25			
7/15/2011	45,000	3.000	3.150	96,406.25	141,406.25	237,812.50	240,135.00	2,322.50
1/15/2012				95,731.25	95,731.25			
7/15/2012	135,000	3.125	3.250	95,731.25	230,731.25	328,462.50	325,135.00	-1,327.50
1/15/2013				93,621.88	93,621.88			
7/15/2013	365,000	3.250	3.350	93,621.88	459,621.88	552,243.75	551,310.00	-933.75
1/15/2014				87,890.63	87,890.63			
7/15/2014	375,000	3.375	3.450	87,890.63	462,890.63	550,381.25	551,820.00	1,438.75
1/15/2015				81,362.50	81,362.50			
7/15/2015	390,000	3.400	3.500	81,362.50	471,362.50	552,725.00	551,310.00	-1,415.00
1/15/2016				74,732.50	74,732.50			
7/15/2016	400,000	3.500	3.600	74,732.50	474,732.50	549,465.00	549,750.00	285.00
1/15/2017				67,732.50	67,732.50			
7/15/2017	415,000	3.600	3.650	67,732.50	482,732.50	550,465.00	551,750.00	1,285.00
1/15/2018				60,262.50	60,262.50			
7/15/2018	430,000	3.700	3.750	60,262.50	490,262.50	550,525.00	552,750.00	2,225.00
1/15/2019				52,307.50	52,307.50			
7/15/2019	870,000	3.750	3.800	52,307.50	922,307.50	974,615.00	972,750.00	-1,865.00
1/15/2020				35,995.00	35,995.00			
7/15/2020	905,000	3.800	3.850	35,995.00	940,995.00	976,990.00	976,750.00	-1,240.00
1/15/2021				18,800.00	18,800.00			
7/15/2021	940,000	4.000	3.900	18,800.00	958,800.00	977,600.00	976,500.00	-1,100.00
TOTALS	5,390,000			2,458,944.38	7,848,944.38	7,848,944.38	7,999,635.00	150,690.63

Savings as a % of Refunded Principal **3.09%**

EXHIBIT B

**TOWNSHIP OF UPPER DUBLIN
(Montgomery County, Pennsylvania)**

\$5,390,000 General Obligation Bonds, Series of 2005

BOND AMORTIZATION SCHEDULE

TOWNSHIP OF UPPER DUBLIN							
SERIES OF 2005							
REFUND A PORTION OF THE SERIES OF 2002						DATED	10/15/2005
1	2	3	4	5	6	7	
Date	Principal	Rate	Yield	Interest	Semi-Annual Debt Service	Fiscal Year Debt Service	
	2,633						
1/15/2006				49,103.13	49,103.13		
7/15/2006				98,206.25	98,206.25	147,309.38	
1/15/2007				98,206.25	98,206.25		
7/15/2007	5,000	3.000	2.850	98,206.25	103,208.25	201,412.50	
1/15/2008				98,131.25	98,131.25		
7/15/2008	25,000	3.000	2.900	98,131.25	123,131.25	221,862.50	
1/15/2009				97,756.25	97,756.25		
7/15/2009	45,000	3.000	3.000	97,756.25	142,756.25	240,512.50	
1/15/2010				97,081.25	97,081.25		
7/15/2010	45,000	3.000	3.050	97,081.25	142,081.25	239,162.50	
1/15/2011				96,406.25	96,406.25		
7/15/2011	45,000	3.000	3.150	96,406.25	141,406.25	237,812.50	
1/15/2012				95,731.25	95,731.25		
7/15/2012	135,000	3.125	3.250	95,731.25	230,731.25	326,462.50	
1/15/2013				93,621.88	93,621.88		
7/15/2013	365,000	3.250	3.350	93,621.88	458,621.88	552,243.75	
1/15/2014				87,690.63	87,690.63		
7/15/2014	375,000	3.375	3.450	87,690.63	462,690.63	560,381.25	
1/15/2015				81,362.50	81,362.50		
7/15/2015	390,000	3.400	3.500	81,362.50	471,362.50	552,725.00	
1/15/2016				74,732.50	74,732.50		
7/15/2016	400,000	3.500	3.600	74,732.50	474,732.50	549,465.00	
1/15/2017				67,732.50	67,732.50		
7/15/2017	415,000	3.600	3.650	67,732.50	482,732.50	550,465.00	
1/15/2018				60,262.50	60,262.50		
7/15/2018	430,000	3.700	3.750	60,262.50	490,262.50	550,525.00	
1/15/2019				52,307.50	52,307.50		
7/15/2019	670,000	3.750	3.800	52,307.50	922,307.50	974,615.00	
1/15/2020				35,995.00	35,995.00		
7/15/2020	905,000	3.800	3.850	35,995.00	940,995.00	976,990.00	
1/15/2021				18,800.00	18,800.00		
7/15/2021	940,000	4.000	3.900	18,800.00	958,800.00	977,600.00	
TOTALS	5,390,000			2,458,944.38	7,848,944.38	7,848,944.38	

EXHIBIT C

**TOWNSHIP OF UPPER DUBLIN
(Montgomery County, Pennsylvania)**

\$5,390,000 General Obligation Bonds, Series of 2005

Debt Service on All Debt of the Township

**TOWNSHIP OF UPPER DUBLIN
SUMMARY OF OUTSTANDING DEBT**

1	2	3	4	5	6	7
Fiscal Year Ending	Series of 1999	G.O. Note of 1999	Series of 2002	Series of 2004 *	Series of 2005	Total
12/31/2006	426,125	119,387	470,845	265,287	147,309	1,428,753
12/31/2007	426,233	119,387	251,425	265,920	201,413	1,264,377
12/31/2008	426,835	119,387	248,825	265,170	221,263	1,281,479
12/31/2009	426,885		310,830	285,043	240,513	1,243,271
12/31/2010	426,384		314,700		239,163	980,247
12/31/2011	427,331		312,660		237,813	977,804
12/31/2012	427,635		229,900		326,463	983,998
12/31/2013	427,298				552,244	979,540
12/31/2014	426,313				550,381	976,694
12/31/2015	428,595				552,725	981,320
12/31/2016	429,141				549,465	978,606
12/31/2017	428,806				550,465	979,271
12/31/2018	429,890				550,525	980,415
12/31/2019					974,815	974,815
12/31/2020					976,990	976,990
12/31/2021					977,600	977,600
TOTALS	5,569,569	358,161	2,138,985	1,081,420	7,848,944	16,967,078
Call Date Purpose	Anytime ** New Money	Unknown New Money	1/15/2012 Ref./New Money	Anytime New Money	1/15/2012 Adv Ref 2002	

*Assumes variable rate of 4.0%.

**May be subject to a make whole provision.

CERTIFICATE OF SECRETARY

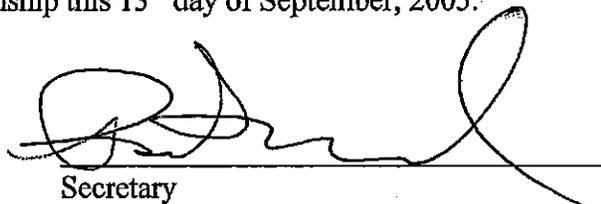
The undersigned, Secretary of the Board of Commissioners of the Township of Upper Dublin, DOES HEREBY CERTIFY that:

The foregoing Ordinance authorizing \$5,390,000 aggregate principal amount General Obligation Bonds, Series of 2005 of the Township was duly moved and seconded and enacted by a majority vote of all the Board of Commissioners of said Township at a duly called and convened public meeting of said Board held on September 13, 2005; that public notice of said meeting was given as required by law; that the roll of the Board of Commissioners was called and such members voted or were absent as follows:

<u>Name</u>	<u>Vote</u>
Robert J. Pesavento, President	Yes
Chester H. Derr, III, Vice President	Yes
William J. Bryers	Absent
Judy R. Herold	Yes
Jules J. Mermelstein	Yes
Ira S. Tackel	Yes
Ann Thornburg Weiss	Absent

and that such Ordinance and the votes thereon have been duly recorded in the minutes.

WITNESS my hand and seal of the Township this 13th day of September, 2005.



Secretary

(SEAL)

AN ORDINANCE

NO. 1155

AN ORDINANCE To Amend The Zoning Code Of The Township Of Upper Dublin As It Relates To The Multiple Dwelling Zoning District, To Clarify The Manner Of Measuring Building Height For Age Restricted Multiple Dwellings With Parking On The Basement Level, And To Provide For A Bonus In The Number Of Units Per Acre Which Can Be Constructed Where 40% Of The Required Parking Is Located Below The Residential Units Or Below A Deck Where The Residents Do Not Have To Walk Outdoors To Reach It.

The Board of Commissioners of the Township of Upper Dublin hereby ordains:

Section 1. The Code of the Township of Upper Dublin, Chapter 255 thereof, entitled Zoning, § 255-50, shall be amended by adding thereto in alphabetical order the following definition:

§ 255-50. Height regulations.

B. Age Restricted Multiple Dwellings may exceed 35 feet in height by up to 12 feet, provided all of the following conditions are met:

(1) The site topography is such that the building's first floor elevation is ten feet (10') or more below the mean elevation of the adjacent public right of way closest to the frontage of the building.

(a) For the purposes of measuring building height, if the basement level is used for garage parking it shall not be included in the building height calculation, provided its exterior façade complies with the architectural guidelines set forth in Section 255-53.1.D and the view of this façade from a public right-of-way is screened. Materials used on this façade must be in addition to the 35% calculation required in Section 255-53.1.D(g).

§ 255-51. Parking.

E. For Age Restricted multiple dwellings and senior assisted living residences, site density can be increased by three units per acre if 40% or more of the required parking spaces are within a garage below the residential units or below a deck where residents do not have to walk outdoors to reach the parking.

Section 2. Nothing in this Ordinance or in Chapter 255 of the Code of the Township of Upper Dublin, as hereby amended, shall be construed to affect any suit or proceedings in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Chapter 255 prior to the adoption of this amendment.

Section 3. 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 this 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 if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

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

Enacted by the Board of Commissioners of Upper Dublin Township this 13th day of September, 2005.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN


Robert J. Pesavento, President

ATTEST:

Paul A. Leonard, Secretary/Township Manager
Info: Ord Chapter 255 Article VIII 255-50-51
7.11.05

AN ORDINANCE
NO. 1156

AN ORDINANCE, TO AMEND THE CODE OF THE TOWNSHIP OF UPPER DUBLIN, CHAPTER 233, VEHICLES AND TRAFFIC, ARTICLE VIII, "SCHEDULES", SECTION 233-54, "PARKING PROHIBITED AT ALL TIMES" BY RESTRICTING PARKING ON THE WEST SIDE OF BETHLEHEM PIKE FROM A POINT 75' NORTH OF PENNSYLVANIA AVE. NORTHWARD FOR A DISTANCE OF 290 FEET.

The Board of Commissioners of the Township of Upper Dublin does hereby enact and ordain:

Section 1. The Code of the Township of Upper Dublin, Chapter 233 thereof, entitled Vehicles and Traffic, Article VIII, "Schedules", Section 233-54, Schedule XIII: Parking Prohibited at All Times, shall be amended to provide as follows:

§ 233-54. Schedule XIII: Parking Prohibited at All Times.

In accordance with the provisions of §233-21, no person shall park a vehicle at any time upon any of the following described streets or parts thereof:

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>

Bethlehem Pike	West	From a point 75 feet north of Pennsylvania Ave. northward For A Distance of 290 Ft.

Section 2. Nothing in this Ordinance or in Chapter 233 of the Code of the Township of Upper Dublin, as hereby amended, shall be construed to affect any suit or proceeding in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Chapter 233 prior to the adoption of this amendment.

Section 3. 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 illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

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

ENACTED AND ORDAINED this *11th* day of *October*, 2005.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN

ATTEST:



ROBERT J. PESAVENTO, PRESIDENT



PAUL A. LEONARD, SECRETARY
ud\ord\CH 233 VEHICLES & TRAFFIC\NoParking-BethPk

ORDINANCE NO. 1157

ANNUAL BUDGET OF THE TOWNSHIP OF UPPER DUBLIN FOR THE YEAR 2006

AN ORDINANCE OF UPPER DUBLIN TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA APPROPRIATING SPECIFIC SUMS ESTIMATED TO BE REQUIRED FOR THE SPECIFIC PURPOSES OF THE MUNICIPAL GOVERNMENT, HEREINAFTER SET FORTH, DURING 2006.

The Board of Commissioners of the Township of Upper Dublin does hereby ENACT AND ORDAIN as follows:

SECTION 1: That for the expenses for the fiscal year 2006 the following amounts are hereby appropriated from the revenues available for the current year for the specific purposes set forth below, which amounts are more fully itemized in the budget form.

SUMMARY OF ALL ESTIMATED RECEIPTS

Receipts from Current Tax Levy	15,045,320
Receipts from Taxes of Prior Years	46,000
Other Revenues and Receipts	<u>7,349,156</u>
TOTAL ESTMATED RECEIPTS AND CASH	22,440,476

SUMMARY OF ALL APPROPRIATIONS

GENERAL GOVERNMENT	
Administration and Finance	1,996,267
Treasurer and Tax Collector	20,840
Library	868,022
Municipal Buildings	<u>415,692</u>
TOTAL	3,300,821
PROTECTION TO PERSON AND PROPERTY	
Police	5,143,496
Fire	878,476
Emergency Services	<u>282,590</u>
TOTAL	6,304,562

SANITARY SEWER	9,500
SANITATION	2,227,276
CODE ENFORCEMENT	517,559
HIGHWAY AND ENGINEERING	2,861,480
PARKS AND RECREATION	1,536,576
DEBT SERVICE	1,433,466
NON EXPENDABLE TRUSTS	3,900
CAPITAL PROJECTS	
General Capital	2,592,086
Storm Sewer Management Projects	740,000
Open Space	900,000
	<u>4,232,086</u>
	TOTAL
	4,232,086
COMMUNITY CONTRIBUTIONS	13,250
TOTAL APPROPRIATIONS	22,440,476

SECTION 2: An estimate of the specific items making up the amounts appropriated to the respective departments is on file in the office of the Township of Upper Dublin, Montgomery County, Pennsylvania.

SECTION 3: That an Ordinance, or part of an Ordinance, conflicting with this Ordinance be and the same is hereby repealed insofar as the same affects this Ordinance.

SECTION 4: Nothing in this Ordinance shall be construed to affect any suit or processing in any Court, any rights acquired or liability incurred, any permit issued, or any causes of action existing prior to the adoption of this amendment.

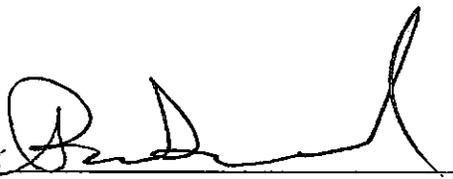
SECTION 5: The provisions of this Ordinance are severable, and if any section, sentence, clause, part or provision thereof shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of the Court shall not affect or impair the remaining sections, sentences, 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 illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

SECTION 6: This Ordinance shall take effect and be in force from and after January 1, 2006.

ENACTED AND ORDAINED THIS 13th day of December 2005.

BOARD OF COMMISSIONERS
UPPER DUBLIN TOWNSHIP

BY: 
Robert J. Pesavento, President

ATTEST: 
Paul A. Leonard, Secretary

ORDINANCE NO. 1158

AN ORDINANCE OF UPPER DUBLIN TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA, FIXING THE TAX RATE FOR THE YEAR 2006 FOR GENERAL PURPOSES, THE TAX RATE FOR THE YEAR 2006 FOR DEBT SERVICE, THE TAX RATE FOR THE YEAR 2006 FOR FIRE PROTECTION, THE TAX RATE FOR THE YEAR 2006 FOR PARKS AND RECREATION, THE TAX RATE FOR THE YEAR 2006 FOR PERMANENT IMPROVEMENT FUND AND ESTABLISHING DISCOUNTS AND PENALTIES THEREFOR.

The Board of Commissioners of the Township of Upper Dublin does hereby ENACT AND ORDAIN as follows:

SECTION 1: Tax Rate for General Purposes

That a tax be and the same is hereby levied on all property and occupation within the said municipality subject to taxation for the fiscal year 2006, as follows:

Tax rate for General Purposes, the sum of	2.600 mils
on each dollar of assessed valuation, or the sum of	26.000 cents
on each one hundred dollars of assessed valuation.	

The same being summarized in tabular form as follows:

	<u>Mils on Each Dollar of Assessed Valuation</u>	<u>Cents on Each One Hundred Dollars of Assessed Valuation</u>
Tax Rate for General Purposes	2.600	26.000

SECTION 2: Tax Rate for Debt Service

That a tax be and the same is hereby levied on all property and occupation within the said municipality subject to taxation for the fiscal year 2006, as follows:

Tax rate for Debt Service, the sum of	0.376 mils
on each dollar of assessed valuation, or the sum of	3.760 cents
on each one hundred dollars of assessed valuation.	

The same being summarized in tabular form as follows:

	<u>Mils on Each Dollar of Assessed Valuation</u>	<u>Cents on Each One Hundred Dollars of Assessed Valuation</u>
Tax Rate for Debt Service	.376	3.760

SECTION 3: Tax Rate for Fire Protection

That a tax be and the same is hereby levied on all property and occupation within the said municipality subject to taxation for the fiscal year 2006, as follows:

Tax rate for Fire Protection, the sum of	0.281 mils
on each dollar of assessed valuation, or the sum of	2.810 cents
on each one hundred dollars of assessed valuation.	

The same being summarized in tabular form as follows:

	<u>Mils on Each Dollar of Assessed Valuation</u>	<u>Cents on Each One Hundred Dollars of Assessed Valuation</u>
Tax Rate for Fire Protection	.281	2.810

SECTION 4: Tax Rate for Parks and Recreation

That a tax be and the same is hereby levied on all property and occupation within the said municipality subject to taxation for the fiscal year 2006, as follows:

Tax rate for Parks and Recreation the sum of	0.510 mils
on each dollar of assessed valuation, or the sum of	5.100 cents
on each one hundred dollars of assessed valuation.	

The same being summarized in tabular form as follows:

	<u>Mils on Each Dollar of Assessed Valuation</u>	<u>Cents on Each One Hundred Dollars of Assessed Valuation</u>
Tax Rate for Parks and Recreation	.510	5.100

SECTION 5: Tax Rate for Permanent Improvement Fund

That a tax be and the same is hereby levied on all property and occupation within the said municipality subject to taxation for the fiscal year 2006, as follows:

Tax rate for Permanent Improvement, the sum of	0.187 mils
on each dollar of assessed valuation, or the sum of	1.870 cents
on each one hundred dollars of assessed valuation.	

The same being summarized in tabular form as follows:

	<u>Mils on Each Dollar of Assessed Valuation</u>	<u>Cents on Each One Hundred Dollars of Assessed Valuation</u>
Tax Rate for Permanent Improvement Fund	.187	1.870

SECTION 6: Discounts and Penalties

All taxpayers shall be entitled to a discount of two per centum (2%) from the amount of tax levied upon property, upon making payment of amount of such tax within sixty (60) days of the date of the tax notice. All taxpayers who shall fail to make payment of any such taxes charged against them within one hundred twenty (120) days of the date of the tax notice, shall be charged a penalty of ten per centum (10%) of the amount of the tax, which penalty shall be added to the taxes by the tax collector and collected as provided by law.

SECTION 7: Nothing in this Ordinance shall be construed to affect any suit or processing in any Court, any rights acquired or liability incurred, any permit issued, or any causes of action existing prior to the adoption of this amendment.

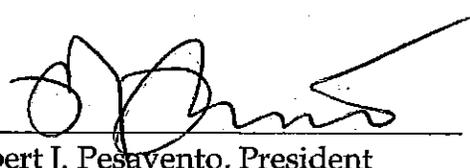
SECTION 8: The provisions of this Ordinance are severable, and if any section, sentence, clause, part or provision thereof shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of the Court shall not affect or impair the remaining sections, sentences, 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 illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

SECTION 9: This Ordinance shall take effect and be in force from and after January 1, 2006.

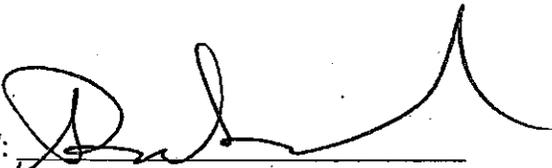
ENACTED AND ORDAINED THIS 13th day of December 2005.

BOARD OF COMMISSIONERS
UPPER DUBLIN TOWNSHIP

BY: _____


Robert J. Pesavento, President

ATTEST: _____


Paul A. Leonard, Secretary

AN ORDINANCE

NO. 1159

AN ORDINANCE Amending The Code Of Upper Dublin Township Chapter 76, Buildings, Numbering Of, To Require The Installation Of Identifying Emblems On Certain Properties, Buildings, Or Structures Containing Truss Construction.

The Board of Commissioners of the Township of Upper Dublin hereby ordains:

Section 1. The Code of Upper Dublin Township, Chapter 76, Buildings, Numbering Of, § 76-1, Definitions and word usage, subsection B, shall be amended to add in alphabetical order the following definitions:

§ 76-1. Definitions and word usage.

* * * * *

B. As used in this chapter, the following terms shall have the meanings indicated:

TRUSS CONSTRUCTION -- A combination of members, such as beams, bars and ties, usually arranged in triangular units or constructed of a top chord, bottom chord and web to form a rigid framework for supporting loads over a span of structural members, that connect together to span the space between the walls of a building to support a vertical load.

TRUSS EMBLEM – An official sign secured from the Township consisting of an isosceles triangle not less than twelve (12) inches horizontally by six (6) inches vertically made of reflective material with white as the background and red lettering containing the following: “F” to signify a building or structure having a floor with truss construction; “R” to signify a building or structure having a roof with truss construction; or “FR” to signify a building or structure having both a floor and roof with truss construction.

Section 2. The Code of Upper Dublin Township, Chapter 76, Buildings, Numbering of, shall be amended by the addition of a new § 76-4.1, Truss Construction, to provide as follows:

§ 76-4.1. Truss construction

A. Identification of truss construction.

(1) Except as provided in subparagraph (B) below, the owner, developer and/or

entity responsible for the exterior maintenance of a building, or a group of buildings, containing truss construction in any form or manner shall install and maintain a truss emblem as follows:

(a) To the left of the main entrance to the building and at a height of not less than five (5) feet above the floor level.

(b) Where a tract of land is improved with multiple buildings, the truss emblem may be installed within the public right-of-way or upon the common element/area (in the case of a private street or condominium) at each entrance to such tract, provided the written approval of the location is first obtained from the Township Fire Marshal.

B. Exemption. The provisions of this section shall not apply to a single family or two family residential dwelling.

C. Fire Marshal approval. Every applicant for land development approval for property on which a building employing truss construction has been or will be constructed, shall indicate on the land development plan the proposed location of the truss emblem(s) to be erected and shall secure the written approval of the Township Fire Marshal for such location.

D. Retroactive compliance required. The provisions of this section shall apply to existing buildings having truss construction, and must be complied with within one year from the effective date of this section.

Section 3. The Code of Upper Dublin Township, Chapter 76, Buildings, Numbering of, § 76-5, Violations and penalties, shall be amended to provide as follows:

§ 76-5. Violations and penalties.

Any owner or occupant who shall fail to display a street number or truss emblem as in this chapter is provided shall be in violation of the provisions of this chapter and shall, upon summary conviction before a District Justice, be sentenced to pay a fine of not less than \$600 for each offense and the costs of prosecution. A new and separate offense shall be deemed to have been committed for each day that a violation exists. Such fines shall be collected and distributed as like fines are now collected by law.

Section 4. Nothing in this Ordinance or in Chapter 76 of the Code of the Township of Upper Dublin, as hereby amended, shall be construed to affect any suit or proceedings in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Chapter 76 prior to the adoption of this amendment.

Section 5. 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 this 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 if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

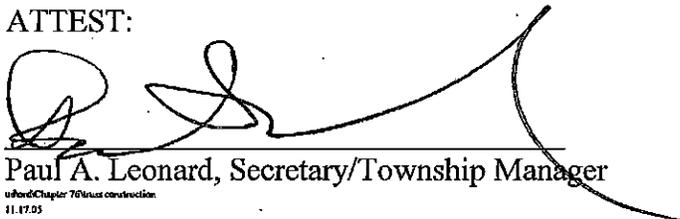
Section 6. This Ordinance shall take effect and be in force from and after its approval as required by law.

Enacted by the Board of Commissioners of Upper Dublin Township this ^{10th} day of *January*, 2006.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN


Robert J. Pesavento, President

ATTEST:


Paul A. Leonard, Secretary/Township Manager

uprd@Chapter 76 Issues construction
11.17.05

AN ORDINANCE

NO. 1160

AN ORDINANCE To Amend The Upper Dublin Township Code, Chapter 224, Taxation, By The Enactment Of An Emergency And Municipal Services Tax In The Annual Amount Of \$52; And By Imposing Such Tax On Each And Every Person Employed In Upper Dublin Township, Subject To Certain Exemptions.

The Board of Commissioners of Upper Dublin Township hereby ordains:

Section 1. The Upper Dublin Township Code, Chapter 224, Taxation, shall be amended by the addition of a new Article IV, Emergency and Municipal Services Tax, to provide as follows:

ARTICLE IV, Emergency and Municipal Services Tax

§ 224-30. Definitions. As used in this article, unless the context indicates clearly a different meaning, the following words shall have the meanings set forth below:

COMPENSATION -- Salaries, wages, commissions, tips, bonuses, fees, or any other income.

EMPLOYER -- Any person, partnership, limited partnership, unincorporated association, institution, trust, corporation, limited liability entity, governmental agency or any other body engaged in business or situated in the Township, employing one or more employees engaged in any occupation other than household employees.

OCCUPATION -- Includes any livelihood, job, trade, profession, business or enterprise of any kind, including services, household or other, for which any compensation is received.

EMERGENCY AND MUNICIPAL SERVICES TAX COLLECTOR
-- The Township Manager of Upper Dublin Township or his designated representative.

TAX -- The tax imposed by this article.

TAXPAYER -- Any natural person liable for the tax levied by this article.

TOWNSHIP -- Upper Dublin Township.

§ 224-31. Levy of tax; Restricted use of funds.

A. A tax under the Act of December 31, 1965, P.L. 1257, as amended, known as the "Local Tax Enabling Act," is hereby levied upon the privilege of engaging in an occupation within the Township from the effective date hereof for the calendar year 2006 and thereafter in each following calendar year. Each natural person who exercises such privilege for any length of time shall pay tax in the amount of \$52 in accordance with the provisions of this article; provided, however, that the tax hereby levied shall not be imposed upon any natural person whose gross compensation during the tax year is less than \$12,000.00.

B. The Township may only use the funds derived from the tax for: 1) police, fire and/or emergency services; 2) road construction and/or maintenance; or 3) reduction of property taxes.

§ 224-32. Duties of employers: registration; collection and payment of tax.

A. Every employer shall, within 30 days after the effective date of this article or within 30 days after first becoming an employer, register with the Emergency and Municipal Services Tax Collector the employer's name, address and such other information as the Emergency and Municipal Services Tax Collector may require.

B. As to each taxpayer employed for any length of time on or before March 31 of any tax year, each employer shall deduct the tax from compensation payable to the taxpayer, file a return on a form prescribed by the Emergency and Municipal Services Tax Collector and pay to the Emergency and Municipal Services Tax Collector the appropriate amount of all such taxes on or before April 30 of the same tax year. Thereafter, as to each taxpayer for whom no prior deduction has been made, who is employed for any length of time in any of the three-month periods ending June 30, September 30 and December 31 of the same tax year, each employer shall deduct the tax from the compensation payable to the taxpayer, file a return on a form prescribed by the Emergency and Municipal Services Tax Collector and pay to the Emergency and Municipal Services Tax Collector the full amount of all taxes deducted for each such three-month period on or before July 31 and October 31 of the same tax year and January 31 of the following year, respectively. Employers shall not be required to deduct the tax from any employee if the employee's gross earnings during the tax year do not exceed \$12,000.00.

C. Any employer who discontinues business or ceases operation before December 31 of any tax year shall, within 15 days after discontinuing business or ceasing operation, file the return hereinabove required and pay the tax to the Emergency and Municipal Services Tax Collector.

D. The failure of any employer to deduct the tax shall not relieve the employee from the duty to file a return and pay the tax. Any employer who fails to deduct the tax as required by this section or who fails to pay such tax to the Emergency and Municipal Services Tax Collector shall be liable for such tax in full as though the tax had originally been levied against such employer.

E. As to employees who present official receipts evidencing prior payment of the tax either directly or by collection through other employers, the employer shall not deduct the tax but shall maintain adequate records concerning such employees.

§ 224-33. Direct payment by taxpayers.

Every taxpayer who is self-employed or whose tax for any other reason is not collected under § 224-32 of this article shall file a return on a form prescribed by the Emergency and Municipal Services Tax Collector and shall pay the tax directly to the Emergency and Municipal Services Tax Collector. Each such taxpayer who first becomes subject to the tax on or before March 31 of any tax year shall file the return and pay the tax on or before April 30 of the same tax year, and each such taxpayer who first becomes subject to the tax after March 31 of any tax year shall file the return and pay the tax on or before July 31 of the same tax year, October 31 of the same tax year or January 31 of the following year, whichever of such payment dates first occurs at least 30 days after the taxpayer first becomes subject to the tax.

§ 224-34. Nonresident taxpayers.

Both resident and nonresident taxpayers shall, by virtue of engaging in an occupation within the Township, be subject to the tax and the provisions of this article.

§ 224-35. Exempt persons; refunds.

Any person who derives less than \$12,000.00 per year from an occupation shall be exempt from this article and, upon application to the Emergency and Municipal Services Tax Collector, shall be entitled to receive a refund of tax paid by him or on his behalf.

§ 224-36. Duties of Emergency and Municipal Services Tax Collector.

The Emergency and Municipal Services Tax Collector, on behalf of the Township, shall collect and receive the taxes, interest, fines and penalties imposed by this article and shall maintain records showing the amounts received and the dates such amounts were received. The Emergency and Municipal Services Tax Collector shall prescribe and issue all forms necessary for the administration of the tax and may adopt and enforce regulations relating to any matter pertaining to the administration of this article, including but not limited to requirements for collection through employers, requirements for deductions, requirements for evidence and records and provisions for the examination and correction of returns. The Emergency and Municipal Services Tax Collector and agents designated by him may examine the records of any employer or supposed employer or of any taxpayer or supposed taxpayer in order to ascertain the tax due or verify the accuracy of any return. Every employer or supposed employer and every taxpayer or supposed taxpayer shall give the Emergency and Municipal Services Tax Collector and any agent designated by him all means, facilities and opportunity for the examinations hereby authorized.

§ 224-37. Collection of tax.

The Emergency and Municipal Services Tax Collector shall collect, by suit or otherwise, all taxes, interest, costs, fines and penalties due under this article and unpaid. If for any reason any tax is not paid when due, interest at the rate of 6% per year on the amount of unpaid tax and an additional penalty of 1/2 of 1% of the amount of unpaid tax for each month or fraction of month during which the tax remains unpaid shall be added and collected. Whenever suit is brought for the recovery of unpaid tax, the taxpayer shall, in addition, be liable for the costs of collection as well as for interest and penalties. The Emergency and Municipal Services Tax Collector may accept payment under protest of the tax claimed by the Township in any case where any person disputes the Township's claim for the tax. If a court of competent jurisdiction thereafter decides that there has been overpayment to the Emergency and Municipal Services Tax Collector, the Emergency and Municipal Services Tax Collector shall refund the amount of the overpayment to the person who paid under protest.

§ 224-38. Violations and penalties.

Whoever makes any false or untrue statement on any record required by this article, or whoever refuses inspection of his books, records or accounts in his custody and control setting forth the number of employees subject to this tax who are in his employment, or whoever fails or refuses to file any return required by this article, or whoever fails to collect or withhold or, having collected and withheld, fails to pay the tax due, shall, upon conviction before any District Justice, be sentenced to pay a fine or penalty to the Township of not more than \$600 for each offense. It is further provided that the action to enforce the fine and penalty herein provided may be instituted against any person in charge of the business of any employer who violates the requirements set forth above.

§ 224-39. Applicability of provisions.

The tax shall not apply to any subject of tax or person not within the taxing power of the Township under the Constitution of the United States and the laws and Constitution of the Commonwealth of Pennsylvania.

Section 2. This Ordinance is enacted under the authority of The Local Tax Enabling Act,” Act of December 31, 1965, P.L. 1257.

Section 3. Nothing in this ordinance or in the Upper Dublin Township Code as hereby amended, 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 action existing under the said Code prior to this amendment.

Section 4. 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 if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

Section 5. This ordinance shall take effect and be in force from and after January 1, 2006.

Approved by the Board this 10 day of January, 2006.

UPPER DUBLIN TOWNSHIP
BOARD OF COMMISSIONERS

BY: _____
Robert J. Pesavento, President

ATTEST:

Paul A. Leonard, Secretary/Township Manager

AN ORDINANCE

NO. 1167

AN ORDINANCE Amending The Code Of The Township Of Upper Dublin, Chapter 255, Entitled Zoning, By Revising The Zoning Map To Include In The B Residential District The Following Properties: Block 70, Unit 27, Known As 2023 South Limekiln Pike, The Property of Dresler Properties, L.P.; Block 70, Units 28 & 31, Known As 3364 Susquehanna Road, The Property of Nak Won Presbyterian Church; Block 70, Unit 52, Known As 3348 Susquehanna Road, The Property of Domer and Natalie Keslar; and Block 70, Unit 49, Known As 3342 Susquehanna Road, The Property of Brendan and Bernadette Kearney.

The Board of Commissioners of the Township of Upper Dublin hereby ordains:

Section 1. The Code of the Township of Upper Dublin, Chapter 22, entitled Zoning, Section 255-9, Zoning Map, is hereby amended to include in the B Residential District the following properties: Block 70, Unit 027, 2023 South Limekiln Pike, the Property of Dresler Properties, L.P.; Block 70, Units 28 & 31, Known As 3364 Susquehanna Road, The Property of Nak Won Presbyterian Church; Block 70, Unit 52, Known As 3348 Susquehanna Road, The Property of Domer and Natalie Keslar; and Block 70, Unit 49, Known As 3342 Susquehanna Road, The Property of Brendan and Bernadette Kearney. The properties to be rezoned are more specifically described in the legal description attached hereto as Exhibit "A" and the Rezoning Exhibit Plan entitled "Rezoning 'B' District", dated September 27, 2005, by Woodrow & Associates, Inc., Sheet 1 of 1 attached hereto as Exhibit "B".

Section 2. Nothing in this Ordinance or in Chapter 255 of the Code of the Township of Upper Dublin, as hereby amended, shall be construed to affect any suit or proceeding in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Chapter 255 prior to the adoption of this amendment.

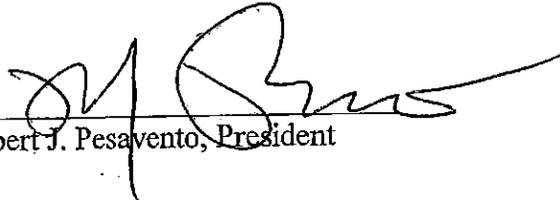
Section 3. The provisions of this Ordinance are severable, and if any section, sentence, clause, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, 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 illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included

herein.

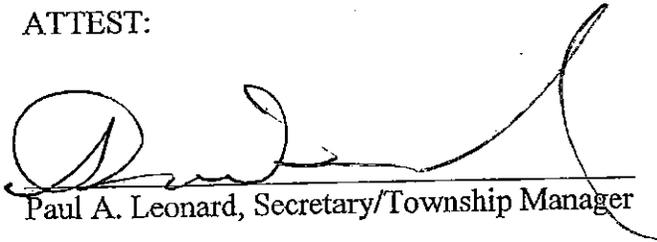
Section 4. This Ordinance shall take effect and be in force from and after its approval as required by law.

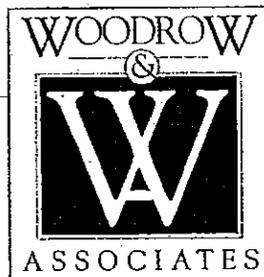
Enacted by the Board of Commissioners of Upper Dublin Township this 17th day of January, 2005.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN


Robert J. Pesavento, President

ATTEST:


Paul A. Leonard, Secretary/Township Manager



Job Number: 05-0509d
 Job Name: 2023 Limekiln Pike
 Date: 9/27/2005
 File Name: Rezoning Exhibit

Legal Description of an Area to be rezoned in Zoning District 'B'

ALL THAT CERTAIN tract of land situate in the Township of Upper Dublin, County of Montgomery, Commonwealth of Pennsylvania bounded and described according to a Rezoning Exhibit Plan entitled Rezoning "B" District, prepared by Woodrow & Associates, Inc., dated September 27, 2005, as follows, to wit:

BEGINNING AT A POINT, a common property corner of lands of now or formerly of New Life Presbyterian Church of Fort Washington (Block 70, Unit 18) and lands now or formerly of Dresher Properties, L.P. (Block 70, Unit 27) on the southeasterly right of way line of Limekiln Pike, S.R. 0152, being 50 feet wide at this point;

THENCE, leaving said beginning point and continuing along said southeasterly right of way line of Limekiln Pike, the four (4) following courses and distances:

1. North 55 degrees 19 minutes 00 seconds East, a distance of 265.03 feet, to a point;
2. North 43 degrees 13 minutes 00 seconds East, a distance of 113.01 feet, to a point;
3. North 23 degrees 59 minutes 00 seconds East, a distance of 14.36 feet, to a point;
4. North 45 degrees 40 minutes 00 seconds East, a distance of 227.52 feet, to a point in the bed of Susquehanna Road, being 80 feet wide at this point;

THENCE, in and along the bed of Susquehanna road and along the frontages of lands now or formerly of NAK WON Presbyterian Church (Block 70, Units 28 & 31), lands now or formerly of Domer & Natalie Keslar (Block 70, Unit 52) and lands now or formerly of Brendan & Bernadette Kearney (Block 70, Unit 49), South 44 degrees 20 minutes 00 seconds East, a distance of 658.04 feet, to a point in the intersection of said Susquehanna Road with Camp Hill Road, unopened, being 40 feet wide at this point;

THENCE, in and along the bed of Camp Hill Road, South 44 degrees 57 minutes 00 seconds West, a distance of 614.28 feet, passing the terminus of High Point Avenue, unopened, being 40 feet wide at this point, to a common property corner of said lands of Dresher Properties, L.P. and said lands of New Life Presbyterian Church of Fort Washington;

THENCE, along said common property line between Dresher Properties, L.P. and New Life Presbyterian Church of Fort Washington, North 44 degrees 24 minutes 00 seconds West, a distance of 700.01 feet, to a point, said point being the first mentioned point and PLACE OF BEGINNING.

Containing in area 9.39 Acres more or less.

Being a consolidation of lands of now or formerly of NAK WON Presbyterian Church (Block 70, Units 28 & 31), lands now or formerly of Domer & Natalie Keslar (Block 70, Unit 52), lands now or formerly of Brendan & Bernadette Kearney (Block 70, Unit 49) and lands now or formerly of Dresher Properties, L.P. (Block 70, Unit 27) for the express purpose of Rezoning.

Job Number: 05-0509d
Job Name: 2023 Limekiln Pike
Date: 9/27/2005
File Name: Rezoning Exhibit



Kevin R. Gibbons

Kevin R. Gibbons
Professional Land Surveyor
Commonwealth of Pennsylvania
License No. SU-044550-E

AN ORDINANCE

NO. 1162

AN ORDINANCE To Amend The Zoning Code Of The Township Of Upper Dublin, Chapter 255, To Revise the definitions of Developable Acreage, Lot Area, Right-Of-Way, Setback Line, Street Line And Ultimate Right-Of-Way; And To Allow Townhouse Structures By Conditional Use In B Residential Districts, Subject To Conditions.

The Board of Commissioners of the Township of Upper Dublin hereby ordains:

Section 1. The Code of Upper Dublin Township, Article 255, entitled Zoning, Article I, General Provisions, § 255-7, Definitions, the definitions of Developable Acreage, Lot Area, Right-of-Way, Setback Line, Street Line and Ultimate Right-of-Way, shall be amended to provide as follows:

DEVELOPABLE ACREAGE -- All land is defined as developable acreage except land area located within existing ultimate right-of-way lines; noncontiguous land; 100% of floodplain, wetlands, ponds and lakes; 50% of slopes from 15% to 25%; 85% of slopes over 25%; and 50% of existing utility rights-of-way.

LOT AREA -- The total horizontal area of a lot lying within the lot lines.

RIGHT-OF-WAY LINE -- The legal boundary of a street, road, highway or alley, whether publicly or privately held.

SETBACK LINE -- A line establishing the minimum distance (setback) of a building or structure to a property boundary line. Where the boundary line abuts a street, the setback line shall be measured to the ultimate right-of-way line, or, where no ultimate right-of-way line has been established, then to the right-of-way line.

STREET LINE -- The dividing line between a lot and the right-of-way line of a public or private street.

ULTIMATE RIGHT-OF-WAY LINE -- The intended future boundary of a street, road, highway or alley, whether publicly or privately held.

Section 2. The Code of Upper Dublin Township, Article 255, entitled Zoning, Article VII, Residential Districts, § 255-39, Permitted uses, subsections A. and B, shall be amended to provide as follows:

ARTICLE VII, Residential Districts,

§ 255-39. Permitted uses.

A. A building may be erected, altered or used and a lot or premises may be used for any one use permitted in this section. Permitted uses on each lot in A and B Residential Districts shall be as follows:

* * * * *

(8) Townhouse structures as a conditional use in the B Residential District, subject to the provisions of §255-42.1 and Article XXV.

B. Permitted uses on each lot in C Residential Districts shall be as follows:

(1) Any use permitted in A and B Residential Districts, except townhouse structures.

* * * * *

Section 3. The Code of Upper Dublin Township, Article 255, entitled Zoning, Article VII, Residential Districts, shall be amended by the addition of a new §255-42.1, Conditional uses, to provide as follows:

ARTICLE VII, Residential Districts

* * * * *

§ 255-42.1. Conditional Uses. No conditional use for a townhouse structure shall be granted unless the applicant shows that the proposed use complies with the following:

(1) Tract area: a minimum of 5 acres together with access onto a primary road and a tract width on such road of not less than 200 feet.

(2) Density: the maximum density shall be 3.1 units/acre of lot area.

(3) Common Open Space: no less than 50% of the tract area, excluding street rights of way.

i. All dwelling units shall have access to common open space without the obstruction of intervening lots, structures, fences or other impediments to pedestrians.

- ii. A covenant providing for the use and maintenance of the open space in a form approved by the Township Solicitor shall be recorded with the final plan. The covenant shall require joint maintenance by an association of unit owners and permit joint use of the open space.
 - iii. Stormwater management facilities may be included in the common open space.
- (4) Perimeter Setback: Structures shall be situated so as to maintain a minimum setback line from an ultimate right-of-way line of 50 feet, and from any lot line of 75 feet
 - (5) Building Separation: Individual structures must have sufficient separation to meet applicable fire protection codes. In no case may this distance be less than 30 feet
 - (6) Building length or depth: The greatest dimension in length or depth of a new structure containing three or more dwelling units shall not exceed 120 feet. No more than six units shall be allowed in a new structure.

Section 4. The Code of Upper Dublin Township, Article 255, entitled Zoning, Article VII, Residential Districts, §255-44, B Residence Districts, shall be amended by the addition of a new subsection B, to provide as follows:

§ 255-44. B Residential Districts. In a B Residential District the following regulations shall apply:

* * * * *

B. Lot, yard and bulk requirements for Townhouse dwellings/structures authorized as a conditional use pursuant to § 255-39.A(8) and § 255-42.1:

- (1) The applicant may, but shall not be required, to construct residential units on individual lots. Where units are constructed on individual lots the following standards apply:
 - (a) Lot area (minimum): 5,000 square feet
 - (b) Front yard (minimum): 35 feet
 - (c) Side yard for end unit in a Townhouse structure (minimum): 25 feet
 - (d) Rear yard (minimum): 30 feet

- (2) Principal building height (maximum): 35 feet
- (3) Accessory building height (maximum): 20 feet
- (4) Building coverage (maximum): 20% of total lot area
- (5) Impervious surface (maximum): 30% of total lot area

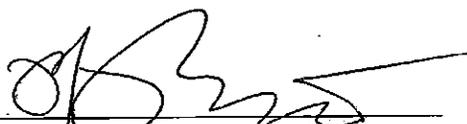
Section 5. Nothing in this Ordinance or in Chapter 255 of the Code of the Township of Upper Dublin, as hereby amended, shall be construed to affect any suit or proceedings in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Chapter 255 prior to the adoption of this amendment.

Section 6. 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 this 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 if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

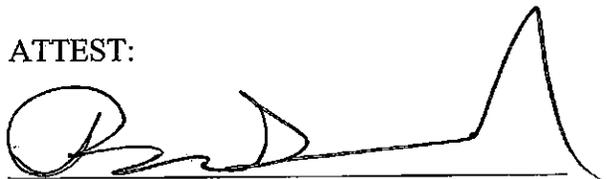
Section 7. This Ordinance shall take effect and be in force from and after its approval as required by law.

Enacted by the Board of Commissioners of Upper Dublin Township this *17th* day of *January*, 2006.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN


Robert J. Pesavento, President

ATTEST:



Paul A. Leonard, Secretary/Township Manager

revised Chapter 255 Township structures
10.25.05

ORDINANCE NO. 1163

AN ORDINANCE OF UPPER DUBLIN TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA, ESTABLISHING THE DATES OF THE REGULAR MEETINGS OF THE COMMISSIONERS OF THE TOWNSHIP OF UPPER DUBLIN DURING THE YEAR 2006.

The Board of Commissioners of the Township of Upper Dublin does hereby ENACT and ORDAIN as follows:

SECTION 1. The regular stated monthly meetings of the Commissioners of the Township of Upper Dublin for the year 2006 shall be held on the second Tuesday of each month unless the same shall be a legal holiday or election day, in which case the meeting will be held on the next regular business day following, at 7:30 PM, local time.

SECTION 2. The Public Safety, Works and Services Committee meetings for the year 2006 shall be held on the first Tuesday of February, April, June, August, October, December, unless the same shall be a legal holiday or election Day, in which case the meeting will be held on the next regular business day following, at 6:30 PM., local time.

SECTION 3. The Public Activities, Lands and Contracts Committee meetings for the year 2006 shall be held on the first Tuesday of February, April, June, August, October, December, unless the same shall be a legal holiday or election Day, in which case the meeting will be held on the next regular business day following, at 7:30 PM., local time.

SECTION 4. The Commissioners Planning Committee meetings for the year 2006 shall be held on the third Tuesday of each month at 7:00 PM, local time.

SECTION 5. The Economic Development Committee for the year 2006 shall meet when called by Chairperson.

SECTION 6. The public is welcome to attend all meetings, and participation by the public is welcome.

SECTION 7. Persons with disabilities who wish to attend any public meeting and require auxiliary aid, service or other accommodations to participate in the proceedings may contact the Township Manager's Office to discuss how the Township may best accommodate an individual's needs.

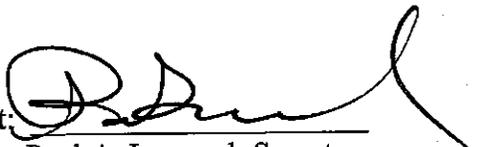
SECTION 8. All meetings will be held in the Upper Dublin Township Building, 801 Loch Alsh Avenue, Fort Washington, Pennsylvania, unless otherwise specifically directed.

ENACTED AND ORDAINED this *14th* day of *February*, 2006.

BOARD OF COMMISSIONERS
UPPER DUBLIN TOWNSHIP



Robert J. Pesavento, President

Attest: 

Paul A. Leonard, Secretary

AN ORDINANCE

NO. 1164

AN ORDINANCE Amending The Code Of The Township Of Upper Dublin, Chapter 255, Zoning, By Revising The Zoning Map With Respect To The Property At 1401-1405 Dreshertown Road Owned By PR Group IV, LP, By Rezoning The Frontage Of The Property Along Dreshertown Road To A Depth In Part Of 125 Feet And In Part Of 150 Feet From CR-I Commercial District And A Residential District To CR-L Commercial District, And By Rezoning The Remainder Of The Property To The Rear From CR-L Commercial District And A Residential District To CR-I Commercial District.

The Board of Commissioners of the Township of Upper Dublin hereby ordains:

Section 1. The Code of the Township of Upper Dublin, Chapter 255, entitled Zoning, Section 255-9, Zoning Map, is hereby amended to rezone the following described tract fronting on Dreshertown Road and being a portion of that property identified as Block 12, Unit 49, from A Residential District to CR-L Commercial District.

District Boundary

ALL THAT CERTAIN portion of property situate on the southeast side of Dreshertown Road in Upper Dublin Township, Montgomery County, Pennsylvania, being designated as Montgomery County tax parcel number 54-005173-002, and being more fully described as follows:

BEGINNING at a point on the centerline of Dreshertown Road, said point being ± 455 feet northeasterly along said centerline from the centerline intersection with Limekiln Pike (S.R. 152); thence, from said point of beginning, extending along the centerline northeasterly, ± 260 feet to a point; thence, extending along the line of lands of N/L PR Group IV LP, (taxmap block 12, Unit 49), at approximate right angles to Dreshertown Road, southeasterly, 150.0 feet to a point; thence, extending on and through said lands of N/L PR Group IV LP, parallel to, southeast of and 150 feet distant from the said centerline of Dreshertown Road, ± 260 feet to the southwesterly line of the said PR Group IV LP lands; thence, extending along said line of lands, northwesterly, 150.0 feet to a point on the aforementioned Dreshertown Road centerline the point & place of beginning.

Section 2. The Code of the Township of Upper Dublin, Chapter 255, entitled Zoning, Section 255-9, Zoning Map, is hereby amended to rezone the following described tract fronting on Dreshertown Road, being a portion of that property identified

as Block 12, Units 45 & 55, from CR-I Commercial District and CR-L Commercial District to CR-L Commercial District in its entirety.

District Boundary

ALL THAT CERTAIN portion of properties situate at the easterly corner of Dreshertown Road and Limekiln Pike in Upper Dublin Township, Montgomery County, Pennsylvania, being designated as Montgomery County tax parcel numbers 54-005167-008 and 54-005170-005, and being more fully described as follows:

BEGINNING at the centerline intersection of Dreshertown Road and Limekiln Pike (S.R. 152); thence, extending along the centerline, northeasterly, ± 455 feet to a point; thence, leaving Dreshertown Road and extending along the line of lands of N/L PR Group IV LP, (taxmap block 12, Unit 45) at approximate right angles to Dreshertown Road, southeasterly, 125.0 feet to a point; thence, extending on and through said PR Group IV LP lands, parallel to, southeast of and 125 feet distant from the said centerline of Dreshertown Road, southwesterly, ± 540 feet to a point on the centerline of said Limekiln Pike; thence, extending along the centerline, northwesterly, ± 150 feet to the point of beginning.

Section 3. The Code of the Township of Upper Dublin, Chapter 255, entitled Zoning, Section 255-9, Zoning Map, is hereby amended to rezone the following described tract to the rear of a portion of the same tract fronting on Dreshertown Road, being the rear portion of that property identified as Block 12, Units 45, 49 & 55, variously from A Residential District, CR-I Commercial District and CR-L Commercial District to CR-I Commercial District in its entirety.

District Boundary

ALL THAT CERTAIN portion of property situate on the southeast side of Dreshertown Road in Upper Dublin Township, Montgomery County, Pennsylvania, being designated as Montgomery County tax parcel numbers 54-005173-002, 54-005167-008 and 54-005170-005 and being more fully described as follows:

BEGINNING at a point on the common line of lands of N/L PR Group IV LP, (taxmap block 12, Unit 49) and N/L Robert and Lillian Widman (block 12, unit 46), said point being located South $49^{\circ}58'20''$ East, ± 125.0 feet from the centerline of Dreshertown Road, as shown on said plan; thence, extending along said Widman lands South $49^{\circ}58'20''$ East, ± 583 feet to a corner in the line of lands of N/L Harriet Horner Baisch (block 12, unit 12); thence, extending along said Baisch lands the following two (2) courses and distances; 1) South $76^{\circ}21'40''$ West, 322.75 feet to a point; 2) South $16^{\circ}38'20''$ East, 247.96 feet to a corner in the line of lands of Dresher Woods (block 12D, unit 129); thence, extending

along said Dresher Woods lands the following two (2) courses and distances; 1) South 65°08'00" West, 135.84 feet to an angle point; 2) South 75°03'00" West, 189.57 to a point in the line of lands of N/L Alfred J. & Catherine DeElse (block 12, unit 61); thence, extending along said DeElse lands the following three (3) courses and distances; 1) North 78°46'00" West, 231.24 feet to a point; 2) North 49°25'00" West, 33.00 feet to a point; 3) South 69°43'00" West, 129.13 feet to a point on the centerline of Limekiln Pike; thence, extending along said centerline the following two (2) courses and distances; 1) North 20°49'00" West, 92.90 feet to an angle point; 2) North 16°17'34" West, ±96 feet to a point; thence, extending on and through the lands of N/L PR Group IV LP (block 12, units 45 & 55), parallel to, southeast of and 125 feet distant from the said centerline of Dreshertown Road, ±540 feet to a point in the line of said PR Group IV LP; thence, extending along said PR Group IV LP lands South 49°58'20" East, 25.0 feet to a point; thence, extending on and through said PR Group IV LP lands, parallel to, southeast of and 150 feet distant from the said centerline of Dreshertown Road, ±260 feet to a point, said point being the point and place of beginning.

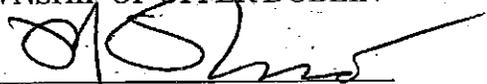
Section 4. Nothing in this Ordinance or in Chapter 255 of the Code of the Township of Upper Dublin, as hereby amended, shall be construed to affect any suit or proceeding in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Chapter 255 prior to the adoption of this amendment.

Section 5. 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 illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

Section 6. This Ordinance shall take effect and be in force from and after its approval as required by law.

Approved this 14th day of February, 2006.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN


Robert J. Pesavento, President

Attest:


Paul A. Leonard, Secretary

AN ORDINANCE

NO. 1165

AN ORDINANCE To Amend The Code Of Township Of Upper Dublin, Chapter 18, Fire Department, By Amending Section 18-7 To Establish a Township Fire Department And Designate Its Fire Company; By Deleting Section 18-8 In Its Entirety; By Amending Section 18-9 To Outline the Authorized Activities of the Fire Company; And By Amending Section 18-10 To Establish The Manner In Which The Township Will Provide Financial Support To The Fire Company.

The Board of Commissioners of the Township of Upper Dublin hereby ordains:

Section 1. The Code of the Township of Upper Dublin, Chapter 18, Article II, Fire Department, §§ 18-7 to 18-10, shall be amended by revising in part the titles to sections and by revising the text of the individual sections to provide as follows:

§18-7. Fire Department established, Fire Company recognized

- A. The Fire Department of Upper Dublin Township is hereby established for the purpose of carrying out the powers given by law to the Township relative to the cause and management of fires and the prevention thereof. The Personnel of the Fire Department shall consist of a Fire Marshall, a Fire Services Administrator, and such other personnel as the Board of Commissioners shall authorize, all such personnel to serve under the supervision of the Township Manager.
- B. The Ft. Washington Fire Company No. 1, and any additional companies as the Board of Commissioners may from time to time recognize, are hereby designated as the officially recognized "Fire Company" for Upper Dublin Township.
- C. The Fire Department shall be managed in the same manner as all other existing township departments.
- D. The administrative head of the Fire Department shall be the Fire Services Administrator. The Fire Services Administrator shall be a full time paid employee of the Township.
- E. The Fire Marshall shall report directly to the Fire Services Administrator concerning Fire Department related administrative issues. The Fire Services Administrator shall also receive reports from appropriate members of the Fire Company concerning the activities of the Fire

Department which have been assigned to the Fire Company. The Fire Services Administrator shall, annually, render a report to the Board of Commissioners concerning the activities of the Fire Department.

- F. The Fire Company shall operate under its own bylaws, which shall be in accordance with generally accepted standards for similar organizations. Nothing in this chapter is intended to regulate the internal organization of the Fire Company.
- G. The Fire Chief and subordinate officers of the Fire Company shall be in command of the Fire Company.

§18-8. (Reserved)

§18-9. Authorized activities of Fire Company

The Fire Company shall provide such services to the township as may be necessary for the protection of persons and property situated therein, to include the following:

- A. Emergency activities
 - 1. The extinguishment of fires and the prevention of loss of life and property from fire, subject to good and accepted fire-fighting practices which shall be applicable to the Fire Company and its members.
 - 2. Assistance at the scene of automobile accidents, medical emergencies, hazardous materials incidents, natural or man-made phenomena and other dangerous situations.
 - 3. Any and all public safety activities undertaken by the responding members of the Fire Company to render care to the injured, prevent loss of life, provide comfort and security to victims and limit or prevent damage to or loss of property as circumstances may indicate.
 - 4. The Fire Company may respond to emergency calls and provide services to municipalities outside of the township in furtherance of mutual aid agreements entered into by the Township.
- B. Nonemergency activities. The Fire Company may also provide the following nonemergency and public service functions:
 - 1. Removing water from property after storms.

2. Assisting in the abatement and prevention of damage or injury to persons or property whether through natural or man-made causes.
3. Recovery of animals.
4. Participation in fire prevention activities, post-fire investigations, bomb searches and evacuation drills.
5. Assisting police by rendering assistance to police officers where such aid is specifically requested or done without request to protect the public welfare from imminent danger, including fire police duties.
6. Maintenance and repair work performed safely and responsibly on a Township vehicle, building, grounds, or equipment.
7. Participation in drills, practices, training sessions and pre-fire planning activities as may be deemed necessary by the officers of the Fire Company to maintain proficiency in required services. Participation in these training activities shall be deemed necessary by the officers of the Fire Company and supervised by a qualified instructor.
8. Preparation of the firehouses for community activities such as use as a temporary shelter or a polling place for the primary and general elections.
9. Any use of Township property other than as permitted herein must be specifically authorized by the Board of Commissioners.

§18-10. Finances

- A. The Fire Company shall receive financial support from the Township on an annual basis. This support will be based upon an annual budget request prepared by the Fire Company which will be submitted to the Fire Services Administrator, discussed, and authorized in the same manner established for all Township departments.

Section 2. Nothing in this Ordinance or in the Code of the Township of Upper Dublin, as hereby amended, shall be construed to affect any suit or proceedings in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Code prior to the adoption of this amendment.

Section 3. 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 this 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 if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

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

Enacted by the Board of Commissioners of Upper Dublin Township this 14th day of February, 2006.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN


Robert J. Pesavento, President

ATTEST:


Paul A. Leonard, Secretary/Township Manager

AN ORDINANCE
NO. 1166

AN ORDINANCE Amending The Code Of The Township Of Upper Dublin, Chapter 255, Zoning, By Revising The Zoning Map To Rezone From CR-L Commercial District Variously To B Residential District And C Residential District An Area From Chelsea Avenue To Mill Road And To The Rear Of Properties Fronting On Pennsylvania Avenue, North Hills.

The Board of Commissioners of the Township of Upper Dublin hereby ordains:

Section 1. The Code of the Township of Upper Dublin, Chapter 255, entitled Zoning, Section 255-9, Zoning Map, is hereby amended to rezone from CR-L Commercial District to C Residential District certain properties lying between Chelsea Avenue and a point 135 feet northwest of the centerline of Girard Avenue, North Hills, the area being described as follows:

District Boundary

ALL THAT CERTAIN portion of zoning district situate in Upper Dublin Township, Montgomery County, Pennsylvania, being shown on a plan of Pennsylvania Avenue "CRL" Zoning, prepared for Upper Dublin Township, by Metz Engineers, Civil Engineers and Surveyors, Lansdale, Pennsylvania, dated February 10, 2006, and being more fully described as follows:

BEGINNING at the point of intersection of the centerline of Chelsea Avenue with the line of lands of block 64, unit 16, extended; thence, extending along said block 64, unit 16 lands the following two (2) courses and distances; 1) in a northwesterly direction to the northernmost corner of said block 64, unit 16; 2) in a southwesterly direction to the northeasterly corner of block 64, unit 17; thence, extending along said block 64, unit 17 and block 64, unit 18 in a northwesterly direction to a point on the centerline of Linden Avenue; thence, extending along said centerline in a southwesterly direction to the northeasterly line of lands of block 64, unit 15, extended; thence, extending along said block 64, unit 15 lands in a northwesterly direction to the southernmost corner of block 64, unit 2; thence, extending along said block 64, unit 2 lands the following two (2) courses and distances; 1) in a northeasterly direction to the northeasterly corner of said block 64, unit 2; 2) in a northwesterly direction to point on the centerline of Logan Avenue; thence, extending along said centerline in a southwesterly direction to the northeasterly line of lands of block 63, unit 48, extended; thence, extending along said block 63, unit 48 lands the following two (2) courses and

distances; 1) in a northwesterly direction to the northernmost corner of said block 63, unit 48; 2) in a southwesterly direction to the northeasterly corner of block 63, unit 23; thence, extending along said block 63, unit 23 lands in a northwesterly direction to a point on the centerline of Girard Avenue; thence, extending along said centerline in a northeasterly direction to a point on the northeasterly line of lands of block 63, unit 22, extended; thence, extending along said block 63, unit 22 lands in a northwesterly direction to the northwesterly corner of said block 63, unit 22 in the line of lands of block 63, unit 55; thence, extending along said block 63, unit 55 lands and lands of block 63, units 4 & 5 in a northeasterly direction to a point of intersection with a line parallel to and 250 feet northeast of the aforementioned Pennsylvania Avenue centerline; thence, extending along said parallel line 250 feet northeast of the aforementioned Pennsylvania Avenue centerline, on and through the lands of block 63, units 21, 26, 27 & 44 and block 64, units 41, 10, 21 & 22 and crossing Girard Avenue, Logan Avenue and Linden Avenue, in a northeasterly direction to a point of intersection with the aforementioned Chelsea Avenue centerline; thence, extending along said Chelsea Avenue centerline in a southwesterly direction, to the point and place of beginning.

Section 2. The Code of the Township of Upper Dublin, Chapter 255, entitled Zoning, Section 255-9, Zoning Map, is hereby amended to rezone from CR-L Commercial District to B Residential District certain properties lying between Mill Road to a point apx. 150 feet northeast of Mill Road, North Hills, the area being described as follows:

District Boundary

ALL THAT CERTAIN portion of zoning district situate in Upper Dublin Township, Montgomery County, Pennsylvania, being shown on a plan of Pennsylvania Avenue "CRL" Zoning, prepared for Upper Dublin Township, by Metz Engineers, Civil Engineers and Surveyors, Lansdale, Pennsylvania, dated February 10, 2006, and being more fully described as follows:

BEGINNING at a point of intersection of the centerline of Mill Road the line of lands of taxmap block 59, unit 98, extended; thence, extending along said centerline in a northeasterly direction to a point of intersection with a line parallel to and 250 feet northeast of the Pennsylvania Avenue centerline; thence, extending along said parallel line 250 feet northeast of the said Pennsylvania Avenue centerline, on and through the lands of block 59, units 25 & 20, and crossing Jackson Avenue, and on and through the lands of block 63, unit 5 in a southeasterly direction to a point on the line of lands of block 63, unit 21; thence, extending along said block 63, unit 21 and lands of block 63, units 56, 57 & 22 in a southwesterly direction to a northeasterly corner of lands of block 63, unit 3; thence, extending along said block 63, unit 3 lands in a northwesterly direction to

a point on the centerline of said Jackson Avenue; thence, extending along said centerline in a northeasterly direction to a point on the line of lands of block 59, unit 22, extended; thence, extending along said block 59, unit 22 lands the following two (2) courses and distances; 1) in a northwesterly direction to the northernmost corner of unit 22; 2) in a southwesterly direction to a northerly corner of lands of block 59, unit 98; thence, extending along said block 59, unit 98 line of lands in a northwesterly direction to the point and place of beginning.

Section 3. Nothing in this Ordinance or in Chapter 255 of the Code of the Township of Upper Dublin, as hereby amended, shall be construed to affect any suit or proceeding in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Chapter 255 prior to the adoption of this amendment.

Section 4. 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 illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

Section 5. This Ordinance shall take effect and be in force from and after its approval as required by law.

Approved this 28th day of March, 2006.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN


Robert J. Pesavento, President

Attest:

Paul A. Leonard, Secretary

AN ORDINANCE

NO. 1167

AN ORDINANCE Amending The Code Of The Township Of Upper Dublin, Chapter 255, Zoning, By Revising The Zoning Map With Respect To The Property At 521 N. Limekiln Pike, Maple Glen, Owned By Bethel Associates, Inc., By Rezoning The Property Shown As Lot 12 On The Plan Of Subdivision Of The "Loeb Tract" From A Residential District And CR-L Commercial District to CR-L Commercial District In Its Entirety.

The Board of Commissioners of the Township of Upper Dublin hereby ordains:

Section 1. The Code of the Township of Upper Dublin, Chapter 255, entitled Zoning, Section 255-9, Zoning Map, is hereby amended to rezone the following described tract known as 521 N. Limekiln Pike, Maple Glen, shown as Lot 12 on a plan of subdivision of the "Loeb Tract" prepared by Woodrow & Associates, Inc., dated December 22, 2004, and approved by the Board of Commissioners of Upper Dublin Township on April 11, 2006, from A Residential District and CR-L Commercial District to CR-L Commercial District in its entirety:

District Boundary

ALL THAT CERTAIN lot or parcel of land situate in Upper Dublin Township, Montgomery County, Commonwealth of Pennsylvania, as shown graphically on the Record Plan entitled "Loeb Tract", prepared by Woodrow & Associates, Inc., dated December 22, 2004, last revised January 13, 2006 and to be recorded in the Office for Recording of Deeds at Norristown, Pennsylvania, and on a Plan of Zoning Change, by Metz Engineers, Civil Engineers and Surveyors, Lansdale, Pennsylvania, dated March 3, 2006, and attached hereto, and being more fully described as follows:

BEGINNING at a point on the centerline of Limekiln Pike (S.R. 0152, 55' wide legal right-of-way at this point), said point being located ± 217.2 in a southerly direction along said centerline from the point of intersection with the centerline of Norristown Road (S.R. 2007, 25' half width); thence, extending from said point of beginning along said Limekiln Pike centerline in a southerly direction, ± 256.6 feet to a point on the line of lands of Lot 11, extended; thence, extending along said Lot 11 lands South $87^{\circ}37'26''$ West, 196.55 feet to a point, a corner of lands of Lot 6; thence, extending along said Lot 6 lands the following two (2) courses and distances; 1) North $81^{\circ}24'22''$ West, 163.61 feet to a point; 2) South $42^{\circ}05'45''$ West, 15.00 feet to a non-tangential point on the arc of a circle on the northerly terminus of Proposed Herold Court cul-de-sac; thence, extending along an arc of a circle curving to the left, having a radius of 60.00 feet, an arc distance of 46.67 feet, having a chord bearing of North $58^{\circ}09'40''$ West and a chord distance of 45.50 feet, to a point, a corner of Lot 5; thence, along said Lot 5 line of lands

North 09°33'26" East, 182.46 feet to a point on the common corner of lands of N/L Anthony & Eva Bevilacqua (taxmap block 4A, unit 28) and lands of N/L Scott L. & Sheira Soloman (block 4A, unit 27); thence, extending along said Solomon lands and lands of N/L Margaret F. Foley (block 4A, unit 23) North 86°26'08" East, 200.05 feet to a point; thence, continuing along said Foley lands North 01°40'07" West, 25.00 feet to a corner of lands of N/L James H. & Donna Courts (block 4A, unit 25); thence, extending along said Courts lands North 86°20'53" East, 169.91 feet to a point, on the aforementioned centerline of Limekiln Pike, said point being the point and place of beginning.

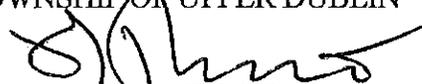
Section 2. Nothing in this Ordinance or in Chapter 255 of the Code of the Township of Upper Dublin, as hereby amended, shall be construed to affect any suit or proceeding in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Chapter 255 prior to the adoption of this amendment.

Section 3. 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 illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

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

Approved this 23rd day of May, 2006.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN


Robert J. Pesavento, President

Attest:


Paul A. Leonard, Secretary

AN ORDINANCE

NO. 1168

An Ordinance To Amend The Code Of The Township Of Upper Dublin, Chapter 233 Thereof, Entitled Vehicles And Traffic, Article VIII, Schedules, Section 233-50, Schedule IX: Stop Intersections, By Establishing "Stop" Regulations On Wenner Way at Scott Lane.

Section 1. The Code of the Township of Upper Dublin, Chapter 233, entitled Vehicles and Traffic, Section 233-50, Schedule IX: Stop Intersections, is hereby amended by adding thereto the following regulation:

§ 233-50. Schedule IX: Stop Intersections.

Stop Sign on	Direction of Travel	At Intersection Of
Wenner Way	Both	Scott Lane

Section 2. Nothing in this Ordinance or in Chapter 233 of the Code of the Township of Upper Dublin, as hereby amended, shall be construed to affect any suit or proceeding in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Chapter 233 prior to the adoption of this amendment.

Section 3. 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 illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

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

Approved by the Board this 13th day of

June

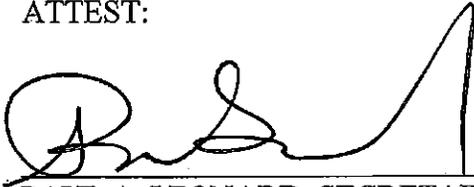
, 2006.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN



ROBERT J. PESAVENTO, PRESIDENT

ATTEST:



PAUL A. LEONARD, SECRETARY

PAUL A. LEONARD, SECRETARY

g:\ud\ord\chapter 233-vehicles & traffic\Stop Reg - Wenner 5.1.06

AN ORDINANCE

NO. 1169

AN ORDINANCE To Amend The Zoning Code Of The Township Of Upper Dublin, Chapter 39, Planning Agency, By Designating The Upper Dublin Planning Commission As The Planning Agency For The Township; By Providing For The Appointment Of Members And Their Terms; By Providing For The Manner Of Filling Vacancies; By Designating The Qualifications Of Its Members; By Providing For The Removal Of Its Members; By Providing For The Manner Of Electing Its Officers; By Setting Forth The Powers Of The Planning Commission; And By Amending Chapter 212, Subdivision And Land Development, By Authorizing The Planning Commission To Give Final Approval To Subdivision Applications Requesting Only Lot Line Changes.

The Board of Commissioners of the Township of Upper Dublin hereby ordains:

Section 1. The Code of Upper Dublin Township, Chapter 39 thereof, entitled Planning Agency, shall be amended by repealing § 39-1 and § 39-2 and reserving those sections, and by amending the code to add § 39-3 thru §39-8.

Chapter 39, PLANNING AGENCY

§ 39-1. RESERVED.

§ 39-2. RESERVED

§ 39-3. Creation; membership; compensation.

The Planning Commission of the Upper Dublin Township is hereby created pursuant to the Act of July 31, 1968, P.L. 805, Article II, Section 201. The Commission shall be composed of seven members, who shall serve without compensation but may be reimbursed for necessary and reasonable expenses.

§ 39-4. Appointment; term; vacancies.

A. The Board shall appoint all members of the Planning Commission.

B. The term of each of the members of the Commission shall be for four years or until his successor is appointed and qualified, except that the terms of the

members first appointed pursuant to this chapter shall be so fixed that no more than two shall be reappointed or replaced during any future calendar year.

C. The Chairman of the Planning Commission shall promptly notify the Board concerning vacancies in the Commission, and such vacancies shall be filled for the unexpired term by the Board.

§ 39-5 Membership qualifications.

All of the members of the Planning Commission shall be residents of the Township. No more than two officers and/or employees of the Township may be members of the Planning Commission.

§ 39-6. Removal from office.

Any member of a Planning Commission, once qualified and appointed, may be removed from office, for malfeasance, misfeasance or nonfeasance in office or for other just cause, by a majority vote of the Board, taken after the member has received 15 days' advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing. Any appointment to fill a vacancy created by removal shall be only for the unexpired term.

§ 39-7. Officers; rules and regulations; reports.

A. The Commission shall elect its own Chairman and Vice Chairman and create and fill such other offices as it may determine. Officers shall serve annual terms and may succeed themselves.

B. The Commission may make and alter bylaws and rules and regulations to govern its procedures consistent with the ordinances of the Township and the laws of the commonwealth.

C. The Commission shall keep a full record of its business and shall annually, by March 1 of each year, make a written report of its activities to the Board. Interim reports may be made as often as may be necessary or as requested by the Board.

§ 39-8. Powers and duties.

The Commission:

A. Shall, upon the request of the Board, revise the Comprehensive Plan, and may from time to time submit amendments to the Comprehensive Plan.

B. Shall review all subdivision and land development applications and submit

its recommendations thereon to the Board.

C. Shall review such proposed amendments to Chapter 206, Stormwater Management, Chapter 212, Subdivision and Land Development, and Chapter 255, Zoning, as may be referred to it by the Board or any of its committees and may recommend amendments to any of such ordinances on its own motion.

D. Shall give final approval to subdivision applications filed pursuant to Chapter 212 wherein the only request is for lot line change(s).

E. May make recommendations to the Board concerning land development policies and their implementation.

F. Shall promote the preservation of the natural environment of the Township, including adherence to and enforcement of any conservation agreements to which the Township may be a party.

Section 2. The Code of Upper Dublin Township, Chapter 212, entitled Subdivision and Land Development, Article III, General Provisions, § 212-7, Plan approval required, shall be amended to provide as follows:

Article III. General Provisions

§212-7. Plan approval required

It shall be unlawful for the owner of any land in the Township to make a subdivision or land development thereof or to construct, open or dedicate for public use or travel or for the common use of occupants of buildings thereon any street, sanitary sewer, storm drain, water main or other facilities in connection therewith unless and until a plan thereof shall have been prepared by a registered professional engineer or surveyor, submitted to and approved in writing thereon by the Board of Commissioners, or, in the case of plans providing only for a lot line change, by the Planning Commission. Before approval, such plan shall be submitted to the Montgomery County Planning Commission for review. Before approving a subdivision or land development plan, the Board may, in its discretion, arrange for a public hearing with respect thereto, after giving such notice thereof as it deems advisable. The Board may require alterations, changes or modifications in accordance with the provisions of this chapter which it deems necessary in such plans and may refuse its approval until all such alterations, changes or modifications in the plan have been made. One or more preliminary subdivision or land development plans may be submitted to the Township Engineer for study, criticism and suggestion.

Section 3. Nothing in this Ordinance or in Chapter 39 or 212 of the Code of the Township of Upper Dublin, as hereby amended, shall be construed to affect any suit or proceedings in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Chapter 39 or 212 prior to the adoption of this amendment.

Section 4. 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 this 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 if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

Section 5. This Ordinance shall take effect and be in force from and after its approval as required by law.

Enacted by the Board of Commissioners of Upper Dublin Township this *8th* day of *August*, 2006.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN


Robert J. Pesavento, President

ATTEST:


Paul A. Leonard, Secretary/Township Manager
UPD#0Chapter 39 & 212/Planning Commission
7.12.06

AN ORDINANCE

NO. 1170

AN ORDINANCE Amending The Code Of The Township Of Upper Dublin, Chapter 255, Zoning, By Revising The Zoning Map To Change From MD Multiple Dwelling District To EC Employment District Property On Camp Hill Road Lying Between The Property Along Camp Hill Road Lying Between The Pennsylvania Turnpike And The Railroad Tracks Of The Consolidated Rail Corporation (Trenton Cutoff), The Property Belonging to WFP Pennland Company, LP, Consisting Of Approximately 51 Acres Of Land.

The Board of Commissioners of the Township of Upper Dublin hereby ordains:

Section 1. The Code of the Township of Upper Dublin, Chapter 255, entitled Zoning, Section 255-9, Zoning Map, is hereby amended to change from MD Multiple Dwelling District to EC Employment District the property along Camp Hill Road lying between the Pennsylvania Turnpike and the railroad tracks of the Consolidated Rail Corporation (Trenton Cutoff): Block 50, Unit 029 and Block 52, Unit 007, located on Camp Hill Road, being the property now or formerly of WFP Pennland Company, LP, and being more specifically described as follows:

ALL THAT CERTAIN parcel or tract of land situate in Upper Dublin Township, Montgomery County, Pennsylvania, being more fully described as follows:

BEGINNING at the point of intersection of the centerline of Camp Hill Road and the southerly sideline of the Pennsylvania Turnpike; thence, extending along the said southerly sideline of the Pennsylvania Turnpike in a westerly direction, ± 5000 feet to a point in the line of lands of N/L Allied Concrete and Supply Company (tax map block 52, unit 4); thence, extending along the Allied Concrete lands in a southwesterly direction, ± 500 feet to a point on the northerly sideline of the lands of Consolidated Rail Corporation (Trenton Cutoff); thence, extending along the said railroad sideline, westerly, to a point of intersection with the aforementioned centerline of Camp Hill Road; thence, continuing along the said railroad sideline in a westerly direction, ± 1200 feet to a point; thence, leaving said railroad sideline, partially along other lands of the Pennsylvania Turnpike in a northwesterly direction, ± 330 feet to a point on the aforementioned southerly sideline of the Pennsylvania Turnpike; thence, extending along the said southerly sideline in an easterly direction, ± 1600 feet to a point in the centerline of Camp Hill Road, said point being the point and place of beginning.

CONTAINING approximately 51 acres of land area, more or less.

Section 2. Nothing in this Ordinance or in Chapter 255 of the Code of the Township of Upper Dublin, as hereby amended, shall be construed to affect any suit or proceeding in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Chapter 255 prior to the adoption of this amendment.

Section 3. 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 illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

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

Approved this *8th* day of *August*, 2006.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN


Robert J. Pesavento, President

Attest:

Paul A. Leonard, Secretary

AN ORDINANCE

NO. 1171

An Ordinance To Amend The Code Of The Township Of Upper Dublin, Chapter 233 Thereof, Entitled Vehicles And Traffic, Article VIII, Schedules, Section 233-50, Schedule IX: Stop Intersections, By Establishing "Stop" Regulations On Westbound Forsythe Drive at Hawthorne Lane, On Eastbound Forsythe Drive At Dillon Road, and On Southbound Shaw Drive At Forsythe Drive.

Section 1. The Code of the Township of Upper Dublin, Chapter 233, entitled Vehicles and Traffic, Section 233-50, Schedule IX: Stop Intersections, is hereby amended by adding thereto the following regulation:

§ 233-50. Schedule IX: Stop Intersections.

Stop Sign on	Direction of Travel	At Intersection Of
Forsythe Drive	Westbound	Hawthorne Lane
Forsythe Drive	Eastbound	Dillon Road
Shaw Drive	Southbound	Forsythe Drive

Section 2. Nothing in this Ordinance or in Chapter 233 of the Code of the Township of Upper Dublin, as hereby amended, shall be construed to affect any suit or proceeding in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Chapter 233 prior to the adoption of this amendment.

Section 3. 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 illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

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

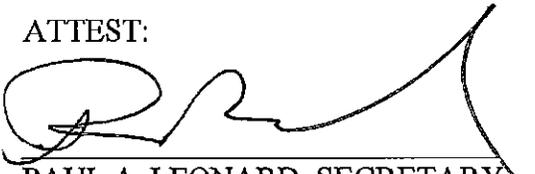
Approved by the Board this *8th* day of *August*, 2006.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN



ROBERT J. PESAVENTO, PRESIDENT

ATTEST:



PAUL A. LEONARD, SECRETARY
g:\ud\ord\chapter 233-vehicles & traffic\Stop Reg - Forsythe-7.6.06

AN ORDINANCE

NO. 1172

An Ordinance To Amend The Code Of The Township Of Upper Dublin, Chapter 233 Thereof, Entitled Vehicles And Traffic, Article VIII, Schedules, Section 233-50, Schedule IX: Stop Intersections, By Establishing A "Stop" Regulation On Northbound Keisel Lane at Schirra Drive.

Section 1. The Code of the Township of Upper Dublin, Chapter 233, entitled Vehicles and Traffic, Section 233-50, Schedule IX: Stop Intersections, is hereby amended by adding thereto the following regulation:

§ 233-50. Schedule IX: Stop Intersections.

Stop Sign on	Direction of Travel	At Intersection Of
Keisel Lane	North	Schirra Drive

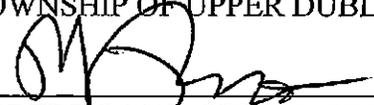
Section 2. Nothing in this Ordinance or in Chapter 233 of the Code of the Township of Upper Dublin, as hereby amended, shall be construed to affect any suit or proceeding in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Chapter 233 prior to the adoption of this amendment.

Section 3. 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 illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

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

Approved by the Board this 10th day of October, 2006.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN


ROBERT J. PESAVENTO, PRESIDENT

ATTEST:


PAUL A. LEONARD, SECRETARY

g:\udford\chapter 233-vehicles & traffic\Stop Reg -Keisel-8.15.06

AN ORDINANCE

NO. 1173

AN ORDINANCE To Amend The Subdivision And Land Development Code Of The Township Of Upper Dublin, Chapter 212, To Allow Deviation From The Street, Curb And Sidewalk Requirements For Developments In The Open Space Preservation District; To Amend The Zoning Code of the Township of Upper Dublin, Chapter 255, To Revise The Open Space Preservation District Requirements In Their Entirety, Requiring Development In Residential Districts On Tracts Five Acres And Over Pursuant To The Provisions Of The Open Space Preservation District, Except Upon Grant Of A Conditional Use By The Board Of Commissioners.

The Board of Commissioners of the Township of Upper Dublin hereby ordains:

Section 1. The Code of Upper Dublin Township, Chapter 212, entitled Subdivision and Land Development, Article IV, Design standards, § 212-15, Streets, subsection, B thereof, shall be amended to provide as follows:

§ 212-15. Streets. All new streets and widened portions of all existing rights-of-way intended for public use shall be dedicated to the Township, subject to final acceptance based on compliance with the following requirements:

* * * * *

B. Right-of-way width, paving width and curbing, street width, alley, street alignment and street intersection specifications shall be in accordance with the Engineering and Construction Standards in force at the time and available at the Township building. Minor residential streets developed pursuant to the requirements of the Open Space Preservation District shall have a right-of-way of not less than 34 feet and a paving width of not less than 18 feet. In all events, the right-of-way shall extend no less than eight feet beyond both edges of the paving.

* * * * *

Section 2. The Code of Upper Dublin Township, Chapter 212, entitled Subdivision and Land Development, Article IV, Design standards, § 212-18, Sidewalks, subsection, A (1) thereof, shall be amended to provide as follows:

§ 212-18. Sidewalks.

A. Where required.

(1) Sidewalks shall be provided along all streets excepting where, in the opinion of the Board, they are unnecessary for the public safety and convenience, and where it can be demonstrated that the objectives of Chapter 206, Article XI, Low-Impact Development Practices For Managing Stormwater Runoff and § 255-205 of the Open Space Preservation District will be furthered.

* * * * *

Section 3. The Code of Upper Dublin Township, Chapter 212, entitled Subdivision and Land Development, Article IV, Design standards, § 212-19, Curbs, subsection, B thereof, shall be amended to provide as follows:

§ 212-19. Curbs.

* * * * *

B. The Board of Commissioners may waive the curbing requirement if the developer can prove to the Township that a proposed system of well-designed swales or other facilities or practices can perform the drainage function comparable to a system of curbs and inlets and that the appearance and functioning of the roadway and parking lot system shall not be impaired by the lack of curbing, or, where it can be demonstrated that the objectives of Chapter 206, Article XI, Low-Impact Development Practices For Managing Stormwater Runoff and, with respect to Open Space Preservation District developments, the objectives of § 255-205 will be furthered.

* * * * *

Section 4. The Code of Upper Dublin Township, Chapter 255, entitled Zoning, Article I, General Provisions, § 255-7, Definitions, shall be amended by adding thereto in alphabetical order, the following:

* * * * *

NATURAL FEATURE -- A component of a landscape existing or maintained as a part of the natural environment and having ecological value in contributing beneficially to air quality, erosion control, groundwater recharge, noise abatement, visual amenities, growth of wildlife, human recreation, reduction of climatic stress and energy costs. Such features include those which, if disturbed, may cause hazards or stress to life, property and the natural environment. Examples include groundwater recharge zones, springs, streams, wetlands, woodlands, prime wildlife habitats and areas constituting high recreational, scenic, historic, and esthetic value which exist on developed or undeveloped land.

* * * * *

PRESERVATION AREA -- An area or areas of land and/or water set aside to preserve open land and to protect natural features and cultural landscapes. The preservation area shall be part of the common open space and shall be free of paved areas and structures, other than historic sites, permanently restricted for common enjoyment and recreational use by residents of a development or the general public.

* * * * *

YIELD MAP -- A plan prepared in accordance and compliance with the underlying zoning and subdivision regulations. This plan documents and quantifies the maximum permitted density on the tract.

* * * * *

Section 5. The Code of Upper Dublin Township, Chapter 255, entitled Zoning, Article XXVIII, Open Space Preservation District, shall be amended in its entirety to provide as follows:

Article XXVIII. Open Space Preservation District

§ 255-205. Legislative intent. In the interest of the public health, safety and welfare, the provisions of this article are intended to:

- A. Permit residential development in an open space setting, located and designed to reduce the perceived intensity of development, preserve natural features and open land and provide privacy and neighborhood identity.
- B. Preserve open land, including those areas containing unique and sensitive natural features such as woodlands, steep slopes, streams, floodplain and wetlands, by setting them aside from development.

- C. Preserve scenic views and minimize perceived density, by minimizing views of new development from existing roads.
- D. Provide greater design flexibility and efficiency in the siting of services and infrastructure by reducing the length and width of roads, utility runs and the amount of impervious cover required for residential development.
- F. Create neighborhoods with direct visual and physical access to open land, with amenities in the form of neighborhood open space, and with a strong neighborhood identity.
- G. Reduce erosion and sedimentation by the retention of existing vegetation and the minimization of development on steep slopes.
- H. Create new woodlands through natural succession and reforestation where appropriate and to encourage the preservation and improvement of habitat for various forms of wildlife.
- I. Provide for the creation, retention and protection of open land areas within the Township.
- J. Provide for the preservation and maintenance of open land within the Township to achieve the above-mentioned goals and for active or passive recreational use by residents.
- K. Implement the goals of the Township's 2005 Open Space Environmental Resource Protection Plan.

§ 255-206. District established.

- A. The Open Space Preservation District is an overlay district on those parcels in the A Residential, A-1 Residential and A-2 Residential zoning districts that are five acres or larger .
- B. All property within the above referenced districts used or intended to be developed for residential purposes may comply with the provisions of this article, rather than that of the underlying zoning district.
- C. A tract of land to be developed shall be in single ownership or shall be the subject of an application filed jointly by all the owners of the entire tract, who shall stipulate that the entire tract will be developed in accordance with the approved plan.

§ 255-207. Permitted uses. A building may be erected or used and a lot may be used or occupied only for the following uses:

- A. Single-Family Detached Dwellings.
- B. The following Multiple Dwellings:
 - a. Twin Dwelling
 - b. Duplex Dwelling.
 - c. Townhouse Dwelling.
- C. Apartment and other multifamily dwellings, as conversions of structures built prior to 1940
- D. Open land comprising a portion of a residential development, as specified below and according to the requirements of § 255-210.
- E. Open land uses, primarily passive in nature, including wildlife sanctuary, forest preserve, meadow, nature center and similar uses.
- F. Parks and recreation areas for non-intensive uses, including golf course (excluding driving range or miniature golf), picnic areas, playing fields and similar uses.
- G. Agriculture, including pasture for grazing.
- H. Accessory uses on the same lot with and customarily incidental to any permitted use.

§ 255-208. Application submission.

The initial application for a subdivision under the Open Space Preservation District shall meet the Township's requirements for preliminary plans, as found in the Subdivision and Land Development chapter. The application shall also document and provide the following:

- A. Scenic Road Corridors. The plan shall graphically identify those road corridors identified in the 2005 Open Space and Environmental Resource Protection Plan that define the community's character and add visual diversity and interest in the Township.

- B Yield Map. A plan prepared in accordance with and in compliance with the underlying zoning and subdivision regulations. This plan will document and quantify the maximum permitted density on the tract. The level of detail required for the yield plan shall be no more than would be required for a tentative sketch plan submission.

§ 255-209. General Development Standards

The following standards shall apply to development in this district:

- A. Density. The maximum number of lots and/or dwelling units developed in an Open Space Preservation development shall be the density demonstrated on the Yield Map plus ten percent.
- B. Natural Features. The applicant shall establish that development including site improvements, lot design and preservation area configuration, protects natural features and environmentally sensitive areas in accordance with applicable sections in Chapter 206, Stormwater Management, Chapter 212, Subdivision and Land Development, Article IV, Design Standards, Chapter 240, Watercourses and Chapter 255, Zoning, Article V, Steep Slope and Impervious Surfaces and Article XXII, Floodplain Conservation District.
- C. Perimeter setback. Structures shall be situated so as to maintain a minimum setback from any tract property line of:
 - a. 75 feet for Multiple-Dwelling type developments or for development applications with a mixture of dwelling types. This setback may be reduced to sixty (60) feet from the ultimate right of way of an adjoining street where the setback area conserved is added to the area of the open space otherwise required hereunder.
 - b. 50 feet for Single-Family Detached Dwellings.
- D. Lot area; setbacks; lot width. The applicant may, but shall not be required to construct residential units on individual lots. Where residential units are developed on individual lots, minimum lot areas, setbacks and lot width shall not be required, provided that the minimum standards set forth herein are met.
- E. Building separation. Individual structures must have sufficient separation to meet applicable fire protection codes, but in no case shall that distance be less than 15 feet.

- F. Floodplains, wetlands, and riparian corridors. No structure shall be situated within 40 feet of a floodplain, wetland and/or riparian corridor., except as permitted by Chapter 255, Article XXII, Floodplain Conservation District.
- G. Building length or depth. The greatest dimension in length or depth of a new structure containing three or more dwelling units shall not exceed 120 feet. No more than four units shall be allowed in a new structure.
- H. Access to common open space and preservation areas. All dwelling units shall have access to common open space and preservation areas without the obstruction of intervening lots, structures, fences or other impediments to pedestrians.
- I. A declaration of covenants shall be offered in recordable form, subject to the approval of the Township Solicitor, binding all of the lots in the development to the development limitations of this subsection and prohibiting the subdivision of the tract into a greater number of lots.
- J. Buffer requirements. Natural areas or buffers shall be required for all proposed development in accordance with the requirements of § 212-32.
- K. Detention, retention. Detention or retention areas, holding and settlement ponds, and utility easements may be included as part of the common open space but not counted towards the minimum required amount of preservation area. Easements satisfactory to the Board of Commissioners shall be established to enable maintenance of such facilities by the appropriate parties.

§ 255-210. Preservation Area standards.

- A. Each tract shall contain a preservation area to be included as part of the common open space which shall meet the following minimum net area requirements:
 - (1) Fifty percent (50%) when the preservation area is entirely contained on a separate lot(s) not intended for residential development or on a single tract containing the entire residential development.
 - (2) Sixty percent (60%) in all other cases.
- B. Land designated as preservation area shall conform to the following:

- (1) Preservation areas shall preserve and protect the tract's significant natural features.
- (2) No more than 75% of the preservation area shall be comprised of designated flood hazard districts, wetlands or slopes of 25% or greater.
- (3) Any area designated as a preservation area shall be no less than one acre or less than 75 feet in width or have a ratio of the longest to shortest dimension exceeding 4 to 1, except areas which serve as public pedestrian links. No structures or impervious surface shall be counted towards the preservation area requirements.
- (4) There shall be no more than three noncontiguous preservation areas.
- (5) Preservation areas may be used for the following:
 - (a) Conservation of open land in its natural state (for example, woodland, land under natural succession, fallow field or managed meadow).
 - (b) Passive recreation including, but not limited to, trails, picnic areas, community gardens and lawn areas.

C. Design standards. Preservation areas shall be located and designed to:

- (1) Protect natural features in compliance with the intent of this article.
- (2) Maximize common boundaries with open land on adjacent tracts.

D. Prohibited uses. The following are prohibited in open land areas:

- (1) Use of motor vehicles except within approved driveways and parking areas. Maintenance, law enforcement, and emergency vehicles are permitted, as needed.
- (2) Cutting of healthy trees, regrading, topsoil removal, altering, diverting or modifying watercourses or bodies, except in compliance with a land management plan for the tract in question conforming to customary and applicable Township standards of forestry, erosion control and engineering.

E. Modification of natural features. 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) Stream bank protections.
- (6) Wetlands management.

§ 255-211. Ownership and maintenance of common facilities and open land.

- A. Purpose. To ensure adequate planning for operation and maintenance of open land, recreation facilities, sewage facilities, water supply facilities, stormwater management facilities, common parking areas and driveways, private streets, and any other common or community facilities (hereinafter referred to as common facilities).
- B. Ownership. The following methods may be used, either individually or in combination, to own common facilities; however, open land must 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. Upper Dublin Township may, but shall not be required to, accept any portion of the common facilities, provided that:
 - (a) Any common facilities shall be freely accessible to the residents of the Township.
 - (b) There shall be no cost to the Township involved.
 - (c) The Township agrees to and has access to maintain such facilities.

- (2) Dedication of easements to the Township or county. Upper Dublin Township or Montgomery County 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 individual or homeowners' association while the easements are held in public ownership. The county shall accept such easements only in accordance with Act 442, The Open Space Acquisition Act or Act 992, Open Space Lands Act, and county plans. In addition, the following regulations shall apply:
 - (a) There shall be no cost of acquisition to the Township or the county.
 - (b) Any such easements for public benefit shall be accessible to the residents of the Township.
 - (c) A satisfactory maintenance agreement shall be reached between the owner and the Township or the county.

- (3) Homeowners' association. Common facilities may be held in common ownership by a homeowners' association, subject to all of the provisions for homeowners' associations set forth in Article VII of the Pennsylvania Municipalities Planning Code (Planned Residential Development). In addition, the following regulations shall be met:
 - (a) The applicant shall provide to the Township a description of the organization, including its bylaws, and all documents governing ownership, maintenance and use restrictions for common facilities. These items must be submitted to the Township prior to the issuance of any use and occupancy permit.
 - (b) The homeowners' 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 homeowners' association shall be mandatory for all purchasers of dwelling units in the development and their successors and assigns.
 - (d) The homeowners' association shall be responsible for maintenance and insurance of common facilities.

- (e) Written notice of any proposed transfer of common facilities by the homeowners' association or the assumption of maintenance for common facilities must be given to all members of the homeowners' association and to the Township no less than 30 days prior to such event.
 - (f) The homeowners association shall have or hire adequate staff to administer, maintain and operate such common facilities.
- (4) Transfer to a private conservation organization. With permission of the Township, an owner may transfer either the fee simple title, with appropriate deed restrictions running in favor of the Township, or easements to a private nonprofit conservation organization, provided that:
- (a) The organization is acceptable to the Township and is a bona fide conservation organization with perpetual existence;
 - (b) The conveyance contains appropriate provisions for proper reverter or retransfer in the event that the organization becomes unwilling or unable to continue carrying out its functions;
 - (c) A maintenance agreement acceptable to the Township is established between the owner and the organization.

C. Maintenance and operation of common facilities.

- (1) The applicant shall, at the time of preliminary plan submission, provide a plan for maintenance and operation of common facilities. Such plan shall:
 - (a) Define ownership;
 - (b) Establish necessary regular and periodic operation and maintenance responsibilities;
 - (c) Estimate staffing needs, insurance requirements, and associated costs and define the means for funding on an ongoing basis from year to year. Such funding plan shall include 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.
- (2) Failure to maintain; corrective action.
- (a) 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 of the Pennsylvania Municipalities Planning Code (Planned Residential Development), assume responsibility of maintenance, in which case any escrow funds may be forfeited and any permits may be revoked or suspended.
 - (b) The Township may enter the premises and take corrective action. The costs of such corrective action may be charged to the property owner or homeowners' association and may include administrative costs and penalties as stipulated in Article XXVI of this chapter. 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 Montgomery County.

§ 255-212. Sewage and water facilities.

All development within the Open Space Preservation District shall be provided with public water and sewage treatment services.

* * * * *

Section 6. Nothing in this Ordinance or in Chapter 212 or 255 of the Code of the Township of Upper Dublin, as hereby amended, shall be construed to affect any suit or proceedings in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Chapter 212 or 255 prior to the adoption of this amendment.

Section 7. 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 this 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 if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

Section 8. This Ordinance shall take effect and be in force from and after its approval as required by law.

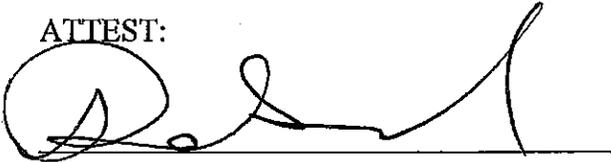
Enacted by the Board of Commissioners of Upper Dublin Township this 14th day of November, 2006.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN



Robert J. Pesavento, President

ATTEST:



Paul A. Leonard, Secretary/Township Manager

Ordinance Chapter 255 Open Space Preservation
9.7.06

AN ORDINANCE

NO. 1174

AN ORDINANCE To Amend The Subdivision And Land Development Code Of The Township Of Upper Dublin, Chapter 212, By Requiring That Every Property To Be Improved Must Front On A Public Or Private Street; By Permitting The Construction Of A Dwelling House On A Private Street, Subject To Conditions; By Removing The Requirement That A Lot To Be Improved With A Dwelling House On A Private Street Must Be At Least 1.5 Acres In Size And That The Lotting Requirements Conform To Those In The A Residential District; By Amending The Zoning Code, Chapter 255, To Remove The Current Requirements Regarding Lot Size And Lotting For The Construction Of A Dwelling House On A Private Street And Imposing A Requirement That A Dwelling House May Be Built On A Lot Adjacent To A Private Street That Has Not Been Built To Township Specifications By Conditional Use, Subject To Conditions; And By Amending The Zoning Code Provisions Regarding Conditional Uses To Clarify That Protestants Constitute All Persons Presenting Opposing Testimony.

The Board of Commissioners of the Township of Upper Dublin hereby ordains:

Section 1. The Code of Upper Dublin Township, Chapter 212, Subdivision and Land Development, Article IV, Design Standards, § 212-15, Streets, subsection (D), Access to public and private streets, shall be amended to provide as follows:

§ 212-15. Streets.

All new streets and widened portions of all existing rights-of-way intended for public use shall be dedicated to the Township, subject to final acceptance, and properties may be improved on public and private streets, based on compliance with the following requirements:

D. Access to public and private streets.

(1) Each and every lot or development hereafter created or subdivided, and each and every existing lot upon which a building is proposed to be erected in the Township, shall abut a street which has been improved to Township Standards for a public street unless the Board of Commissioners has granted a conditional use pursuant to the provisions of Chapter 255 for construction on a private street

which has not been thus improved.

(2) The Township will not assume responsibility for providing public services, such as trash collection, snowplowing, road improvements or maintenance on a private street. Trash collection and snowplowing services may be requested and provided by the Township on condition that all owners of property on the private street agree and the condition of the private street conforms to guidelines established by the Public Works Department. Deed restrictions covering the aforesaid shall be recorded against all properties on a private street, with the owners whose lots front on the private street being fully responsible for the maintenance and improvement of the street. Private streets which exceed 500 feet in length shall have private hydrants installed at such intervals as shall be mandated by the Fire Marshal for residential streets.

Section 2. The Code of Upper Dublin Township, Chapter 255, entitled Zoning, Article III, General Regulations, § 255-18, Modification of lot area requirements, is amended by changing the title of the section and amending the entire section to provide as follows:

§ 255-18. Access to public and private streets.

A. Each and every lot upon which a building is proposed to be erected in the Township shall abut a street which has been improved to Township Standards for a public street, unless otherwise provided herein.

B. Upon application for a conditional use pursuant to the conditional use standards outlined in this chapter, the Board of Commissioners may permit the building of a dwelling house on a lot adjacent to a private street which has not been improved to the standards of a public street, provided the following conditions are met:

- (1) The minimum lot size is 1.5 times larger than that which would otherwise be required by this chapter and the dwelling is served by public sewer and water.
- (2) The minimum lot size is at least one acre if the dwelling is not served by public sewer and/or water.
- (3) No more than five dwelling houses may be served by the private street.
- (4) The private street shall be improved to the standards referenced in Chapter 212 for a driveway, or to such other standards as the Board of Commissioners has otherwise approved
- (5) If and when the private street must be improved to the standards of a

public street, all lots served by the private street and which have been improved following the grant of conditional use, shall contribute to the cost thereof in equal shares with the other benefited lots on the street.

Section 3. The Code of Upper Dublin Township, Chapter 255, entitled Zoning, Article III, General Regulations, § 255-23, Street access required; rear lots, shall be amended to revise the title the section and to provide as follows:

§ 255-23. Rear lots.

No zoning permit shall be issued to construct a structure on any lot unless the width of the lot from the street line to the building line is no less than the minimum required width at the building line. The Board of Commissioners may grant conditional use pursuant to the provisions of Article XXV to construct a structure on a lot which does not meet these width requirements (a rear lot), provided the following conditions are met:

* * * * *

Section 4. The Code of Upper Dublin Township, Chapter 255, entitled Zoning, Article XXV, Conditional Use by Board of Commissioners, § 255-195, Burden of proof, subsection B thereof, shall be amended to provide as follows:

§ 255-195. Burden of proof.

* * * * *

B. General effect of the proposed use. Protestants (to include all persons presenting opposing testimony), if they choose to participate, have the burden to present evidence and to persuade the Board that the proposed use has a generally detrimental effect on the health, safety and welfare of the neighborhood or that it will conflict with the general policies outlined in the Township Code. Protestants must raise specific issues and establish a high degree of probability that the proposed use will have a substantially detrimental effect on the health, safety and welfare of the neighborhood. If protestants meet this burden, then the applicant must go forward and meet its burden of persuasion with regard to criteria relating to the general detrimental effect of the proposed use raised by the protestants.

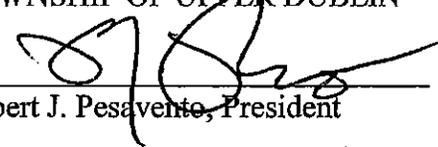
Section 5. Nothing in this Ordinance or in Chapters 212 or 255 of the Code of the Township of Upper Dublin, as hereby amended, shall be construed to affect any suit or proceedings in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Chapters 212 or 255 prior to the adoption of this amendment.

Section 6. 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 this 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 if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

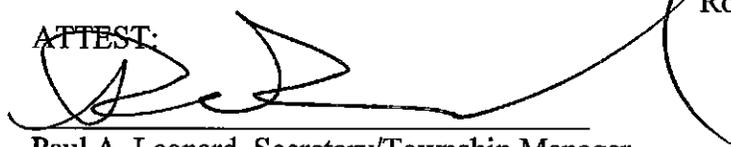
Section 7. This Ordinance shall take affect and be in force from and after its approval as required by law.

Enacted by the Board of Commissioners of Upper Dublin Township this ^{14th} day of *November*, 2006.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN


Robert J. Pesavento, President

ATTEST:


Paul A. Leonard, Secretary/Township Manager

upherdChapter 259/Private streets
9.7.06

AN ORDINANCE

No. 1175

AN ORDINANCE To Amend The Code Of The Township Of Upper Dublin, To Create A New Chapter 127, Historic Preservation; To Establish A Definition For Demolition Or Demolish; To Establish An Historic Resource Inventory Of Buildings, Structures, And Sites In The Township; To Establish An Historic Commission And Define Its Duties; To Establish The Criteria For Properties To Be Added To Or Deleted From The Inventory, And To Set Forth A Procedure As To How Properties Will Be Designated For Inclusion In Or Removal From The Inventory; To Amend The Code Of The Township Of Upper Dublin, Chapter 212, Subdivision And Land Development, To Provide For The Review Of Tentative Sketch Plans By The Montgomery County Planning Commission, And By The Historical Commission When The Property Is Located In An Historic Resource Overlay District; To Amend The Code Of The Township Of Upper Dublin, Chapter 73, Building Construction, To Insert Into The International Building Code Regulations For Obtaining A Building Permit To Demolish Structures On The Historic Resource Inventory Together With Provisions For The Violation Thereof, Including A Prohibition On The Demolition Of A Class I Historic Resource Absent Proof Of An Unreasonable Economic Hardship; To Amend The Code Of The Township Of Upper Dublin By The Addition Of A New Chapter A264, Adding An Appendix Titled Historic Resource Inventory.

The Board of Commissioners of the Township of Upper Dublin hereby ordains as follows:

Section 1. The Code of the Township of Upper Dublin, shall be amended by the addition of a new Chapter 127 entitled Historic Preservation to provide as follows:

CHAPTER 127

HISTORIC PRESERVATION

§ 127-1. Legislative intent.

It is hereby declared as a matter of public policy that the preservation and protection of buildings, structures, and sites of historic, architectural, cultural, archeological, educational, and aesthetic merit are public necessities and are in the interests of the health, prosperity and welfare of the people of Upper Dublin Township. Article 1, Section 27, of the Constitution of the Commonwealth of Pennsylvania states that: "The people have a right to clean air, pure water, and preservation of the natural, scenic,

historic and aesthetic values of the environment.” The Township seeks to further these goals as follows:

A. Identify the historic properties/structures in Upper Dublin Township by adopting an inventory of historic places in the township and documenting their qualities as historic assets.

B. Encourage historic preservation by:

(1) Establishing an Historic Commission to advise owners regarding historically appropriate alterations to structures listed as historic.

(2) Educating the community about historic preservation and historic aspects of Upper Dublin Township through workshops, presentations, walking/driving tours, etc.

(3) Assisting owners of historic resources with nomination to the National Register of Historic Places.

(4) Providing assistance to owners to make ownership of an historic resource more affordable.

C. Discourage demolition of historic assets by:

(1) Delaying demolition to allow the Historic Commission to discuss alternatives with the owner.

(2) If demolition will occur, allowing time to document the historic resource.

(3) Working with owners to prevent demolition of an historic resource by neglect.

D. Deny demolition of highly significant resources in the Township while:

(1) Working with the owner to seek alternatives to demolition.

(2) Establishing fair market value of the property and assisting in finding a new owner who will agree to preserve the structure

§ 127-2. Definitions. Unless otherwise expressly stated, the following words and phrases shall be construed throughout this chapter to have the meanings indicated below:

DEMOLITION OR DEMOLISH – The razing or destruction, whether entirely or in significant part, of the exterior of a building, structure, or site. The removal

of 75% or more of the square footage of the exterior walls of a building will be considered "significant."

§ 127-3. Historical Commission established.

- A. The Upper Dublin Township Historical Commission is hereby established to be composed of 7 members appointed by the Board of Commissioners, all of whom must be residents of Upper Dublin Township. The Historical Commission shall include at least four members with a demonstrated interest in architectural history, history, historic preservation or community revitalization and preferably include a registered architect, a licensed real estate agent and a building contractor.
- B. The terms of the members of the Historical Commission shall be three years, staggered initially so that no more than three shall expire each year.
- C. Members of the Historical Commission shall select a Chairman, Vice-Chairman, and Secretary from among its members. It shall be the Chairman's responsibility to conduct meetings of the Historical Commission and to act as a liaison between the Historical Commission and the Code Enforcement Officer, the Planning, Commissioners' Planning Committee, and Board of Commissioners. The Vice-chairman shall assist the Chairman and assume the role of Chairman when the Chairman is absent. The Secretary shall have duties related to keeping records and handling correspondence.
- D. Historical Commission members must attend all meetings. A member who is absent for 4 consecutive regular monthly meetings shall be considered inactive and will be replaced by appointment of a new member.
- E. A quorum, required to conduct business at Historical Commission meetings shall be a majority, or 4 members.
- F. Members shall not be compensated, but may be reimbursed for expenses approved by the Board of Commissioners and directly related to the duties of the Historical Commission.
- G. The Historical Commission shall hold meetings monthly, or more often as necessary

§ 127-4. Duties of the Historical Commission.

- A. The Historical Commission shall be responsible for evaluating, compiling, maintaining, and publishing the Historic Resource Inventory and of distinguishing on the Inventory between Class I and Class II properties. The Historical Commission shall periodically review the historic resources on the inventory and recommend additions, deletions or reclassifications to the Board of Commissioners.

- B. The Historical Commission shall advise the Board of Commissioners with respect to the demolition of historic resources in the Township.
- C. The Historical Commission shall be responsible for monitoring projects in Upper Dublin Township that may have an impact on historic resources.
- D. The Historical Commission shall maintain regular communication with the Pennsylvania Historical and Museum Commission and the National Park Service to obtain lists of historic resources in the Township that are National Historic Landmarks, or listed or eligible for the National Register of Historic Places, and for advice on matters of historic preservation in Upper Dublin Township.
- E. The Historical Commission shall aid, assist, promote, and perform the nomination of resources in Upper Dublin Township to the National Register of Historic Places.
- F. The Historical Commission shall have the general responsibility to promote historic preservation within Upper Dublin Township by performing any or all of the following:
 - (1) Publishing printed material related to historic preservation;
 - (2) Adding historic preservation related material to the Township's Web Site;
 - (3) Holding events to foster historic preservation in the Township. These events may include but are not limited to presentations, tours, and the publication of brochures.
 - (4) Educating historic resource owners about the potential benefits of having a resource listed on the Historic Resource Inventory including honorary designation, improved development opportunities, and protection. These benefits may include grants, tax incentives, and the benefits of protection provided by state and federal government historic preservation programs and laws.
 - (5) Meeting with owners of historic resources wishing to demolish their structure in order to discuss viable alternatives.
 - (6) Engaging in activities that would help owners retain and maintain their historic resource. These activities could include but are not limited to: creating a list of trades people skilled in the maintenance of historic structures, working with financial institutions to attain low cost loans for owners of historic properties, working with preservation organizations to assist owners (National Trust, Preservation Pennsylvania, etc.) with their properties, contacting state and national elected officials in the pursuit of tax relief for owners of historic resources.

- (7) Documenting all historic resources, particularly those scheduled for demolition.
- (8) Working with owners of historic structures seeking information regarding the appropriateness of alterations or additions to their structures.
- (9) Coordinating with Township staff in the implementation of the provisions of the Upper Dublin Township Code relating to historic assets.

§ 127-5. Historic Resource Inventory.

An Historic Resource Inventory is hereby established of buildings, structures, and sites in the Township designated for preservation. It shall be available for public inspection in the office of the Township Secretary. The Historic Resource Inventory shall consist of those properties identified in Chapter A264 – Historic Resource Inventory. In all cases the historic resource is the principal building on the property, unless otherwise noted.

A. Criteria For Designation As A Class I Resource. A building, structure, or site, or a complex of the same, may be placed on the Historic Resource Inventory as a Class I Resource if it meets any one of the following criteria:

- (1) Is listed in the National Register of Historic Places; or
- (2) Has been deemed eligible by the Pennsylvania Historic and Museum Commission (PHMC) for listing in the National Register of Historic Places; or
- (3) Is designated by the Secretary of the Interior as a National Historic Landmark; or
- (4) Is classified as a "certified historic structure" by the Secretary of the Interior.

B. Criteria for designation as a Class II Resource. A building, structure, or site, or a complex of the same, may be placed on the Historic Resource Inventory as a Class II Resource if it meets any three of the following criteria:

- (1) Has significant character, interest or value as part of the development, heritage or cultural characteristics of the Township, County, Region, Commonwealth or Nation, or is associated with the life of a person significant in the past; or
- (2) Is associated with an event of importance to the history of the Township, County, Region, Commonwealth or Nation, or
- (3) Embodies an icon associated with an era characterized by a distinctive architectural style; or

- (4) Embodies distinguishing characteristics of an architectural style or engineering specimen; or
- (5) Is the noteworthy work of a designer, architect, landscape architect or designer, or engineer whose work has significantly influenced the historical, architectural, economic, social, or cultural development of the Township, County, Region, Commonwealth or Nation; or
- (6) Contains elements of design, detail, materials or craftsmanship which represent a significant innovation; or
- (7) Is part of or related to a commercial center, park, community or other distinctive area which should be preserved according to an historic, cultural or architectural motif; or
- (8) Owing to its unique location or singular physical characteristic, represents an established and familiar visual feature of the neighborhood, community or Township; or
- (9) Has yielded, or may be likely to yield, information important in pre-history or history; or
- (10) Exemplifies the cultural, political, economic, social or historical heritage of the community.

- C. **Criteria Considerations.** An historic resource that is less than 75 years old may only be recommended to be placed on the inventory if it is considered by the Historical Commission to be a Class I Resource.
- D. **Documentation.** The Historical Commission shall document the Historic Resource Inventory with the owner's name and address, the address or location of the historic resource, the approximate year built, recent photographs, an architectural description, a brief history of the resource, its status as a Class I, or Class II Historic Resource, and the date the historic resource was added, changed, or deleted from the Inventory.
- E. **Publication.** The Historic Resource Inventory shall be made available to the public for inspection at the Upper Dublin Township Building during regular business hours. The inventory, or parts thereof, may also be made public through other means including but not limited to publishing it on the Township's Web site, at a local library, or at the Upper Dublin Historical Association.
- F. **Procedure for designation or removal.** Any property proposed for designation on or removal from the Historic Resource Inventory shall be proposed by or shall first be referred to the Historical Commission, which shall hold a public meeting thereon.

- (1) Unless a property is proposed by the owner(s), such owner(s) shall be notified upon receipt of a proposal that their property be placed on, removed from or reclassified on the Historic Resource Inventory and asked to respond to such proposal within 15 days.
- (2) At least thirty (30) days before holding a public meeting to consider the proposal the Historical Commission shall send notice to the owner of the property. Such notice shall indicate the date, time and place of the public meeting at which the Historical Commission will consider the proposed action. Notice shall be sent to the registered owner's last known address as the same appears in the real estate tax records of the Township Treasurer and sent to the "Owner" at the street address of the property in question.
- (3) Any interested party may present testimony or documentary evidence regarding the proposed addition, removal, or reclassified at the public meeting.
- (4) Following the public meeting, the Historical Commission shall present its written report to the Board of Commissioners, the applicant and the owner within 30 days following the close of the public meeting, basing its recommendation upon those criteria for designation established in this chapter. A property shall be recommended for removal from the Historic Resource Inventory or reclassified if it does not currently meet the criteria for designation. The report shall include a summary of the information and copies of all documents presented at the meeting and used by the Historical Commission in making its recommendation.
- (5) Based upon the criteria set forth in this section and after receiving the recommendations of the Historical Commission, the Board of Commissioners shall from time to time, by ordinance, add, delete or reclassified buildings, structures and sites to or from the Historic Resource Inventory. Written notice of the action of the Board of Commissioners shall be given to the property owner and to any person appearing at the public meeting of the Historical Commission who requests notification.

Section 2. The Code of the Township of Upper Dublin, Chapter 212 thereof, entitled Subdivision and Land Development, § 212-43 Preliminary Plan Requirements, subsection C, Existing Features, shall be amended by the addition of a new paragraph (4) to provide as follows: § 212-43. Preliminary plan requirements.

* * * * *

C. Existing features.

* * * * *

- (4) Where the property is a resource listed on the Historic Resource Inventory, the applicant shall submit a statement with the plan, indicating which, if any, of such historic resources would be changed or affected to any substantial extent by the implementation of the subdivision plan and the development of the property and the manner in which they would be changed or affected.

Section 3. The Code of the Township of Upper Dublin, Chapter 212 thereof, entitled Subdivision and Land Development, § 212-47. Plan processing procedures, subsection (J), shall be amended to provide as follows:

§ 212-47. Plan processing procedures

* * * * *

J. Plan Review.

- (1) The Township Engineer, the Planning Agency Advisory Board, and the Montgomery County Planning Commission shall review the plans and shall submit their comments and recommendations to the Board of Commissioners. Where the property is listed on the Upper Dublin Historic Inventory, the Historical Commission shall also review the plans and shall submit their comments. Where applicable, the Environmental Protection Advisory Board will also submit its comments.
- (2) The Board of Commissioners shall act on a preliminary or final plan within 90 days following the next regularly scheduled meeting of the Board of Commissioners next following the date the application is filed or, if that meeting is more than 30 days following the filing of the application, then 90 days following the 30th day after filing.
 - (a) The Commissioners Planning Committee will comment on a tentative sketch plan and advise the applicant. No formal action will be taken by the Board on a tentative sketch plan application.
 - (b) If the Board approves a preliminary or final plan, the Township Manager or Secretary will so certify thereon. Two copies of the approved plan will be returned to the applicant.
 - (c) If the Board conditionally approves a plan, the applicant shall subsequently submit a revised plan which complies with the conditions stipulated. At the time of the Board's conditional approval, the applicant must agree, in writing, to acceptance of the conditions specified.

- (d) If the Board disapproves the plan, the Township Manager or Secretary will notify the applicant, in writing, of the defects in the application stating the requirements not met.

Section 4. The Code of the Township of Upper Dublin, Chapter 73, "Building Construction", Section 73-2. Modification of Standards, shall be amended to provided as follows:

§ 73-2. Modification of Standards.

Changes from the International Building Code, to the Building Code of the Township of Upper Dublin are as follows:

* * * * *

- K. In Section 3407, Historic Buildings, add a new subsection 3407.3, to provide as follows:

3407.3 Special Requirements For Building Permits – Historic Resources. The following special requirements shall apply to a building permit to demolish a building, structure, or site listed on the Upper Dublin Historic Inventory, Chapter A264. Terms set forth herein shall be as defined in Chapter 127 and Chapter 255.

1. Applicability of Special Requirements.

No Historic Resource on the Historic Resource Inventory, Chapter A264 of the Upper Dublin Township Code, may be demolished, in whole or in part, unless a building permit therefore is obtained from the Code Enforcement Officer in accordance with the procedures and requirements of this section.

2. Procedure for Obtaining Building Permit – Class II Resource.

(a) The applicant shall submit one copy of an application for a building permit to the Code Enforcement Officer in a form acceptable to the Township. If the Code Enforcement Officer determines that the permit request is for the demolition of a building, structure, or site listed as a Class II Resource on the Historic Resource Inventory, Chapter A264 of the Upper Dublin Township Code, he shall not issue the building permit and the application shall be forwarded to the Historical Commission.

(b) **Information to be Provided.** In addition to the other requirements of this section, an applicant seeking a permit to demolish an

Historic Resource on the Historic Resource Inventory shall provide the following information:

- (i) Name and address of owner of record.
- (ii) Site plan showing all buildings and structures on the property.
- (iii) Recent photographs of the resource proposed for demolition. (the applicant may request the Township to secure photographs provided permission is given to enter the property for this purpose)
- (iv) Reasons for the demolition.
- (v) Proposed method of demolition.
- (vi) Intended future use of the site and of the architecturally significant materials from the demolished resource.
- (vii) Where applicable, plans showing any proposed new construction or reconstruction.

(c) The Applicant or the Code Enforcement Officer shall, within ten (10) days from the filing thereof, post a notice on the property indicating that the owner has applied for a permit to demolish an historic resource on the property. The notice shall be posted on each street frontage of the premises with which the notice is concerned and shall be clearly visible to the public. Posting of a notice shall not be required in the event of an emergency which is determined by the Code Enforcement Officer to require immediate action to protect the health or safety of the public.

(d) **Review by Historical Commission.** Within 45 days of receipt of a complete application from the Code Enforcement Officer, the Historical Commission, at a regular or special meeting, shall review the application for demolition. The applicant will be notified of such meeting at least 10 days prior to its date and shall have the opportunity to present his reasons for filing the application. The Historical Commission shall consider the following:

- (i) The effect of demolition on the historical significance and architectural integrity of the resource in question and neighboring historic resources;
- (ii) Whether the applicant has demonstrated that he has considered all alternatives to demolition;

- (iii) Economic feasibility of adaptive reuse of the resource proposed for demolition;
- (iv) Alternatives to demolition of the resource;
- (v) Whether the resource in its current condition presents a threat to public safety;
- (vi) Whether the resource has been intentionally neglected;
- (vii) Whether the retention of the resource would represent an unreasonable economic hardship.

(e) Where the Historical Commission determines that additional information is needed from the Applicant in order to adequately address the issues enumerated in section 4 above, request for such information shall be made in writing to the Applicant prior to the expiration of the initial 30-day review period.

(f) **Historical Commission Recommendation.** Within 30 days following conclusion of the meeting and the receipt of additional requested information, whichever is later, the Historical Commission shall set forth its recommendations in a written report to the Board of Commissioners.

(i). **Immediate Approval.** After reviewing the building permit application with attachments, the Commission may recommend:

(i.i) Approval of the permit, as provided under paragraph (2)(g)(i), below; or

(i.ii) Conditional approval subject to the Applicant providing appropriate documentation of the historical significance of the resource(s) prior to demolition, in the same manner as provided in subsection 2(h)(ii) below.

(ii) **Delay of Demolition.** Alternatively, the Commission may recommend delay of demolition in accordance with section 2(h) below.

(g) **Approval of Building Permit or Delay of Demolition by the Board of Commissioners.**

(i) Within 30 days after receiving the recommendation from the Historical Commission, the Board of Commissioners shall consider the application, together with the recommendations of the Historical Commission, and vote either to approve the application, approve the application with changes and/or conditions, or defer

their decision, affording a delay of demolition for up to 90 days as set forth in section 8 below. The applicant shall be notified of the meeting of the Board at least 10 days prior to its date, and shall have the opportunity to present his reasons for filing the application. Within seven days after making its decision, the Board shall provide written communication of its decision to the applicant, the Historical Commission, the Commissioners Planning Committee and the Code Enforcement Officer.

(ii) Issuance of Building Permit. Where the Board acts to approve the application, it shall authorize the Code Enforcement Officer to issue the permit. Where the approval is granted with conditions attached, the Code Enforcement Officer shall be authorized to issue the permit subject to those conditions.

(h) Delay of Demolition.

(i) The specified period of delay up to 90 days shall be used to provide an opportunity to engage in discussion with the applicant about alternatives to demolition of a Historical Resource; to allow for appropriate documentation of the resource pursuant to paragraph h(ii) as set forth below; and/or for preparation of a financial analysis, as set forth below for Class I only. The Historical Commission shall make every effort to communicate with the applicant to inform him of the historical importance of the resource, its significance to the Township, and alternatives to demolition.

(ii) Documentation of Historic Resources. When ordering the delay of demolition, the Board of Commissioners may request the Historic Commission to provide documentation of the resource proposed for demolition. Such documentation may include, as available: historical data, surveys, and other data provided by local, state, and federal historic preservation organizations and agencies; photographs; floor plans; measured drawings; archaeological surveys (if appropriate); and any other comparable form of documentation recommended by the Historical Commission. The extent of documentation required shall reasonably relate to the architectural quality and/or historical significance of the resource(s). Where the Historical Commission determines that additional information is needed from the Applicant in order to adequately address the issues enumerated above, request for such information shall be made in writing to the Applicant prior to the expiration of the initial 30-day review period. The Board of Commissioners may extend the stipulated 90 days until the

applicant has sufficiently satisfied the documentation requirements.

(iii) With respect to a Class II Resource, the Historical Commission shall provide its recommendation on issuance of the permit to the Board of Commissioners not later than the end of the applicable 105 day review period, as it might be extended. The Board of Commissioners shall approve the application for demolition of the resource(s) in accordance with paragraph (2)(g)(i), above, within the applicable 105 day review period, whether it receives a recommendation from the Historical Commission or not.

(i) Historical Commission Recommendation. Once the delay of demolition has expired, the Historical Commission shall review the application again together with any further documentation requested by the Board of Commissioners at its next regular meeting. The Commission may recommend to the Board of Commissioners approval of the permit or, where the Commission does not believe that the Applicant has proven unreasonable economic hardship or the lack of a reasonable alternative, recommend denial of the permit. The Commission shall consider the following in making its recommendation:

- (i) The effect of demolition on the historical significance and architectural integrity of the resource in question and neighboring historic resources;
- (ii) Whether the applicant has demonstrated that he has considered all alternatives to demolition;
- (iii) The economic feasibility of adaptive reuse of the resource proposed for demolition;
- (iv) Alternatives to demolition of the resource;
- (v) Whether the resource in its current condition presents a threat to public safety;
- (vi) Whether the resource has been intentionally neglected;
- (vii) Whether the retention of the resource would represent an unreasonable economic hardship.

The Commission shall communicate its recommendation in writing to the Board of Commissioners within 30 days of the expiration of the 90-day delay period.

3. Procedure For Obtaining Building Permit – Class I Resource. The procedure for obtaining a building permit to demolish a Class I Resource shall be the same as that for a Class II Resource, except as follows:

(a) No permit shall be issued for the demolition of a Class I Resource except in cases where the Applicant specifically alleges that demolition is necessary due to unreasonable economic hardship. . In such cases, the Board of Commissioners may, during the period of delay, request that the Applicant prepare and submit the basis for this allegation. This may include a financial analysis to the Board containing some or all of the following information, as applicable and available:

(i) Amount paid for the property;

(ii) Date of purchase and party from whom purchased, including a description of the relationship, if any, whether business or familial, between the owner and the person from whom the property was purchased;

(iii) Assessed value of the land and improvements thereon according to the most recent assessment;

(iv) A pro forma financial statement prepared by an accountant or broker of record;

(v) All appraisals obtained by the owner in connection with his purchase or financing of the property, or during his ownership of the property, if any;

(vi) Bona fide offers to sell or rent the property, the price asked, and offers received, if any;

(vii) Any consideration by the owner as to profitable, adaptive uses for the property, and any other practical uses; incentives which could be offered by the Township to preserve the resource; and any input from local, state, or federal historic preservation and architectural organizations or agencies;

(viii) Where relevant, written estimates of the cost(s) of restoration and/or renovation from at least two professional restoration contractors.

(b) Approval or Denial of Building Permit for Class I Resources after Delay of Demolition

(i) At its next regular meeting after receiving the recommendation from the Historical Commission, or at a special

meeting if necessary to comply with paragraph (iii) below, unless an extension of time has been granted by the Applicant, the Board of Commissioners shall again consider the application, together with the recommendations of the Historical Commission and any further documentation which had been requested, and vote either to approve the application or to approve the application with changes as set forth in paragraph (2)(g)(i) above, or to deny the application as set forth below.

(ii) Denial of Application. Where the Board acts to deny the application, a notice of denial shall be sent to the applicant indicating what changes in the plans and specifications, if any, would be sufficient to meet the standards of this Section.

(iii) Action by the Board of Commissioners, including appropriate notification to the Applicant, shall occur within 60 days of the expiration of the 90-day delay period.

Section 5. The Code of the Township of Upper Dublin, Chapter 73, "Building Construction", Section 73-2. Modification of Standards, shall be amended to provided as follows:

L. In Section 3407, Historic Buildings, add a new subsection 3407.4, to provide as follows:

3407.4 Enforcement of Special Requirements for Building Permits for Historic Resources

Any person who demolishes a building, structure, or site on the Historic Resource Inventory, Chapter A264 of the Upper Dublin Township Code, in violation of the provisions of Section 3407.3, or in violation of any conditions or requirements specified in a permit issued under Section 3407.3, shall be required to restore the building, structure, or site involved to its appearance prior to the violation, in default of which the Township may perform such restoration and charge the cost thereof together with an administrative fee of 10% as a municipal lien against the property. Such restoration shall be in addition to and not in lieu of any penalty or remedy available under Chapter 73 of the Upper Dublin Township Code, or any other applicable law.

Section 6. The Code of the Township of Upper Dublin shall be amended by the Addition of a new Chapter A264, entitled Historic Resource Inventory, to provide as follows:

HISTORIC RESOURCE INVENTORY - The buildings, structures and sites identified and/or located on the properties set forth below, as more fully described in the Township's Historic Resource Database and any Pennsylvania Historic Resource Form

associated with such properties, shall comprise the Historic Resource Inventory of Upper Dublin Township:

Section 7. Nothing in this Ordinance or in Chapters 73, 212 or 255 of the Code of the Township of Upper Dublin, as hereby amended, shall be construed to affect any suit or proceedings in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Chapters 73, 212 or 255 prior to the adoption of this amendment.

Section 8. 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 this 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 if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

Section 9. This Ordinance shall take affect and be in force from and after its approval as required by law.

Approved by the Board this 14th day of November, 2006.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN

BY: 

Robert J. Pesavento, President

ATTEST:


Paul A. Leonard, Secretary/Township Manager

ANNUAL BUDGET OF THE TOWNSHIP OF UPPER DUBLIN FOR THE YEAR 2007

AN ORDINANCE OF UPPER DUBLIN TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA APPROPRIATING SPECIFIC SUMS ESTIMATED TO BE REQUIRED FOR THE SPECIFIC PURPOSES OF THE MUNICIPAL GOVERNMENT, HEREINAFTER SET FORTH, DURING 2007.

The Board of Commissioners of the Township of Upper Dublin does hereby ENACT AND ORDAIN as follows:

SECTION 1: That for the expenses for the fiscal year 2007 the following amounts are hereby appropriated from the revenues available for the current year for the specific purposes set forth below, which amounts are more fully itemized in the budget form.

SUMMARY OF ALL ESTIMATED RECEIPTS

Receipts from Current Tax Levy	15,839,590
Receipts from Taxes of Prior Years	60,000
Other Revenues and Receipts	<u>7,378,336</u>
TOTAL ESTMATED RECEIPTS AND CASH	23,277,926

SUMMARY OF ALL APPROPRIATIONS

GENERAL GOVERNMENT	
Administration and Finance	2,105,391
Treasurer and Tax Collector	20,938
Library	893,920
Municipal Buildings	<u>470,647</u>
TOTAL	3,490,896
PROTECTION TO PERSON AND PROPERTY	
Police	5,580,061
Fire	1,212,168
Emergency Services	<u>297,807</u>
TOTAL	7,090,036

SANITARY SEWER	7,500
SANITATION	2,239,211
CODE ENFORCEMENT	569,413
HIGHWAY AND ENGINEERING	3,105,523
PARKS AND RECREATION	1,635,884
DEBT SERVICE	1,283,458
NON EXPENDABLE TRUSTS	3,900
CAPITAL PROJECTS	
General Capital	2,869,835
Storm Sewer Management Projects	335,000
Open Space	<u>634,020</u>
	TOTAL
	3,838,854
COMMUNITY CONTRIBUTIONS	13,250
	TOTAL APPROPRIATIONS
	23,277,926

SECTION 2: An estimate of the specific items making up the amounts appropriated to the respective departments is on file in the office of the Township of Upper Dublin, Montgomery County, Pennsylvania.

SECTION 3: That an Ordinance, or part of an Ordinance, conflicting with this Ordinance be and the same is hereby repealed insofar as the same affects this Ordinance.

SECTION 4: Nothing in this Ordinance shall be construed to affect any suit or processing in any Court, any rights acquired or liability incurred, any permit issued, or any causes of action existing prior to the adoption of this amendment.

SECTION 5: 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 illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

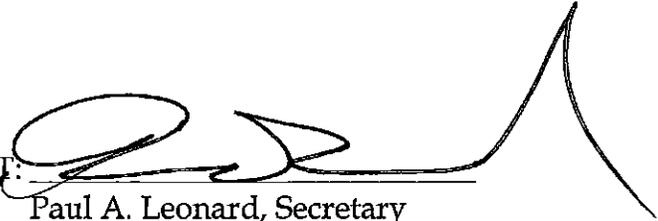
SECTION 6: This Ordinance shall take effect and be in force from and after January 1, 2007.

ENACTED AND ORDAINED THIS 12th day of December 2006.

BOARD OF COMMISSIONERS
UPPER DUBLIN TOWNSHIP

BY: 

Robert J. Pesavento, President

ATTEST: 

Paul A. Leonard, Secretary

ORDINANCE NO. 1177

AN ORDINANCE OF UPPER DUBLIN TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA, FIXING THE TAX RATE FOR THE YEAR 2007 FOR GENERAL PURPOSES, THE TAX RATE FOR THE YEAR 2007 FOR DEBT SERVICE, THE TAX RATE FOR THE YEAR 2007 FOR FIRE PROTECTION, THE TAX RATE FOR THE YEAR 2007 FOR PARKS AND RECREATION, THE TAX RATE FOR THE YEAR 2007 FOR PERMANENT IMPROVEMENT FUND AND ESTABLISHING DISCOUNTS AND PENALTIES THEREFOR.

The Board of Commissioners of the Township of Upper Dublin does hereby ENACT AND ORDAIN as follows:

SECTION 1: Tax Rate for General Purposes

That a tax be and the same is hereby levied on all property and occupation within the said municipality subject to taxation for the fiscal year 2007, as follows:

Tax rate for General Purposes, the sum of	2.600 mils
on each dollar of assessed valuation, or the sum of	26.000 cents
on each one hundred dollars of assessed valuation.	

The same being summarized in tabular form as follows:

	<u>Mils on Each Dollar of Assessed Valuation</u>	<u>Cents on Each One Hundred Dollars of Assessed Valuation</u>
Tax Rate for General Purposes	2.600	26.000

SECTION 2: Tax Rate for Debt Service

That a tax be and the same is hereby levied on all property and occupation within the said municipality subject to taxation for the fiscal year 2007, as follows:

Tax rate for Debt Service, the sum of	0.496 mils
on each dollar of assessed valuation, or the sum of	4.960 cents
on each one hundred dollars of assessed valuation.	

The same being summarized in tabular form as follows:

	<u>Mils on Each Dollar of Assessed Valuation</u>	<u>Cents on Each One Hundred Dollars of Assessed Valuation</u>
Tax Rate for Debt Service	.496	4.960

SECTION 3: Tax Rate for Fire Protection

That a tax be and the same is hereby levied on all property and occupation within the said municipality subject to taxation for the fiscal year 2007, as follows:

Tax rate for Fire Protection, the sum of	0.281 mils
on each dollar of assessed valuation, or the sum of	2.810 cents
on each one hundred dollars of assessed valuation.	

The same being summarized in tabular form as follows:

	<u>Mils on Each Dollar of Assessed Valuation</u>	<u>Cents on Each One Hundred Dollars of Assessed Valuation</u>
Tax Rate for Fire Protection	.281	2.810

SECTION 4: Tax Rate for Parks and Recreation

That a tax be and the same is hereby levied on all property and occupation within the said municipality subject to taxation for the fiscal year 2007, as follows:

Tax rate for Parks and Recreation the sum of	0.580 mils
on each dollar of assessed valuation, or the sum of	5.800 cents
on each one hundred dollars of assessed valuation.	

The same being summarized in tabular form as follows:

	<u>Mils on Each Dollar of Assessed Valuation</u>	<u>Cents on Each One Hundred Dollars of Assessed Valuation</u>
Tax Rate for Parks and Recreation	.580	5.800

SECTION 5: Tax Rate for Permanent Improvement Fund

That a tax be and the same is hereby levied on all property and occupation within the said municipality subject to taxation for the fiscal year 2007, as follows:

Tax rate for Permanent Improvement, the sum of	0.187 mils
on each dollar of assessed valuation, or the sum of	1.870 cents
on each one hundred dollars of assessed valuation.	

The same being summarized in tabular form as follows:

	<u>Mils on Each Dollar of Assessed Valuation</u>	<u>Cents on Each One Hundred Dollars of Assessed Valuation</u>
Tax Rate for Permanent Improvement Fund	.187	1.870

SECTION 6: Discounts and Penalties

All taxpayers shall be entitled to a discount of two per centum (2%) from the amount of tax levied upon property, upon making payment of amount of such tax within sixty (60) days of the date of the tax notice. All taxpayers who shall fail to make payment of any such taxes charged against them within one hundred twenty (120) days of the date of the tax notice, shall be charged a penalty of ten per centum (10%) of the amount of the tax, which penalty shall be added to the taxes by the tax collector and collected as provided by law.

SECTION 7: Nothing in this Ordinance shall be construed to affect any suit or processing in any Court, any rights acquired or liability incurred, any permit issued, or any causes of action existing prior to the adoption of this amendment.

SECTION 8: 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 illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

SECTION 9: This Ordinance shall take effect and be in force from and after January 1, 2007.

ENACTED AND ORDAINED THIS 12th day of December 2006.

BOARD OF COMMISSIONERS
UPPER DUBLIN TOWNSHIP

BY: 
Robert J. Pesavento, President

ATTEST: 
Paul A. Leonard, Secretary

ORDINANCE NO. 1178

AN ORDINANCE OF UPPER DUBLIN TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA, ESTABLISHING THE DATES OF THE REGULAR MEETINGS OF THE COMMISSIONERS OF THE TOWNSHIP OF UPPER DUBLIN DURING THE YEAR 2007.

The Board of Commissioners of the Township of Upper Dublin does hereby ENACT and ORDAIN as follows:

SECTION 1. The regular stated monthly meetings of the Commissioners of the Township of Upper Dublin for the year 2007 shall be held on the second Tuesday of each month unless the same shall be a legal holiday or election day, in which case the meeting will be held on the next regular business day following, at 7:30 PM, local time.

SECTION 2. The Public Safety, Works and Services Committee meetings for the year 2007 shall be held on the first Tuesday of January, March, May, July, September, November, unless the same shall be a legal holiday or election Day, in which case the meeting will be held on the next regular business day following, at 6:30 PM., local time.

SECTION 3. The Public Activities, Lands and Contracts Committee meetings for the year 2007 shall be held on the first Tuesday of January, March, May, July, September, November, unless the same shall be a legal holiday or election Day, in which case the meeting will be held on the next regular business day following, immediately following the Public Safety, Works and Services Committee at 6:30 PM., local time.

SECTION 4. The Planning Commission meetings for the year 2007 shall be held on the third Tuesday of each month at 7:00 PM, local time.

SECTION 5. The Commissioners Planning Committee meetings of the Township of Upper Dublin for the year 2007 shall be held on the fourth Tuesday of each month unless the same shall be a legal holiday or election day, in which case the meeting will be held on the next regular business day following, at 7:00 PM, local time.

SECTION 6. The Economic Development Committee for the year 2007 shall meet when called by Chairperson.

SECTION 7. The public is welcome to attend all meetings, and participation by the public is welcome.

SECTION 8. Persons with disabilities who wish to attend any public meeting and require auxiliary aid, service or other accommodations to participate in the proceedings may contact the Township Manager's Office to discuss how the Township may best accommodate an individual's needs.

SECTION 9. All meetings will be effective February 1, 2007 and held in the Upper Dublin Township Building, 801 Loch Alsh Avenue, Fort Washington, Pennsylvania, unless otherwise specifically directed.

ENACTED AND ORDAINED this *9th* day of *January*, 2007.

BOARD OF COMMISSIONERS
UPPER DUBLIN TOWNSHIP


Robert J. Pesavento, President

Attest:


Paul A. Leonard, Secretary

AN ORDINANCE
NO. 1179

AN ORDINANCE, TO AMEND THE CODE OF THE TOWNSHIP OF UPPER DUBLIN, CHAPTER 233, VEHICLES AND TRAFFIC, ARTICLE VIII, "SCHEDULES", SECTION 233-59, "STOPPING, STANDING AND PARKING PROHIBITED," BY ADDING A "NO STOPPING, STANDING OR PARKING" RESTRICTION ON THE WEST SIDE OF FT. WASHINGTON AVE. FROM THE CENTER LINE OF LOCH ALSH AVE. TO A POINT 620' NORTH.

The Board of Commissioners of the Township of Upper Dublin does hereby enact and ordain:

Section 1. The Code of the Township of Upper Dublin, Chapter 233 thereof, entitled Vehicles and Traffic, Article VIII, "Schedules", Section 233-59, Schedule XIII: Stopping, Standing and Parking Prohibited, shall be amended by adding the following regulation which provides as follows:

§ 233-59. Schedule XIII: Stopping, Standing and Parking Prohibited.

<u>Name of Highway</u>	<u>Side</u>	<u>Hours</u>	<u>Location</u>

Fort Washington Ave.	West	8:00 a.m. to 4:00 p.m. Monday through Friday	From the center line of Loch Alsh Avenue to a point 620 feet north.

Section 2. Nothing in this Ordinance or in Chapter 233 of the Code of the Township of Upper Dublin, as hereby amended, shall be construed to affect any suit or proceeding in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Chapter 233 prior to the adoption of this amendment.

Section 3. 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 illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

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

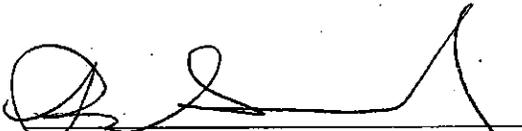
ENACTED AND ORDAINED this *9th* day of *January*, 200*7*.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN

ATTEST:



ROBERT J. PESAVENTO, PRESIDENT



PAUL A. LEONARD, SECRETARY
udlord\CH 233 VEHICLES & TRAFFIC/NoStopping.Ft Wash-10.13.06

AN ORDINANCE
NO. 1180

AN ORDINANCE, TO AMEND THE CODE OF THE TOWNSHIP OF UPPER DUBLIN, CHAPTER 233, VEHICLES AND TRAFFIC, ARTICLE VIII, "SCHEDULES", SECTION 233-54, "PARKING PROHIBITED AT ALL TIMES" BY RESTRICTING PARKING ON THE NORTH SIDE OF HAWTHORNE LANE FROM FT. WASHINGTON AVE. TO GOODMAN DRIVE.

The Board of Commissioners of the Township of Upper Dublin does hereby enact and ordain:

Section 1. The Code of the Township of Upper Dublin, Chapter 233 thereof, entitled Vehicles and Traffic, Article VIII, "Schedules", Section 233-54, Schedule XIII: Parking Prohibited at All Times, shall be amended to provide as follows:

§ 233-54. Schedule XIII: Parking Prohibited at All Times.

In accordance with the provisions of §233-21, no person shall park a vehicle at any time upon any of the following described streets or parts thereof:

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
	* * * * *	
Hawthorne Lane	North	From Ft. Washington Ave. to Goodman Drive

* * * * *

Section 2. Nothing in this Ordinance or in Chapter 233 of the Code of the Township of Upper Dublin, as hereby amended, shall be construed to affect any suit or proceeding in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Chapter 233 prior to the adoption of this amendment.

Section 3. 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 illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

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

ENACTED AND ORDAINED this 13th day of February, 2007.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN

ATTEST:


ROBERT J. PESAVENTO, PRESIDENT


PAUL A. LEONARD, SECRETARY

ud\ord\CH 233 VEHICLES & TRAFFIC\No Parking-Hawthorne-01.24.07

AN ORDINANCE
NO. 1181

AN ORDINANCE Amending The Code Of The Township Of Upper Dublin, Chapter 255, Zoning, By Revising The Zoning Map As It Pertains To Properties Along Or Adjacent To Pennsylvania Avenue, Between Commerce Drive And Fort Washington Avenue, Ft. Washington, As Follows: To Place The FWVD Ft. Washington Village District Over The Existing Zoning On The Land Situated In The Northeast Corner Of Summit And Pennsylvania Avenues, 500' North Of Pennsylvania Avenue And 535 Feet East Of Summit Avenue And On All Property Within 200 Feet North Of Pennsylvania Avenue, West Of Summit Avenue Around Bethlehem Pike To Washington Avenue; To Rezone From CR-L Commercial District And CR-I Commercial District To EC Employment District Four Parcels Of Land Situate At The Northernmost Corner Of The Intersection Of Commerce Drive And Pennsylvania Avenue; To Rezone From CR-L Commercial District To B Residential District Two Parcels Of Land Situate Between Summit Avenue And Fort Washington Avenue; To Rezone From A Residential To B Residential All Or Portions Of Seven Parcels Of Land Situate On The Southeasterly Side Of Summit Avenue Near Its Intersection With Pennsylvania Avenue; And To Rezone From B Residential To CR-L Commercial District A Parcel Of Land Situate On The Northeasterly Side Of Pennsylvania Avenue South Of Summit Avenue, Being The Property N/L Of Holbrook P. Hunt.

The Board of Commissioners of the Township of Upper Dublin hereby ordains:

Section 1. The Code of the Township of Upper Dublin, Chapter 255, entitled Zoning, Section 255-9, Zoning Map, is hereby amended to place the The FWVD Ft. Washington Village District Over The Existing Zoning On The Following Properties: The land situated in the northeast corner of Summit and Pennsylvania Avenues, 500' north of Pennsylvania Avenue and 535 feet east of Summit Avenue; All property within 200 feet north of Pennsylvania Avenue, west of Summit Avenue around Bethlehem Pike to Washington Avenue.

District Boundary

ALL THAT CERTAIN overlay zoning district situate in Upper Dublin Township, Montgomery County, Pennsylvania, being shown on a plan of Fort Washington Village Overlay District, Option 'D' by Metz Engineers, Civil Engineers and Surveyors, Lansdale, Pennsylvania, dated November 8, 2006, and being more fully described as follows:

BEGINNING at the point intersection of the centerlines of Pennsylvania Avenue (S.R. 2027) and Commerce Drive; thence, extending along said Pennsylvania Avenue centerline in a northwesterly direction to the centerline of Bethlehem Pike (S.R. 2018); thence, extending along the said centerline of Bethlehem Pike in a northerly direction to the centerline of Washington Lane; thence, extending along the said centerline of Washington Lane in a northeasterly direction to its intersection with the line of taxmap block 33, unit 8 extended; thence, extending along said unit 8 the following two (2) courses; 1) in a southeasterly direction ± 40 feet to an angle point; 2) along the rear lot line of unit 8 in a southerly direction ± 330 feet to a point in the lands of unit 5, being on the rear lot line of block 42, unit 1 extended; thence, continuing on and through the said taxmap unit 5, crossing Fort Washington Avenue and extending along the rear lot lines of block 42, units 1 and 12, ± 540 feet to the centerline of Summit Avenue; thence, extending along the said centerline in a northeasterly direction to the intersection with the northeasterly line of lands of block 43, unit 5 extended; thence, extending along the northeasterly side lot line of said unit 5, ± 190 feet to a point in the line of lands of unit 14; thence, extending along said unit 14 in a southwesterly direction ± 13 feet to a point on the rear lot line of taxmap block 43, unit 19; thence, extending along the said lot line of unit 19, on and through unit 24, along the interior lot lines of units 23 and 15, and through the lands of taxmap block 50, unit 63, $\pm 1,078$ feet to a point on the aforementioned centerline of Commerce Drive; thence, extending along said Commerce Drive centerline in a southwesterly direction to the centerline of Pennsylvania Avenue, being the point and place of beginning.

Section 2. The Code of the Township of Upper Dublin, Chapter 255, entitled Zoning, Section 255-9, Zoning Map, is hereby amended by rezoning from A Residence District to B Residence District all or a portion of seven parcels of ground located on Summit Avenue near its intersection with Pennsylvania Avenue, Ft. Washington, being tax map Block 43, Units 3, 4, 5, 6, 7, 22 and a portion of 14, described as follows:

ALL THOSE CERTAIN lots or parcels of land situate on the southeasterly side of Summit Avenue in Upper Dublin Township, Montgomery County, Pennsylvania, and being more fully described as follows:

BEGINNING at a point on the centerline of Summit Avenue, said point being the southwesterly line of lands of taxmap block 43, unit 3 extended, and located ± 118 feet northeasterly of the centerline intersection of Summit Avenue and Pennsylvania Avenue (S.R. 2027); thence, extending along the centerline of Summit Avenue, northeasterly, ± 413 feet to a point, being the centerline intersection of Summit Avenue and Walnut Lane, (not open); thence, leaving Summit Avenue and extending along the centerline of Walnut Lane, being along the lot line of said taxmap unit 7 and partially along unit 14, southeasterly, ± 372 feet to a point; thence, extending southwesterly, on and through the approximate midpoint of unit 14, ± 247 feet to a point on the southwesterly line of lands of said unit 14; thence, extending along the line of lands of unit 14 the following two (2)

courses and distances; 1) northwesterly, ±182 feet to a point, a corner; 2) northeasterly, ±12.7 to a point, a rear corner of unit 6 on said taxmap; thence, extending along unit 6, northwesterly, ±53 feet to a point, a rear corner of unit 5; thence, extending along the rear line of lands of units 5, 4 and 3, southwesterly, ±178 feet to a point, a rear corner of the aforementioned taxmap unit 3; thence, extending along the said southwesterly line of lands of unit 3, in a northwesterly direction, ±136 feet to the centerline of Summit Avenue, being the point and place of beginning.

Section 3. The Code of the Township of Upper Dublin, Chapter 255, entitled Zoning, Section 255-9, Zoning Map, is hereby amended by rezoning from CR-I Commercial District and CR-L Commercial District to EC Employment Center District four parcels of land situate at the northernmost corner of the intersection of Commerce Drive and Pennsylvania Avenue, Ft. Washington, being tax map Block 43, Units 15, 21, 23 and 24, described as follows:

ALL THOSE CERTAIN parcels of land situate at the northernmost corner of the Commerce Drive and Pennsylvania Avenue intersection in Upper Dublin Township, Montgomery County, Pennsylvania, being designated as Montgomery County tax parcel numbers 54-00-13390-002, 54-00-13387-005, 54-00-13393-008 and 54-00-13393-503, and being more fully described as follows:

BEGINNING at the centerline intersection of Commerce Drive and Pennsylvania Avenue (S.R. 2027); thence, extending along the centerline of Pennsylvania Avenue, northwesterly, ±717 feet to a point; thence, leaving Pennsylvania Avenue and extending along the line of lands of N/L 455 Office Associates LP, (taxmap block 43, unit 24) at approximate right angles to Pennsylvania Avenue, northeasterly, ±530 feet to a point in the centerline of Walnut Lane (not open); thence, extending along the rear lot line of said unit 24 and unit 23, approximately parallel to Pennsylvania Avenue, southeasterly, ±714 feet to a point on the centerline of the aforementioned Commerce Drive; thence, extending along the said centerline, southwesterly, ±528 feet to the centerline of Pennsylvania Avenue, being the point and place of beginning.

Section 4. The Code of the Township of Upper Dublin, Chapter 255, entitled Zoning, Section 255-9, Zoning Map, is hereby amended by rezoning from CR-L Commercial District to B Residential District two parcels of land situate between Summit Avenue and Fort Washington Avenue, Ft. Washington, being tax map Block 42, Units 10 and 11, described as follows:

ALL THOSE CERTAIN lots or parcels of land situate from and between Summit Avenue and Fort Washington Avenue in Upper Dublin Township, Montgomery County, Pennsylvania, being designated as county parcel numbers 54-00-06451-002 and 54-00-14622-003 and being more fully described as follows:

BEGINNING at a point on the centerline of Summit Avenue, said point being the southwesterly line of lands of taxmap block 42, unit 11 extended, and located ± 275 feet northeasterly of the centerline intersection of Summit Avenue and Pennsylvania Avenue (S.R. 2027); thence, extending in a northwesterly direction, along the said southwesterly line of lands of unit 11 and unit 10, ± 450 feet to the centerline Fort Washington Avenue; thence, extending along the said centerline in a northeasterly direction, ± 82 feet to a point; thence, extending in a southeasterly direction, along the northeasterly line of lands of unit 10 and unit 11, ± 451 feet to a point on the aforementioned centerline of Summit Avenue; thence, extending along the centerline of Summit Avenue in a southwesterly direction, ± 83 feet to a point, being the point and place of beginning.

Section 5. The Code of the Township of Upper Dublin, Chapter 255, entitled Zoning, Section 255-9, Zoning Map, is hereby amended by rezoning from B Residential District to CR-L Commercial District a parcel of land situate on the northeasterly side of Pennsylvania Avenue, Ft. Washington, being tax map Block 43, Unit 18, and being lands N/L of Holbrook P. Hunt, described as follows:

ALL THAT CERTAIN lot or parcel of land situate on the northeasterly side of Pennsylvania Avenue in Upper Dublin Township, Montgomery County, Pennsylvania, being designated as Montgomery County tax parcel number 54-00-13399-002, and being more fully described as follows:

BEGINNING at a point on the centerline Pennsylvania Avenue (S.R. 2027), said point being ± 807 feet northwesterly of the centerline intersection of Commerce Drive and Pennsylvania Avenue; thence, extending along the centerline of Pennsylvania Avenue, northwesterly, ± 110 feet to a point; thence, leaving Pennsylvania Avenue and extending along the line of lands of N/L Holbrook P. Hunt, (taxmap block 43, unit 18) at approximate right angles to Pennsylvania Avenue, northeasterly, ± 263.4 feet to a point, a corner; thence, extending along the rear lot line of said unit 18, approximately parallel to Pennsylvania Avenue, southeasterly, ± 110 feet to a point, a corner; thence, extending southwesterly, ± 263.4 feet to the centerline of Pennsylvania Avenue, being the point and place of beginning.

Section 6. Nothing in this Ordinance or in Chapter 255 of the Code of the Township of Upper Dublin, as hereby amended, shall be construed to affect any suit or proceeding in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Chapter 255 prior to the adoption of this amendment.

Section 7. 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 illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

Section 8. This Ordinance shall take effect and be in force from and after its approval as required by law.

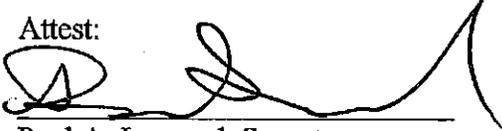
Approved this *13th* day of *February*, 2007.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN



Robert J. Pesavento, President

Attest:



Paul A. Leonard, Secretary

AN ORDINANCE

NO. 1182

AN ORDINANCE To Amend The Code Of The Township Of Upper Dublin, Chapter 212, Subdivision and Land Development, by providing for six foot wide sidewalks in the FW Ft. Washington Village District; and amending Chapter 255, Zoning, By Adding A Definition To Article I, General Provisions; By The Addition Of A New Article XXXIII, FW Ft. Washington Village District, To Be An Overlay On Existing Zoning Districts For The Purpose Of Creating A Village Center In Ft. Washington, Providing Incentives For The Preservation Of Existing Historic Resources; Permitting Residential, Commercial, Retail And Personal Service Uses; Establishing A Table Of Performance Regulations; Imposing Regulations On Building Design, Access, Parking, Streetscape Improvements, Landscaping And Buffering; And Imposing Traffic Control Standards; And Amending Chapter 255, Zoning, Article XXI, Signs, By Adding Signage Regulations Specific To The FW Ft. Washington Village District.

The Board of Commissioners of the Township of Upper Dublin hereby ordains:

Section 1. The Code of Upper Dublin Township, Chapter 255, Zoning, Article I, General Provisions, § 255-7, Definitions, shall be amended to add

MIXED USE DEVELOPMENT – A development of different land use categories within a single parcel. To qualify as Mixed-Use, no one use of a parcel may utilize more than 80% of the building area. For purposes of calculating the use limitation above, accessory parking shall not be included as a separate use. Uses shall provide a variety of peak hour pedestrian and vehicular activity times.

Section 2. The Code of the Township of Upper Dublin, Chapter 212 thereof, entitled Subdivision and Land Development, Article IV, Design Standards, § 212-18. "Sidewalks", shall be amended to provide as follows:

§ 212-18. Sidewalks.

- B. Width. Sidewalks shall not be less than four feet in width in residential areas. A greater width may be required in areas in which apartments or business buildings are located, or deemed necessary at the discretion of the Board. Sidewalks in the DO Dresher Overlay District and the FWVD Ft. Washington Village District shall not be less than six feet in width.

Section 3. The Code of the Township of Upper Dublin, Chapter 255, entitled Zoning, shall be amended by the addition of a new Article XXXIII, FW Ft. Washington Village District, to provide as follows:

**ARTICLE XXXIII
FW FT. WASHINGTON VILLAGE DISTRICT**

§ 255-240 Legislative Intent

In addition to the purpose set forth in § 255-2 of Article I of this chapter, this Article is intended to recognize the unique characteristics of a portion of the Ft. Washington area of Upper Dublin Township, designated in this Code as the FW Ft. Washington Village District (FWVD). The FWVD lies between Pennsylvania Avenue, a primary, state owned arterial, on the south, and a quiet, single-family residential neighborhood on the north. Within this area lies one of the oldest properties in the Township as well as several other colonial era buildings. The Fort Washington train station, an express stop along the commuter rail line leading into Philadelphia, is one block south of the FWVD in Whitemarsh Township. The vision for the Fort Washington station area is for it to become a pedestrian-oriented mixed-use village center. Therefore, to remain vital, the provisions of the FWVD must take advantage of and compliment the train station area and serve as a transitional zone, buffering the adjacent residential neighborhood to the north from the major transportation corridor existing along Pennsylvania Avenue. More specifically, the intent of this overlay district is to:

- A. Use scale, building orientation and landscaping to establish community identity.
- B. To allow and encourage a mix of residential and appropriate commercial uses within a structure, property or a single development.
- C. Encourage the preservation and reuse of the historic structures in the district.
- D. Establish appropriate design standards to protect the quality and character of the surrounding neighborhood.
- E. Help foster bicycle and pedestrian accessible development, reflecting a pedestrian oriented village center rather than an auto-oriented commercial strip.
- F. Prohibit retail/commercial uses that are typically high volume traffic generators, contain excessive amounts of paved areas and numerous access points, and do not contribute to the historic character of the district.
- G. Provide incentives that encourage shared access points, parking areas and public-spaces.
- H. Protect, to the greatest extent possible, the natural features of the district including the open space, steep slopes and large trees.

§ 255-241. District Established

A. The FWVD shall be deemed an overlay on any zoning district now or hereafter applicable to any lot located within the District. The regulations, requirements and restrictions set forth in this Article are mandatory and subdivision/land development applications within the overlay district shall comply with requirements of this article in lieu of the underlying zoning district, unless approved by conditional use.

B. The design regulations in Section 255-244 of the FWVD shall apply to those exterior building improvements requiring a township building permit.

§ 255-242. Conditional Use Development

A. Authorization to develop a property in accordance with the provisions of the underlying zoning district (conventional development), rather than the FWVD, may be granted by the Board of Commissions as a conditional use pursuant to Article XXV of this Chapter, provided the applicant demonstrates:

- (1) Compliance with the standards and criteria set forth in § 255-194; and
- (2) That conventional development will achieve the FWVD development goals and standards set forth in this Article to a degree equal to or greater than development under the FWVD regulations would permit.

B. A land development proposing an individual structure with a gross floor area greater than 4,000 square feet is only permitted by conditional use of the Board of Commissioners.

§ 255-243 Use Regulations

In the FWVD, the following uses and no others shall be permitted as indicated, either as a single use within a building or as one of several mixed uses within a building. Multiple buildings are permitted on a single parcel.

A. Permitted Uses.

- (1) Multiple-dwellings, provided no one structure has more than 12 units.
- (2) Live/Work units for artisans, professionals and service providers, etc., provided the office area does not exceed 50% of the floor area of the dwelling unit.
- (3) Retail sale/loan of dry goods, books, variety and general merchandise, clothing, food, flowers, beverages, drugs, household supplies or furnishings, antiques, art galleries and picture framing, sale or repair of jewelry, watches, clocks, optical goods, musical, professional or scientific products, small scale hardware, and any other use of the same general character;

- (4) Retail copy facility.
- (5) Restaurant, tearoom, café, taproom, confectionary, bakery, or similar establishment producing and serving food or beverages to be sold at retail on the premises;
- (6) The following personal service shops, dealing directly with retail customers: barber shop, beauty parlor, cleaner, (provided that no flammable fluids are used), cobbler, millinery, seamstress, tailor or upholstery shop.
- (7) Travel agent, real estate agency, cultural studio, or professional medical office.
- (8) Bank or financial institution, with out drive thru facilities.
- (9) Exercise gym, fitness center, yoga studio, spa, provided it does not exceed 30% of the building coverage.
- (10) Bed and Breakfast Inn; Hotel with no more than 10 rooms.
- (11) Postal services or municipal use.
- (12) Business or professional office and insurance agencies,
- (13) Music, dance, art or martial arts studio or school of similar uses,
- (14) Educational, religious or philanthropic use.

B. Preservation. When existing structures, including accessory structures such as barns, identified by the Township as historic resources, are retained on site or are relocated and adaptively reused on a site within the district, the building coverage of that structure will not be included in the maximum building coverage permitted on the lot, provided:

- (1) The historic structure shall be rehabilitated/renovated as needed and/or adaptively reused for a use permitted in the district.
- (2) The Secretary of the Interior's Standards for Rehabilitation, as amended, as they apply to the exterior façade of the structure, shall be met.
- (3) The property owner executes and records a covenant in a form approved by the Township Solicitor committing to maintain the historic structure pursuant to these standards in perpetuity.

§ 255-244 Dimensional Standards for Development

A. Table of Dimensional Regulations. The following dimensional regulations shall apply in the Ft. Washington Village District:

Minimum Net Lot Area	Maximum Building Height ⁽⁷⁾	Maximum Impervious Coverage	Minimum Yards		
			Front	Side	Rear
< 1/2 acre	42 feet	50%	0 ⁽¹⁾	0 ⁽²⁾	0 ⁽²⁾
1/2 – 3/4 acres	42 feet	60%	0 ⁽¹⁾	0 ⁽²⁾	0 ⁽²⁾
3/4 – 1 acres	42 feet	70%	0 ⁽³⁾	0 ⁽⁴⁾	0 ⁽⁴⁾
> 1 acres	42 feet	75%	0 ⁽⁵⁾	0 ⁽⁶⁾	0 ⁽⁶⁾

Footnotes to Table of Dimensional Regulations:

- (1) A minimum of 90% of the non-residential or mixed use building façade(s) shall be located within 10' of the ultimate right of way.
- (2) When adjacent to a residentially zoned and used property the minimum setback shall be 35'.
- (3) A minimum of 70% percent of the non-residential or mixed use building façade(s) shall be located within 10' of the ultimate right of way.
- (4) When adjacent to a residentially zoned and used property the minimum setback shall be 45'.
- (5) A minimum of 50% of the non-residential or mixed use building façade(s) shall be located within 10' of the ultimate right of way.
- (6) When adjacent to a residentially zoned and used property the minimum setback shall be 55'.
- (7) Three (3) stories are permitted, provided the building height does not exceed 42 feet.

B. Building Height. Notwithstanding the building height provisions noted in the Table of Dimensional Regulations above, no portion of a building located within 100 feet of an existing one or two-family dwelling in a residential zoning district shall be permitted to exceed 35 feet.

C. Other Mass/Bulk Standards.

- (1) Building Area shall not exceed 25% of the developable acreage of total lot area. No individual building may have a footprint larger than 6,000 square feet. Developable acreage shall be calculated as provided for in Section 255-43.D(1).
- (2) Maximum Residential Gross Floor Area: the square footage shall not exceed 65% of the developable square footage of the property.
- (3) Maximum Non-Residential Gross Floor Area: the square footage shall not exceed 50% of the developable square footage of the property.

(4) The maximum number of Residential units per acre of tract shall be fourteen.

(5) Building Separation. Individual structures must have sufficient separation to meet applicable fire protection codes, but in no case may this separation be less than 15 feet.

§ 255-245 Design Regulations

A. Intent. The following design regulations apply to the construction and alteration of any structure in the FWVD. It is the intent of this ordinance to encourage pedestrian oriented design and facilitate the placement of buildings to enhance the visual character and functionality of the space for pedestrians. Auto oriented, suburban strip development in this area will exacerbate traffic problems. It may also result in the loss of the historic integrity and reduce the viability of the surrounding residential neighborhood.

B. General Standards. All new and rehabilitated buildings shall comply with the following standards:

(1) All uses shall be served by public water and sewer service.

(2) All utility lines serving all uses shall be placed underground from the edge of the right-of-way to the place of service.

(3) Drive-through facilities are prohibited for all uses within the district.

(4) Driveways, parking areas and traffic circulation patterns shall be designed as shared facilities whenever feasible. The design of these elements shall create a unified site plan between lots. The goal is to gain parking efficiencies, reduce the number of access points and improve internal and external vehicular circulation patterns.

(5) The design of newly constructed facilities shall conform to the architectural style and scale of surrounding structures.

(6) Multiple Dwellings used exclusively for residential purposes shall be designed and built to appear similar to a single family dwelling.

C. Retention and Adaptive Reuse of Historic Structures

(1) If the election is made to retain and use the existing principal building(s) and barn(s), or portions thereof, built before 19[53] on the lot:

(a) The proposed development, including new structures and additions to existing structures, shall retain the general appearance, character and types of building materials of the front and side facades of the existing building, including front and side porches and window openings.

- (b) Expansion to the side shall conform in general appearance, scale, and building materials to the front facade of the existing building.
- (c) Expansion to the rear shall conform in scale to the existing building.
- (d) Rooflines shall be similar or complimentary to those of the existing building.
- (e) The applicant shall submit architectural drawings for evaluation of the proposed principal building expansion, including building elevations and colored renderings. The Board of Commissioners may approve expansion different from the existing building, provided that the Board determines in approving the land development plan that the expansion conforms in architectural style and scale with the existing building and the intent of this Article.

(2) Historic buildings from elsewhere are encouraged to be relocated to this district. The Board of Commissioners may, by conditional use, relax the requirements for exterior materials and building style to allow for such a building relocation to this district.

(3) Identification signs may be installed to identify and explain the historic significance of particular structures, areas, objects or events in the district. These signs shall not to be counted toward signage area limits described elsewhere in this Chapter.

D. Design of Mixed Use and Non-Residential Buildings

(1) Placement and access - A building's public access points shall be articulated and at least one must be visible from the street.

(a) Building entrances shall incorporate arcades, roofs, porches, alcoves and/or awnings that protect pedestrians from the sun and rain.

(b) If the building has frontage on more than one street, the building shall provide, at a minimum, public access points oriented towards both streets, or a single access point to the corner where two streets intersect.

(c) All buildings shall be placed to encourage continuous uninterrupted pedestrian accessways that link windows, doorways and open spaces.

(2) Façades. A building's Primary Front Façade shall be designed with Clear Windows, public access points and signage.

(a) Multi-story buildings shall articulate the line between the ground and upper levels with a cornice, canopy, balcony, arcade, or other visual device.

(b) The ground floor of the Primary Front Façade(s) shall contain an average of 60 %, but no less than 30%, Clear Windows and doors.

(i) The maximum sill height above the adjacent sidewalk elevation shall be two feet.

(ii) Lintels shall be 9 to 12 feet above sidewalk level.

(iii) The top of Primary Front Facade windows shall be at least as high as door height.

(c) Blank walls, if visible from a right of way, accessway or adjacent residentially used property, shall be articulated by two or more of the following:

(i) details in masonry courses,

(ii) the provision of blank window openings trimmed w/frames, sills and lintels

(iii) if the building is occupied by a non-residential use, recessed or projecting window casings.

(d) Upper stories of a Primary Front Façade, except those floors used for residential purposes, shall contain an average of 40 %, but no less than 25%, Clear Windows.

(i) Clear window openings shall be vertical, at least twice as high as the width of those openings.

(ii) To the extent possible, upper story windows shall be vertically aligned with the location of window and doors on the ground level, including storefront or display windows.

(e) Required ground floor Clear Window areas must be designed to allow views into working areas or lobbies, pedestrian entrances, or merchandise display areas.

(3) Massing - The mass of a building or buildings shall be de-emphasized in a variety of ways, including the use of projecting and recessed elements such as porches, windows and roof dormers. The intent is to reduce the apparent overall bulk and volume of a structure, to enhance visual quality and contribute to human-scaled development. Such breaks in the facades and roof lines shall occur not more frequently than every 25 feet nor less frequently than every 50 feet.

(a) Building Length: If there are multiple buildings on a lot their lengths shall vary. The maximum average building length shall not exceed one hundred and twenty (120ft) feet.

(b) Building Forms: While architectural features are permitted, structural building components shall have some use. False elements such as empty gables, dormers or blank windows, when not otherwise authorized, are prohibited.

(c) All principal buildings should generally relate in scale, massing and style to the surrounding buildings.

(d) Where an existing building is to be reused and is non-conforming to these design requirements, every effort shall be made to change the detail of the roofline and to enhance canopy, window and door treatments to achieve the design goals set forth in this section.

(4) Materials. Exterior wall material may be a combination of split face aggregate block or brick of a consistent or complementary shape, color and texture as that found within the adjacent neighborhood, architectural or real stone, stucco, and/or wood siding.

(a) Windows shall have detailed mullions and shutters with hardware when these architectural features are employed.

(b) The following building materials are prohibited: exterior insulation and finishing systems (EIFs), aluminum or vinyl siding and shutters; white, tan or painted brick; T-111 or other similar plywood siding.

(c) Except on rear walls, not visible from any public way, all forms of concrete block shall be prohibited.

(d) Metal buildings are prohibited.

(e) Historic buildings can be restored to their original conditions or surfaced with brick or stone with wood trim and details.

(5) Roof Design - The roof shall be designed with either overhanging eaves or cornices on all sides extending a minimum of twelve (12") inches beyond the building wall.

(a) A variety of ridge heights and/or dormers, masonry finished chimneys and cupolas shall be included in the design of the building(s).

(b) Roofing materials shall vary on buildings to feature porches, cupolas, or bay windows.

(c) Roofing materials may include fiberglass architectural shingles that represent slate or wood, natural slate, shakes, shingle (either wood or asphalt composition) and metal formed to resemble "standing seams".

Specifically prohibited are white, tan or blue shingles, red clay tiles, and corrugated plastic or metal.

(d) Fascias, dormers and gables or similar architectural features shall be employed to provide visual interest.

(e) Flat roofs (those with a pitch of less than 1 foot vertical for every 4 feet horizontal) shall be prohibited on one-story buildings and on structures with a floor area of 4,000 square feet or less.

(f) Flat roofs may be used on buildings of two or more stories. In these instances, all visibly exposed walls shall have articulated cornices that project horizontally from the vertical building wall plane. Architectural features that serve a function and add visual interest to roofs shall be included in the design of such buildings.

(g) All rooftop mechanical equipment, including antennas, shall be screened visually and acoustically. Such screening shall be integral to the architectural design of the building.

(6) Awnings, Canopies or Porches - Buildings may have any of the following: permanent porches, canopy, arcade or retractable canvas awnings to protect pedestrians along the fronting sidewalk. No permanent porch or canopy shall be permitted to encroach into a dedicated right-of-way.

(a) The furthest extension of a ground floor awning and/or canopy shall be no less than 3 feet and no more than 7 feet from the façade of the building. The furthest edge of the awning may be no closer than 12 inches to the curb.

(b) Ground floor awnings and canopies shall terminate no less than 18 inches below the second floor windowsills.

(c) The height of ground floor awnings and canopies shall not exceed 15 feet above pavement and shall be below the cornice or frieze.

(d) All ground floor awnings and/or canopies shall be retractable. The minimum height from the bottom of the frame to the sidewalk is 7 feet. The minimum height from the bottom of the canvas awning valance to the sidewalk shall be 6 feet 9 inches.

(e) Fixed awnings may be used above the first story provided they project no more than 4 feet.

§ 255-246 Parking and Loading Requirements

A. Required Parking and Loading - When there is more than one building on a lot and/or within a development, the total amount of required parking shall be divided into discreet sections. The buildings shall be directly accessible to pedestrians from all parking areas. Entrance drives leading into a parking area shall be multifunctional, serving for both pedestrian and vehicular access and providing a limited amount of parking when feasible.

(1) Minimum parking requirements shall be calculated utilizing the standards set forth in Article XIX, except for in a Mixed Use development where residential units require 1.5 spaces per unit.

(2) Two way parking aisle widths may be reduced to a minimum of 22 feet, by conditional use, provided emergency, service and delivery vehicles can safely service buildings on the property as determined by the Township Engineer .

(3) Areas used for loading or trash receptacle purposes proximate to residential uses/zoning districts shall be screened from view. Noise, sound and odors associated with these uses shall not be discernable at the property line.

(4) Buildings and structures, excluding parking structures, must provide adequate area for loading/unloading entirely within the property lines of the premises.

(5) Bicycle storage. Sufficient area for the storage of bicycles shall be provided as approved by the Township Engineer, including racks or other permanently affixed storage devices to accommodate one bicycle for each five required vehicular parking spaces, at a minimum. Bicycle storage facilities may be held in reserve upon approval of the Township Engineer upon a finding that the requirements set forth herein exceed the foreseeable need therefor.

B. Shared Access – All developments shall allow for future access to adjacent properties within the FWVD. Applicants shall seek agreements for shared vehicular access as the preferred means of reducing the total number of curb cuts within the district, as well as to enhance internal vehicular circulation, promote traffic safety and reduce congestion on adjacent public roads.

(1) When two or more abutting lots share an access driveway, that driveway shall be designed as the main access to those lots.

(2) Shared access may be located entirely on one lot or be split across a common lot line.

(3) Access easements and maintenance agreements or other suitable legal mechanisms shall be submitted to the Board of Commissioners with the application for Land Development approval.

(4) Impervious cover limits may be increased by 5% over the percentage limit applicable to each parcel that is party to a shared access agreement.

C. Shared Parking – Required parking may be located on an abutting lot and along or across a common lot line, provided both properties are commercially zoned and/or are developed in accordance with the FWVD regulations.

(1) The required aggregate parking capacity may be reduced up to 50% by the Board of Commissioners and held in reserve, where shared parking allows greater efficiency for the uses proposed, subject to review and recommendation by the Township Engineer.

(a) Regardless of the number of spaces actually developed, the parking area shall be designed to accommodate the aggregate number of parking spaces normally required. The area which is proposed to be left undeveloped shall be shown on the land development plan as "reserved parking area." This area shall be planted with vegetative cover and integrated into the site's landscaping plan. Such area shall be developed as designed if and when the Zoning Officer determines the spaces are needed.

D. Parking Location.

(1) Surface parking lots shall be located behind or to the side of the principle buildings.

(2) If surface parking is visible from the street frontage, then a fence, wall or plantings shall be provided to maintain the street edge and to buffer views of the parked cars. (Section 249.B)

(a) In no case shall surface parking lots occupy more than 1/3 of the parcel's frontage along a pedestrian oriented street or street segment.

(3) Curb Cuts. Each lot shall have no more than one curb cut per street frontage for a two-way driveway for vehicular access. If sufficient room is not available for one two-way driveway, the Board of Commissioners may approve two curb cuts for two one-way driveways, subject to approval by PennDOT where required.

(4) Parking Setbacks. The following setback requirements shall apply for parking spaces and aisles:

(a) There shall be no minimum side or rear yard parking setback for a parcel(s) being developed in accordance with these overlay provisions if that property line is adjacent to a non-residentially zoned and/or used property.

(b) When a property being developed in accordance with these overlay provisions is adjacent to a residentially zoned and/or used property there shall be a minimum setback of thirty-five (35) feet from the residential property line.

(c) If any parking is along the Right of Way, the parking setback shall be ten (10') feet from the ultimate right-of-way.

(d) Parking shall be set back a minimum of ten (10) feet from any building. This area shall be used for pedestrian accessways and planting beds.

§ 255-247 Streetscape Improvements

A. Crosswalks. Crosswalks shall be provided at driveways and street intersections.

(1) Crosswalks shall be differentiated to stand out from the vehicular cartway at all intersections by using a variety of material, including stamped concrete, brick or Belgian block, colored asphalt or similar material.

B. Walkways.

(1) Walkways shall connect all buildings in the district to each other in convenient routes, even across or through parking areas. Walkways must also connect all buildings to sidewalks along the street.

(2) Direct pedestrian access from the adjoining residential neighborhoods and adjacent commercial sites shall be provided by sidewalks built within the road rights of way and public access easements.

(3) If required by the Board of Commissioners, safe, comfortable and inviting access between the residential neighborhood and the development site shall be created by providing a gate in the fence and an improved pathway through the buffer plantings.

(4) Stairs are allowed along walkways but alternate routes must be available for handicapped access.

C. Street lighting. Street lighting shall be model "Old Town #A8850 SR" as manufactured by Sternberg Vintage Lighting, or approved equal. Poles for light fixtures shall be model 5700-KP as manufactured by Sternberg Vintage Lighting, or approved equal, and shall not exceed 20 feet in height. Approved equals may be approved as a Conditional Use by the Board of Commissioners.



D. Public Space Requirements.

(1) The Board of Commissioners may, by conditional use, approve a 10% increase in the impervious cover or gross floor area permitted on a parcel if the applicant creates Public Space accessible from a public right of way. Such space shall be landscaped and/or hardscaped pursuant to the following:

- (a) The public space may be dedicated to the Township. The Township can accept or refuse the dedication based upon a finding that the proposed improvement enhances the public health, safety and welfare.
- (b) The space may not contain any advertising or credit to the donor.
- (c) All items provided are to be weatherproof, low maintenance, and vandal-resistant. Whether dedicated to the Township or not, the space and the items located in it are to be maintained by the property owner(s).

(2) To qualify as a public space, the area must contain at least 500 square feet, be visually and physically accessible to a public right of way, and contain at least three of the following items:

- (a) Historic Identification Markers, Signs or Monument.
- (b) Street Furniture, including benches, receptacles and bollards.
- (c) Kiosk for public notices.
- (d) Fountain.
- (e) Public art.
- (f) Clock tower.
- (g) Landscaping.

(3) The street furniture, such as receptacles, benches, bollards, etc. shall be as required in Section 212-29, or an approved equal.

E. Street Trees. Applicants shall install street trees as specified in the Pennsylvania Avenue ISTEPA project. Specifications are on file at the Upper Dublin Township Administration Building.

§ 255-248 Landscaping and Buffering

A. Existing trees with a caliper of 16" or more shall not be removed unless they are either relocated on the tract or are each replaced by at least four (4) trees of similar type, each with a minimum of 3 ½" to 4" caliper.

B. Buffer Requirements: When any proposed mixed-use or non-residential development abuts a residential use, a Screen Buffer, as required in Subdivision and Land Development Code, § 212-32F(3), shall be provided. In addition:

(1) There shall be a solid six (6') foot tall fence and a mixture of evergreen landscaping to create a solid visual barrier that will grow to a minimum of twelve (12') feet high within three years.

(a) If required by the Board of Commissioners, safe, comfortable and inviting access between the residential neighborhood and the development site shall be created by providing a gate in the fence and an improved pathway through the buffer plantings.

(2) A landscaped buffer, a minimum 5 feet in depth, shall screen the view of all parking lots from any existing street. The buffer shall include shrubs and shade trees and be designed pursuant to the requirements of §212-32.F.4.

(3) Parking lot landscaping shall also be provided for residential parking lots as delineated in §212-32.F.4.

(4) A planting strip at least five feet wide shall be placed between the cartway edge and the edge of the sidewalk.

C. Refuse Facility: All trash refuse and recycling facilities shall be maintained in a common trash facility that is totally screened with masonry walls with wooden gates that are a minimum of eight feet in height. Such refuse areas shall be located at least one hundred feet from any adjacent residential use and they may not be located in front of the buildings.

§ 255-249 Conditional Use Standards

All conditional use applications shall be filed and processed in compliance with Article XXV. In addition, applicants shall demonstrate compliance with the following:

A. Existing Conditions Analysis: All existing trees over six inches in caliper shall be shown on the plan.

B. Architectural Characteristics: The applicant shall submit drawings to demonstrate compliance with the design standards, including building elevations, colored renderings and signage.

C. Traffic Control: The conditional use application shall be accompanied by a transportation impact study, parking analysis, and pedestrian analysis as further provided in § 212-35.1.

- (1) New applications shall provide shared access, access easements, cross easements, driveway interconnections, shared parking and parking easements with other properties in order to facilitate the objectives of this District.
- (2) Access easements and maintenance agreements or other suitable legal mechanisms shall be provided, acceptable to the Board of Commissioners.
- (3) When it is not yet appropriate to construct driveway interconnections, shared access or shared parking and access easements shall be set aside for future use.

Section 4. The Code of the Township of Upper Dublin, Chapter 255, entitled Zoning, Article XXI, Signs, shall be amended by the addition of a new § 255-153.6, FW Ft. Washington Village District, to provide as follows:

§ 255-153.6. FW Ft. Washington Village District

The location and design of signs In the FW Ft. Washing Village District shall be approved by the Board of Commissioners in conjunction with the final land development plan, or at a time otherwise provided in land development approvals. The following regulations shall apply to all uses within this district:

A. General Provisions.

- (1) Signs must:
 - (a) maintain a style that is compatible with the historic nature of the district and unify the streetscape within the FWVD,
 - (b) be pedestrian oriented and be in proportion with the architecture of the building, yet be sufficiently legible to a passing motorist;
- (2) Signs shall be designed and constructed to give the appearance of natural materials and be complimentary in their use of shape.
- (3) Signs shall not be internally illuminated or use neon lights.
- (4) Signs anchored in the ground shall not exceed ten feet in height.
- (5) Signs shall not hide architectural features.
- (6) Signs shall use colors that are vivid, varied and interesting, and legible, while compatible with the colors of the building.

(7) Signs hanging behind the store window shall not reduce the visual permeability of street facing windows to less than the minimum Clear Window requirement.

B. Permanent Building Signs – Only two of the following four sign types shall be permitted, per use, per building façade:

(1) Projecting Signs. No portion of a projecting sign may extend more than four feet from the building façade. A clear space of not less than eight feet shall be provided below all parts of the projecting sign. The sign may be no greater than six (6 sq. ft.) square feet.

(2) Signs painted on shop windows or other types of window graphics are permitted, provided they do not take up more than thirty (30%) of the Clear Window surface, and provided the minimum Clear Window requirement is met.

(3) Fire resistant canvas awnings may be used for signs provided the text is located on the vertical face of the awning flap.

(a) Numbers and letters shall be no taller than 6 inches,

(b) Plastic, back lit awning signs are prohibited.

(c) Business logos or emblems are permitted on the top or angled portion of the awning up to a maximum of three square feet. No more than one emblem or logo is permitted on an awning.

(4) Wall signs are permitted, provided:

(a) they do not exceed five (5%) percent of the wall area,

(b) they do not extend past the roof eaves,

(c) they do not block windows or hide cornices and other trim.

C. Temporary Signs - A sidewalk sandwich board shall be permitted in addition to the above signs, provided:

(1) The sign face shall be no larger than four (4 sq. ft.) square feet per side,

(2) The sign shall be located directly in front of the store, and

(3) The sign shall not create an obstruction to pedestrian traffic.

D. Free Standing Signs

(1) Free standing signs are permitted by conditional use to identify an individual building with a floor area greater than 4,000 square feet. However, there shall be only one free standing sign for each property's street frontage. The area of a free standing sign shall be no larger than twenty-five (25) square feet per side, with a maximum height of fourteen (14) feet.

(2) Directory Signs are permitted by conditional use. They may be installed in lieu of a free standing sign. These signs shall be a low pedestrian oriented monument sign no higher than ten (10) feet or with an area greater than twenty-five (25) square feet.

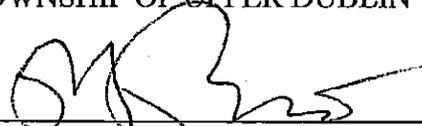
Section 5. Nothing in this Ordinance or in Chapters 212 and 255 of the Code of the Township of Upper Dublin, as hereby amended, shall be construed to affect any suit or proceedings in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Chapters 212 and 255 prior to the adoption of this amendment.

Section 6. 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 this 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 if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

Section 7. This Ordinance shall take affect and be in force from and after its approval as required by law.

Enacted by the Board of Commissioners of Upper Dublin Township this 13th day of February, 2007.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN



Robert J. Pesavento, President

ATTEST:



Paul A. Leonard, Secretary/Township Manager

ORDINANCE

NO. 1183

AN ORDINANCE Amending The Code Of The Township Of Upper Dublin To Create A New Chapter 170, Entitled Peace And Good Order; To Adopt Article I Thereof, Sexual Predator Residency Restrictions; To Define A Sexually Violent Predator; To Prohibit Those Persons Classified As Sexually Violent Predators From Residing In Upper Dublin Township Within 2000 Feet Of Any School (Grades K Through 12); And Providing Penalties For Violation.

WHEREAS, the Township of Upper Dublin is a municipality of fundamentally residential character, and is home to more than twenty-five thousand (25,000) residents, among them a great number of children; and

WHEREAS, within the Township of Upper Dublin there are numerous public and private schools where children gather and congregate; and

WHEREAS, the general assembly of the Commonwealth of Pennsylvania has found that sexually violent predators pose a high risk of engaging in further criminal offenses even after being released from incarceration or commitment, and that protection of the public from this type of offender is a paramount governmental interest (42 Pa.C.S.A. § 9791(a)(2)); and

WHEREAS, in accordance with the foregoing finding, the general assembly of the Commonwealth of Pennsylvania has declared its intention to protect the safety and general welfare of the people of the Commonwealth by providing for registration and community notification regarding sexually violent predators who are about to be released from custody and will live in or near their neighborhood (42 Pa.C.S.A. §9791(b)); and

WHEREAS, there are presently no laws of the Commonwealth of Pennsylvania which concern or touch upon the prohibition of sexually violent predators from residing or living near areas where children regularly meet and congregate; and

WHEREAS, the Board of Commissioners of the Township of Upper Dublin believes that the protection of the health, safety and welfare of the children of the Township of Upper Dublin requires the adoption and enforcement of regulations prohibiting sexually violent offenders from residing or living near schools.

NOW, THEREFORE, the Board of Commissioners of the Township of Upper Dublin does hereby ENACT and ORDAIN as follows:

Section 1. The Code of the Township of Upper Dublin shall be amended by the addition of a new Chapter 170, Peace and Good Order, and by establishing in that Chapter a new Article I, Sexual Predator Residency Restrictions, to provide as follows:

Chapter 170, PEACE AND GOOD ORDER

Article I – Sexual Predator Residency Restrictions

§ 170-1. Definitions

Sexually violent predator. A person who has been convicted of a sexually violent offense as set forth in 42 Pa.C.S.A. § 9795.1 (relating to registration) and who is determined to be a sexually violent predator under 42 Pa.C.S.A. § 9795.4 (relating to assessments) due to a mental abnormality or personality disorder that makes the person likely to engage in predatory sexually violent offenses. The term includes an individual determined to be a sexually violent predator where the determination occurred in the United States or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico, a foreign nation or by court martial.

§ 170-2. Residency restriction. Any person who is required to be registered with the Pennsylvania State Police as a sexually violent predator (hereinafter a “sexual predator”), shall not be permitted to reside or live in the Township of Upper Dublin within two thousand feet (2000) feet of any existing school attended by children in any of grades kindergarten through twelfth grade.

§ 170-3. Relocation of sexual predators. Any sexual predator who relocates so as to reside or live in the Township of Upper Dublin within two thousand feet (2000) feet of any existing school whether in the Township or in an abutting community, shall have sixty (60) days from receipt of written notice of the prohibition set forth in § 170-2 to relocate to a location which does not violate such prohibition. A violation of this section shall constitute an offense separate and distinct from a violation of § 170-2 and compliance with this section shall not be deemed to cure a violation of that section. Having received the notice set forth herein, a sexual predator who relocates to a location which does violate such prohibition shall be guilty of a separate offense.

§170-4. Enforcement. This Article shall be enforced by the Upper Dublin Township Director of Code Enforcement.

§170-5. Violations and penalties. Any person who shall violate any of the provisions of this Article or fail to comply with any order issued pursuant hereto shall, in addition to any other available remedies, upon conviction thereof in a summary proceeding, pay a fine or penalty not exceeding one thousand dollars (\$1,000) for each and every offense, in the discretion of the District Justice, together with the costs of prosecution in each case. Once a person has been notified by the township that he is in violation of the provisions

of the chapter, each day that he shall continue such violation after such notification shall constitute a separate offense punishable by a like fine or penalty.

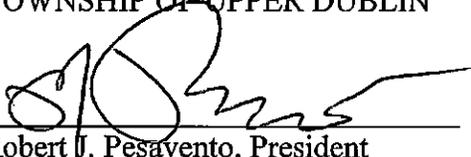
Section 2. Nothing in this Ordinance or in the Code of the Township of Upper Dublin, as hereby amended, shall be construed to affect any suit or proceedings in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Code prior to the adoption of this amendment.

Section 3. 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 this 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 if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

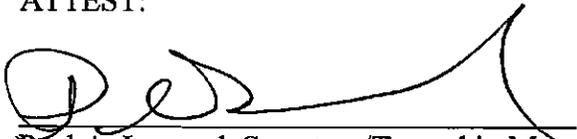
Section 4. This Ordinance shall take affect and be in force from and after its approval as required by law.

Enacted by the Board of Commissioners of Upper Dublin Township this 10th day of April, 2007.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN


Robert J. Pesavento, President

ATTEST:


Paul A. Leonard, Secretary/Township Manager

Ordinance Chapter 170 Annual predator residency restriction
3.7.07

**BOARD OF COMMISSIONERS
UPPER DUBLIN TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA
ORDINANCE NO. 1184**

**AN ORDINANCE AMENDING THE UPPER DUBLIN
TOWNSHIP POLICE PENSION PLAN TO IMPLEMENT
COLLECTIVELY BARGAINED CHANGES AND TO
ENSURE COMPLIANCE WITH THE POLICE PENSION
FUND ACT**

WHEREAS, Upper Dublin Township created the Upper Dublin Police Pension Plan (“Pension Plan”) effective May 1, 1968; and

WHEREAS, from time to time, the Township has amended the Pension Plan in order to effectuate enhancements agreed to through collective bargaining and in order to ensure that the Pension Plan remains compliant with the Police Pension Fund Act, commonly referred to as “Act 600”; and

WHEREAS, following the most recent round of negotiations with the Township’s Police Union, the Township agreed through collective bargaining to make certain enhancements to the Police Pension Plan; and

WHEREAS, following the most recent audit of the Police Pension Plan by the Pennsylvania Department of Auditor General, certain changes were required to the Police Pension Plan in order to maintain compliance with Act 600; and

WHEREAS, the Township’s Board of Commissioners have determined that an amendment of the Police Pension Pension Plan is necessary in order to incorporate agreed-upon changes and to maintain compliance with Act 600.

NOW THEREFORE, the Pension Plan shall be amended as follows:

1. Section 6.7(b) of the existing Plan shall be amended to provide as follows:

(b) Survivor Benefit. In addition, the surviving spouse of a retired Member shall be entitled to monthly payments equal to fifty (50%) percent of the Member's Normal Retirement Benefit. If there is no surviving spouse or if the surviving spouse subsequently dies, then the child or children of the Member shall be entitled to receive a survivor's benefit equal to fifty percent (50%) of the pension which the Member was receiving or would have been receiving had the Member retired at the time of death. Such survivor's benefit to the child or children shall continue until the child or children reach the age of 18, or until age 23, if the child is "attending college." For purposes of this Section, the phrase "attending college" shall mean being enrolled in an institution of higher learning and carrying a minimum course load of seven (7) credits per semester.

2. Section 6.8 shall be amended to provide as follows:

6.8 Length of Service Increment. A Member who completes twenty-five (25) Years of Service shall receive an additional Length of Service Increment benefit which shall be added to the Member's Normal Retirement Benefit.

- (a) For officers retiring prior to July 1, 2007, the Length of Service Increment shall be \$100 per month.
- (b) An officer retiring on or after July 1, 2007, who completes 26 years of service, shall receive a \$100 service increment. An officer retiring on or after July 1, 2007, who completes years of service over 26 years shall receive an additional \$100/full year of completed service up to a maximum monthly service increment of \$500 for 30 or more years of completed service.

3. Section 6.11(b) shall be amended to provide as follows:

- (b) Amount. A Member's Disability Retirement Benefit shall be equal to fifty percent (50%) of the Member's salary at the time the disability was incurred, reduced by the amount of Social Security disability benefits received for the same injury.

4. This Ordinance shall take effect immediately.

Duly enacted by the members of the Upper Dublin Board of Commissioners, this 10th day of July, 2007.

**UPPER DUBLIN BOARD OF
COMMISSIONERS**

Attest: 
Secretary - Paul A. Leonard


Robert J. Pesavento, President

AN ORDINANCE

NO. 1185

AN ORDINANCE To Amend The Code Of The Township Of Upper Dublin, Chapter 224, Taxation, To Provide For The Department Of Revenue Of The Commonwealth Of Pennsylvania To Make Determinations Of Real Estate Transfer Tax Due; To provide for the payment of interest on delinquent taxes at the same rate as imposed by the Commonwealth of Pennsylvania; To Provide For The Filing Of A Tax Lien If Any Real Estate Transfer Tax Is Found To Be Due And Is Not Promptly Paid; To Provide A Procedure For Making Refunds To Taxpayers; To Provide That It Shall Be A Violation Of Chapter 224 For Any Person To Violate Regulations Promulgated With Respect To Real Estate Transfer Tax By The Pennsylvania Department Of Revenue; And To Provide For A Civil Penalty Of \$600 For Violation Of The Provisions Of Chapter 224 With Respect To Real Estate Transfer Tax; And, Where The Underpayment Of Tax Is Due To Fraud, To Provide As Well That 50% Of The Amount Of The Underpayment Shall Be Added To The Tax.

The Board of Commissioners of the Township of Upper Dublin hereby ordains:

Section 1. The Code of the Township of Upper Dublin, Chapter 224, entitled Taxation, Article I, Real Estate Transfer Tax, § 224-3, Imposition of tax; declaration of acquisition, shall be amended to provide as follows:

§ 224-3. Imposition of tax; declaration of acquisition.

A. The Township of Upper Dublin adopts the provisions of Article XI-D of the Tax Reform Code of 1971 and imposes a realty transfer tax as authorized under that Article, subject to the rate limitations therein. Every person who makes, executes, delivers, accepts or presents for recording any document or in whose behalf any document is made, executed, delivered, accepted or presented for recording shall be subject to pay, for and in respect to the transaction or any part thereof, a tax at the rate of 1% of the value of the real estate represented by such document, which tax shall be payable at the earlier of the time the document is presented for recording or within 30 days of acceptance of such document or within 30 days of becoming an acquired company.

Section 2. The Code of the Township of Upper Dublin, Chapter 224, entitled Taxation, Article I, Real Estate Transfer Tax, § 224-4, Applicability, shall be amended to provide as follows:

§ 224-4. Applicability and Administration

* * * * *

D. The tax imposed under § 224-3 and all applicable interest and penalties shall be administered, collected and enforced under the Act of December 31, 1965 (P.L. 1257, No 511, as amended, known as the "Local Tax Enabling Act"); provided that if the correct amount of the tax is not paid by the last date prescribed for timely payment, Upper Dublin Township, pursuant to Section 1102-D of the Tax Reform Code of 1971 (72 P.S. § 8102-D), authorizes and directs the Department of Revenue of the Commonwealth of Pennsylvania to determine, collect and enforce the tax, interest and penalties.

Section 3. The Code of the Township of Upper Dublin, Chapter 224, entitled Interest, § 224-5, Interest, shall be amended to provide as follows:

All taxes imposed by this article not paid when due shall bear interest as prescribed for interest on delinquent municipal claims under the Act of may 16, 1923 (P.L. 207, No. 153) (53 P.S. § § 7101, et seq.), as amended, known as "The Municipal Claims and Tax Liens Act." The interest rate shall be the lesser of the interest rate imposed upon delinquent Commonwealth taxes as provided in Section 806 of the Act of April 19, 1929 (P.L. 343, No. 176) (72 P.S. § 806), as amended, known as "The Fiscal Code" or the maximum interest rate permitted under the Municipal Claims and Tax Liens Act for tax claims.

Section 4. The Code of the Township of Upper Dublin, Chapter 224, entitled Taxation, Article I, Real Estate Transfer Tax, § 224-8, Taxes to become a Lien, shall be amended to provide as follows:

§224-8 Determination and Notice of Tax; lien

* * * * *

B. If any person fails to pay any tax imposed under this Article for which that person is liable, the Department of Revenue of the Commonwealth of Pennsylvania is authorized to make a determination of additional tax, penalty and interest due by the person pursuant to regulations applicable to such determinations.

C. Any tax that the Department of Revenue determines to be due under this article and remains unpaid after demand for the same, and all penalties and interest thereon, shall be a lien in favor of the Township upon the property, both real and personal, of the person but only after the lien has been entered and docketed of record by the prothonotary of Montgomery County.

Section 5. The Code of the Township of Upper Dublin, Chapter 224, entitled Taxation, Article I, Real Estate Transfer Tax, § 224-11, Credits, shall be amended to provide as follows:

§224-11. Credits and Refunds.

* * * * *

F. Whenever the amount due upon determination, re-determination or review is less than the amount paid on account thereof, the Township shall refund the difference.

G. Where there has been no determination of unpaid tax, application for refund shall be made to the Township in the manner prescribed by the act of December 31, 1965 (P.L. 1257, No. 511), known as "The Local Tax Enabling Act," or as otherwise provided by law.

Section 6. The Code of the Township of Upper Dublin, Chapter 224, entitled Taxation, Article I, Real Estate Transfer Tax, § 224-13, Collection, shall be amended to provide as follows:

§ 224-13. Collection.

A. The Recorder of Deeds of Montgomery County is hereby authorized and empowered to act as the collector of the taxes imposed herein and to remit such taxes to the Treasurer of the Township on a monthly basis.

B. The tax herein imposed and all applicable interest and penalties shall be administered, collected and enforced under the Act of December 31, 1965 (P.L. 1257, No. 511), as amended, known as "The Local Tax Enabling Act," provided, that if the correct amount of the tax is not paid by the last date prescribed for timely payment, the Township, pursuant to Section 11-2-D of the Tax Reform Code of 1971 (72 P.S. § 8102-D), authorizes and directs the Department of Revenue of the Commonwealth of Pennsylvania to determine, collect and enforce the tax, interest and penalties.

C. If any part of any underpayment of tax imposed under this article is due to fraud, an amount equal to fifty percent of the underpayment shall be added to the tax.

Section 7. The Code of the Township of Upper Dublin, Chapter 224, entitled Taxation, Article I, Real Estate Transfer Tax, § 224-14, Violations and penalties, shall be amended to provide as follows:

§ 224-14. Violations and penalties.

* * * * *

B. Any person violating any of the provisions of this article shall be liable to a fine or penalty not exceeding \$600 for each and every offense and, further, shall be required to

pay the amount of tax, together with interest as is otherwise provided for herein, which should have been paid upon the document or documents.

C. If any part of any underpayment of tax imposed under this article is due to fraud, an amount equal to fifty per cent of the underpayment shall be added to the tax.

Section 8. Nothing in this Ordinance or in Chapter 224 of the Code of the Township of Upper Dublin, as hereby amended, shall be construed to affect any suit or proceedings in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Chapter 224 prior to the adoption of this amendment.

Section 9. 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 this 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 if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

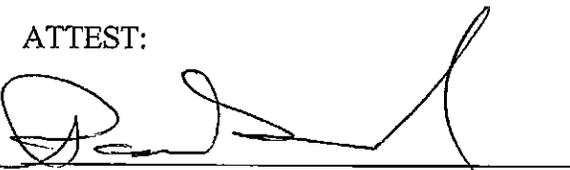
Section 10. This Ordinance shall take effect and be applicable to any document made, executed, delivered, accepted or presented for recording on or after its approval as required by law.

Approved by the Board this *25th* day of *September*, 2007.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN


Robert J. Pesavento, President

ATTEST:


Paul A. Leonard, Secretary

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AN ORDINANCE

NO. 1186

AN ORDINANCE To Vacate And Abandon A Portion Of A Certain Right-Of-Way Known And Designated As Golden Drive (A/K/A Golden Circle) In The Township Of Upper Dublin, Being A 1,454 Square Foot Improved Area Located Approximately 220 Feet South Of The Center Line Of Ringneck Loop, As Set Forth On A Plan Of Subdivision Of Pheasant Knoll.

The Board of Commissioners of the Township of Upper Dublin, having determined following a public hearing that it is necessary for the public convenience, general benefit and welfare that an improved portion of a public street known as Golden Drive (a/k/a Golden Circle) be vacated, does hereby enact and ordain:

Section 1. That an improved portion of Golden Drive, consisting of a total area of 1,454 sq. ft. in size, more or less, described in two parts as follows:

All that certain tract of land situate in the Township of Upper Dublin, County of Montgomery, Commonwealth of Pennsylvania, bounded and described according to a Golden Circle Vacation Plan, prepared by Metz Engineers, dated December 20, 2006, as follows, to wit:

- Beginning at a point of intersection of the former centerline terminus of Gold Circle (50' wide) and the line of lands of Sunrise of Dresher Subdivision;
- Thence extending along the said former centerline of Gold Circle, North 44°56'15" East, 29.08 feet to a point;
- Thence extending along a portion of the terminus of Golden Circle as vacated, South 45°03'45" East, 25.00 feet to a point in the line of lands of N/L Jordan R. Nadell & Amy L. Corson-Nadell (tax map block 9 unit 34);
- Thence extending along the former line of lands of said Nadell, South 44°56'15" West, 28.45 feet to a point on the aforementioned lands of Sunrise of Dresher Subdivision;
- Thence extending along the said Subdivision, North 46°30'00" West, 25.01 feet to a point, being the point and place of beginning.

Containing 719 square feet in area, more or less; and

Beginning at a point of intersection of the former centerline terminus of Gold Circle (50' wide) and the line of lands of Sunrise of Dresher Subdivision;

Thence extending along the said Subdivision, North 46°30'00" West, 25.01 feet to a former corner of lands of N/L Alan S. & Cathy A. Lindy (tax map block 9 unit 33);

Thence extending along the former line of lands of said Lindy, North 44°56'15" East, 20.70 feet to a point;

Thence extending along a portion of the land terminus of Golden Circle as vacated, South 45°03'45" East, 25.00 feet to a point;

Thence extending along the said former centerline of Golden Circle, South 44°56'15" West, 29.08 feet to a point on the aforementioned lands of Sunrise of Dresher Subdivision, being the point and place of beginning.

Containing 735 square feet in area, more or less;

and as further identified by the legal descriptions attached hereto as Exhibit "A" and the plan attached hereto as Exhibit "B", located approximately 220 feet south of the center line of Ringneck Loop, is hereby vacated and abandoned for public use according to the General Road Laws of the Commonwealth of Pennsylvania, clear and unencumbered ownership thereof to revert to the owners of the adjacent property, known as lands N/F of Alan S. and Cathy Lindy, Montgomery County Tax Parcel No. 54-00-13858-281 and lands N/F of Jordan R. Nadell and Amy L. Corson-Nadell, Montgomery County Tax Parcel No. 54-00-13858-404. Said portion of roadway shall be deleted from the Township Plan of Streets upon the filing of a report of these proceedings.

Section 2. Within ten (10) days after passage of this Ordinance, notice thereof shall be given by handbills posted in conspicuous places along the street or highway referenced herein in the vicinity of the area hereby vacated, which notice shall state the fact of the passage or approval of this ordinance and the date thereof.

Section 3. Nothing in this Ordinance shall be construed to affect any suit or proceeding in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing prior to the adoption of this amendment.

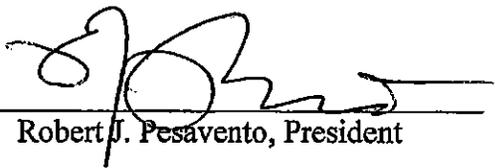
Section 4. The provisions of this Ordinance are severable, and if any section, sentence, clause, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, 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 illegal, invalid, or unconstitutional section, sentence, clause, part or provision had not been included herein.

Section 5. This Ordinance shall take effect and be in force from and after its approval as required by law.

Approved by the Board this 9th day of OCTOBER, 2007.

BOARD OF COMMISSIONERS
TOWNSHIP OF UPPER DUBLIN

BY: _____


Robert J. Pesavento, President

ATTEST.


Paul A. Leonard, Secretary

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Exhibit "A"

Legal Descriptions



Barry L. Wert, P.E., P.L.S.
Jeffrey A. Wert, P.E., P.L.S.
Robin K. Youmans, P.E.
Kenneth M. Fretz, Sr., P.L.S.
Cynthia H. VanHise, P.E.
Mark R. Flaherty, Survey Manager
Joseph J. Fielder, Inspection Manager
Wendy L. Clair, SPHR, Business Manager
Ralph A. Wert, P.E., P.L.S. 1956-1994

Civil Engineers & Land Surveyors · 410 Derstine Avenue, PO Box 647, Lansdale, PA 19446-0608 · 215-855-3111 · Fax 855-5143

December 20, 2006
Ref. UD04.004

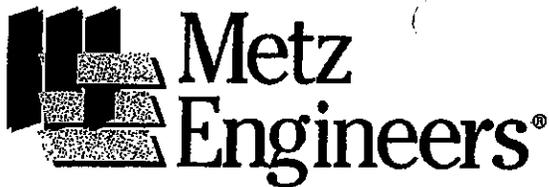
Upper Dublin Township

**Portion of Golden Circle To Be Vacated
and annexed to Alan S. & Cathy A. Lindy
taxmap block 9 unit 33**

ALL THAT CERTAIN portion of roadway situate in Upper Dublin Township, Montgomery County, Pennsylvania, being shown on a Plan of Golden Circle Vacation prepared for Upper Dublin Township., by Metz Engineers, Civil Engineers and Surveyors, Lansdale, Pennsylvania, dated December 20, 2006, and being more fully described as follows:

BEGINNING at a point of intersection of the former centerline terminus of Golden Circle (50' wide) and the line of lands of Sunrise of Dresher Subdivision; thence, extending along the said Subdivision, North 46°30'00" West, 25.01 feet to a former corner of lands of N/L Alan S. & Cathy A. Lindy (taxmap block 9 unit 33); thence, extending along the former line of lands of said Lindy, North 44°56'15" East, 29.70 feet to a point; thence, extending along a portion of the terminus of Golden Circle as vacated, South 45°03'45" East, 25.00 feet to a point; thence, extending along the said former centerline of Golden Circle, South 44°56'15" West, 29.08 feet to a point on the aforementioned lands of Sunrise of Dresher Subdivision, being the point and place of beginning.

CONTAINING 735 square feet of land area, be the same, more or less.



Barry L. Wert, P.E., P.L.S.
Jeffrey A. Wert, P.E., P.L.S.
Robin K. Youmans, P.E.
Kenneth M. Fretz, Sr., P.L.S.
Cynthia H. VanHise, P.E.
Mark R. Flaherty, Survey Manager
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Civil Engineers & Land Surveyors · 410 Derstine Avenue, PO Box 647, Lansdale, PA 19446-0608 · 215-855-3111 · Fax 855-5143

December 20, 2006
Ref. UD04.004

Upper Dublin Township

Portion of Golden Circle To Be Vacated
and annexed to Jordan R. Nadell & Amy L. Corson-Nadell
taxmap block 9 unit 34

ALL THAT CERTAIN portion of roadway situate in Upper Dublin Township, Montgomery County, Pennsylvania, being shown on a Plan of Golden Circle Vacation prepared for Upper Dublin Township, by Metz Engineers, Civil Engineers and Surveyors, Lansdale, Pennsylvania, dated December 20, 2006, and being more fully described as follows:

BEGINNING at a point of intersection of the former centerline terminus of Golden Circle (50' wide) and the line of lands of Sunrise of Dresher Subdivision; thence, extending along the said former centerline of Golden Circle, North 44°56'15" East, 29.08 feet to a point; thence, extending along a portion of the terminus of Golden Circle as vacated, South 45°03'45" East, 25.00 feet to a point in the line of lands of N/L Jordan R. Nadell & Amy L. Corson-Nadell (taxmap block 9 unit 34); thence, extending along the former line of lands of said Nadell, South 44°56'15" West, 28.45 feet to a point on the aforementioned lands of Sunrise of Dresher Subdivision; thence, extending along the said Subdivision, North 46°30'00" West, 25.01 feet to point, being the point and place of beginning.

CONTAINING 719 square feet of land area, be the same, more or less.

Exhibit "B"

Plan

AN ORDINANCE

NO. 1187

AN ORDINANCE To Amend The Zoning Code Of Upper Dublin Township By Imposing On Conditional Use Hearings Before The Board Of Commissioners The Procedural Requirements Set Forth In The Pennsylvania Municipalities Planning Code, And By Specifically Prohibiting Communications Between The Board And An Applicant Or Its Representatives Following Commencement Of Hearings.

The Board of Commissioners of the Township of Upper Dublin hereby ordains:

Section 1. The Code of Upper Dublin Township, Chapter 255, entitled Zoning, Article XXV, Conditional Use by Board of Commissioners, § 255-191, Review Procedure, shall be amended to provide as follows:

§ 255-191. Review procedure.

An application for a conditional use shall be considered by the Board of Commissioners according to the procedures in this article and as provided by the Pennsylvania Municipalities Planning Code. Following commencement of hearings, and until final decision on a conditional use application, neither any Board member nor the hearing officer shall communicate, directly or indirectly, with any party or his representatives in connection with any issue involved, nor shall any party or his representative communicate with any Board member or the hearing officer, except upon notice and opportunity for all parties and all Board members to participate. The Board of Commissioners shall not take notice of any communication, reports, memoranda, or other materials presented after commencement of the hearings, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties and all Board members are given an opportunity to be present. Communication with any Board member by an applicant or an applicant's representative in violation of the restrictions of this paragraph shall be the basis for dismissing the conditional use application.

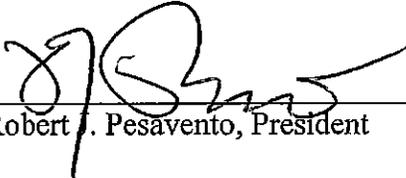
Section 2. Nothing in this Ordinance or in Chapter 255 of the Code of the Township of Upper Dublin, as hereby amended, shall be construed to affect any suit or proceedings in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Chapter 255 prior to the adoption of this amendment.

Section 3. 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 this 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 if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

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

Enacted by the Board of Commissioners of Upper Dublin Township this ^{13th} day of *November*, 2007.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN


Robert J. Pesavento, President

ATTEST:


Paul A. Leonard, Secretary/Township Manager

Ordinance Chapter 255 Conditional use procedures
9.25.07

ORDINANCE

NO. 1188

AN ORDINANCE To Amend The Subdivision And Land Development Code Of The Township Of Upper Dublin As Follows: To Impose Regulations For Internal Streets In The MHD Mobile Home Development Zoning District; And To Provide That Only Plantings Can Be Placed In A Screen Buffer; And To Amend The Zoning Code To Provide As Follows: To Add Definitions For The Various Classifications Of Streets; To Amend The Definition Of Tract; To Amend The MHD Mobile Home Development District As Follows: To State That An Intention Of The District Is To Provide For Compact Housing Units In The Context Of A Compact, Pedestrian Oriented Residential Development And To Apply Various Development Requirements Applicable To Mobile Home Development To Compact, Pedestrian Oriented Residential Development; To Add Definitions For Compact, Pedestrian Oriented Residential Development And Traditional Residential Neighborhood; To Establish Lot, Yard And Bulk Requirements For Compact Pedestrian Oriented Residential Development; To Provide Common Open Space Requirements Including Provision For Maintenance And Operation Thereof For Compact Pedestrian Oriented Residential Developments; To Amend And Provide Access And Traffic Circulation Regulations In The MHD Mobile Home Development District; And To Provide Parking And Buffer Requirements For The Compact Pedestrian Oriented Residential Development.

The Board of Commissioners of Upper Dublin Township does hereby ordain:

Section 1. The Code of the Township of Upper Dublin, Chapter 212, entitled Subdivision and Land Development, Article IV, Design Standards, § 212-15. Streets., subsection (B), shall be amended to provide as follows:

§ 212-15. Streets.

All new streets and widened portions of all existing rights-of-way intended for public use shall be dedicated to the Township, subject to final acceptance based on compliance with the following requirements:

B. Right-of-way width, paving width and curbing, street width, alley, street alignment and street intersection specifications shall be in accordance with the Engineering and Construction Standards in force at the time and available at the Township building, except as provided for below: .

- (1) Minor residential streets developed pursuant to the requirements of the Open Space Preservation District shall have a right-of-way of not less than 34 feet

and a paving width of not less than 18 feet. In all events, the right-of-way shall extend no less than eight feet beyond both edges of the paving.

(2) Internal streets designed for two way traffic, developed in a Compact, Pedestrian Oriented, Residential Development pursuant to the requirements of the Mobile Home Development District, shall have a right-of-way of not less than 40 feet and a paving width of not less than 22 feet. Internal streets designed for one way traffic shall have a right-of-way of not less than 36 feet and a paving width of not less than 18 feet. In all cases, the right-of-way shall extend a minimum of nine feet beyond both edges of the paving.

(a) The paving width for alleys with curbing in a Compact, Pedestrian Oriented, Residential Development shall be a minimum of 14 feet. If curbing is not required by the Township Engineer for stormwater management purposes, then the paving width may be reduced to 12 feet.

(b) The street centerline radii in a Compact, Pedestrian Oriented, Residential Development shall be a minimum of 50 feet.

* * * * *

Section 2. The Code of the Township of Upper Dublin, Chapter 212, entitled Subdivision and Land Development, Article IV, Design Standards, § 212-32. Landscaping., subsection (F), Specific planting requirements, paragraph (3), Screen Buffer, subparagraph (b), When required, shall be amended by the addition of a new item [4], to provide as follows:

§ 212-32. Landscaping.

* * * * *

F. Specific planting requirements. Street trees, softening buffers, screen buffers, general on-site screening, parking area landscaping, detention basin landscaping and individual lot landscaping shall be provided according to the following standards:

* * * * *

(3) Screen buffer.

* * * * *

(b) When required.

* * * * *

[4] The buffer area shall be used for no purpose other than planting of trees, shrubs and lawn to meet planting requirements.

Section 3. The Code of the Township of Upper Dublin, Chapter 255, entitled Zoning, § 255-7, Definitions, shall be amended by adding to the definition of Street various classifications thereof, and by revising the definition of Tract, to provide as follows:

§ 255-7. Definitions. Unless otherwise expressly stated, the following words and phrases shall be construed throughout this chapter to have the meanings indicated below:

* * * * *

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, pursuant to 53 P.S. § 10107, and shown on the Official Street Map. The various classifications of streets shall be as follows:

- (1) **ALLEY**-- An unnamed private easement less than 18 feet in width that is permanently reserved and primarily designed to serve as a secondary access to the rear or side of properties whose principal frontage is on some other right of way.
- (2) **INTERNAL STREET** -- A street privately owned and maintained and not intended to be dedicated to the Township that is used as the principal means of access to abutting lots within a residential development consisting of mobile homes or multiple dwellings.
- (3) **MINOR STREETS** -- Local routes serving as a means of vehicular travel primarily to give access to abutting properties and not intended to carry through traffic.
- (4) **TERTIARY STREETS** -- Routes serving as a means of vehicular travel connecting local neighborhoods and minor streets to secondary streets, providing access to abutting properties and not intended to carry through traffic except to the nearest primary or secondary road.
- (5) **SECONDARY STREETS** -- Feeder or collector routes serving as means of vehicular travel linking local communities, connecting neighborhoods to primary streets and designed to distribute traffic from tertiary and minor streets.
- (6) **PRIMARY STREETS** -- Through routes serving as a means of vehicular travel linking local regions with each other and with points of access to freeways, carrying a heavy flow of traffic but with controlled access from intersecting streets and abutting properties.
- (7) **FREEWAY STREETS** -- Regional routes serving as a means of vehicular travel connecting major population centers and carrying high volumes of traffic

for considerable distances at maximum safe speed, including limited access highways.

* * * * *

TRACT -- A lot or group of contiguous lots not separated by any street, which is occupied or is to be occupied by more than one structure and may be further subdivided into lots for residential development, together with any accessory uses, building or structures customarily incidental to such dwellings, and any lot or open space arranged or designed to be used in connection with such dwellings, such lots or open space and the area and dimensions of such tract being not less than the minimum required by this chapter.

* * * * *

Section 4. The Code of the Township of Upper Dublin, Chapter 255, entitled Zoning, Article XVII, MHD Mobile Home District, § 255-118, Intent, the preamble paragraph and subsections (C) and (E) shall be amended, and a new subsection (F) shall be added, to provide as follows:

§ 255-118. Intent.

In addition to the purpose set forth in § 255-2 of Article I of this chapter, it is hereby declared to be the specific intent of this article with respect to the MHD Mobile Home Development District to establish standards of performance and promote the desirable benefits which planned mobile home developments and other types of compact, pedestrian oriented, residential development may have upon the community and the residents within them. It is further the intent of this article to ensure the interdependency and compatibility of these types of proposed developments with essential utilities and surrounding land uses in the Township. It shall further be the intent of this district:

* * * * *

- C. To provide for better quality and greater variety in type, design and layout of mobile home developments and other types of compact, pedestrian oriented residential developments, than has been evident in many mobile home parks or other residential developments in the past by enforcing uniform standards, desirable design criteria and encouraging innovative design approaches.

* * * * *

- E. To encourage mobile home developments and other types of compact, pedestrian oriented residential developments that are not detrimental to property values and the general welfare of the area in which they are proposed.

* * * * *

- F. To enable alternative housing types in the form of compact, pedestrian oriented residential developments, compatible in density and scale with the MHD and be in close proximity and have direct pedestrian connection to support uses such as shopping, personal services and dining, that create, in total, a village center environment.

Section 5. The Code of the Township of Upper Dublin, Chapter 255, entitled Zoning, Article XVII, MHD Mobile Home Development District, § 255-119, Definitions, shall be amended by adding in alphabetical order the following definitions:

§ 255-119. Definitions. As used in this chapter, the following terms shall have the meanings indicated:

COMPACT, PEDESTRIAN ORIENTED RESIDENTIAL DEVELOPMENT – A self contained residential community consisting of single-family detached dwellings, twin dwellings and townhouse dwellings, or a combination thereof. The development shall be designed as a compact, human scaled environment that is pedestrian friendly and it shall provide multiple routes for motorists, pedestrians and bicyclists. The development shall also provide for internal open space and adequate perimeter buffering from adjacent uses. It shall primarily provide unit related parking via alleys and lanes to the rear of individual homes and on-street guest parking.

Section 6. The Code of the Township of Upper Dublin, Chapter 255, entitled Zoning, Article XVII, MHD Mobile Home Development District, § 255-120, Use Regulations, subsections (A), (C)(1), (C)(2) and (D), shall be amended to provide as follows

§ 255-120. Use regulations.

- A. Permitted uses. Any tract zoned MHD shall be used exclusively for either a mobile home development(s) or a compact, pedestrian oriented residential development.

- C. Accessory uses.

- (1) Accessory uses and structures customarily incidental to the maintenance, servicing and well-being of residents living in mobile home developments or compact, pedestrian-oriented residential developments shall be permitted only as part of an approved development plan for the site.

* * * * *

- D. Areas for nonresidential uses. No part of any mobile home development or compact, pedestrian oriented residential development shall be used for nonresidential purposes, except, in a mobile home development such uses that are required for the direct servicing, recreation and well-being of the residents and for the management and maintenance of the development are permitted. However, nothing in this article shall be deemed as prohibiting the sale or resale of a mobile home located on a mobile home stand and connected to the pertinent utilities.

* * * * *

Section 7. The Code of the Township of Upper Dublin, Chapter 255, entitled Zoning, Article XVII, MHD Mobile Home Development District, § 255-121. Development requirements, subsections B, C, E, F and G, shall be amended and new sections I and J shall be added to provide as follows:

§ 255-121. Development requirements.

* * * * *

- B. Any area to be used as a mobile home development or a compact pedestrian oriented residential development must have a minimum gross area of 10 contiguous acres of land.
- C. Every area to be used as a mobile home development or a compact pedestrian oriented residential development must be served exclusively by the municipal sanitary waste disposal system and a public water supply system.

* * * * *

- E. Any site proposed for a mobile home development or a compact pedestrian oriented residential development shall not be subject to flooding or other adverse environmental influence, such as swamps, marshes, garbage or rubbish disposal areas or other potential breeding places for insects or rodents.
- F. Any site proposed for a mobile home development or a compact pedestrian oriented residential development shall not be subject to any hazard or nuisance, such as excessive noise, vibration, smoke, toxic matter, radiation, heat, odor or glare. Odor and excessive noise violations will be determined in accordance with Chapter 158 of this Code. [Amended 5-13-1997 by Ord. No. 943]
- G. Any tract intended for a mobile home development or a compact pedestrian oriented residential development must have direct access to secondary streets (or a street of a higher classification), as defined by this chapter which the Board of Commissioners deems capable of accommodating the transport of mobile home

units, after approval of the Township Engineer.

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- I Any site proposed for a mobile home development or a compact, pedestrian oriented, residential development shall include area(s) to stockpile snow along any internal street or alley that ends in a cul-de-sac, court or dead-end. Area(s) shall be provided and shown on the Preliminary Plan. The Township Engineer shall approve any proposed location(s).

- J. Because of the unique design elements which will distinguish a compact, pedestrian oriented, residential development from other forms of residential developments the following design standards shall apply:
 - 1. Architectural features, such as gables, dormers, shed roofs and porticos, shall be utilized on all dwelling units
 - 2. Entry and garage doors shall be insulated, with raised panels and sidelights or glass inserts
 - 3. Windows shall have integrated, detailed mullions and shutters with hardware when these types of architectural feature are employed.
 - 4. The roof shall be designed with either overhangs eaves, bargeboards or cornices on all sides.
 - 5. Roof material may include natural slate, shakes, shingle (either wood or asphalt composition), or fiberglass architectural shingles that represent slate or wood.
 - 6. Building materials. Exterior walls shall be high quality and include a combination of materials including, for example: architectural or real stone, stucco or brick and wood or vinyl siding. If vinyl siding is used, it may not occupy more than 15% of the front façade of any residential dwelling unit.
 - 7. The following building materials are prohibited: exterior insulation and finishing systems (EIFS), aluminum siding, aluminum shutters, T-111 or other similar plywood siding. Metal buildings are also prohibited.
 - 8. A minimum of 50% of the dwelling units shall include a front door accessing onto an unenclosed front porch with a minimum depth of six feet (6') and a minimum floor area of 63 square feet. These porches shall be covered by a permanent roof and shall not be enclosed in the future. These requirements shall be documented on the plans and recorded with the final plan in a declaration of easements, covenants and restrictions and/or in another legal form acceptable to the Township Solicitor

Section 8. The Code of the Township of Upper Dublin, Chapter 255, entitled Zoning, Article XVII, MHD Mobile Home Development District, § 255-122. Lot, yard and bulk requirements, subsections (A) through (M) shall be revised and renumbered, and a new subsection (B) shall be added, to provide as follows:

§ 255-122. Lot, yard and bulk requirements

A. Mobile Home Developments.

- (1) Density. The total number of lots in a mobile home development shall not exceed a maximum density of five per acre. All areas not contained in developable acreage (as defined in § 255-119) shall be excluded from density calculations.
- (2) Height. No structure built in a Mobile Home Development shall exceed a height of one story or a maximum of 22 feet, except those permitted as accessory uses.
- (3) Lot size. Mobile home lots in a mobile home development shall have a minimum lot size of 4,500 square feet.
- (4) Lot width. No individual double-wide mobile home lot shall be less than 50 feet in width at the building setback line. No individual single-wide mobile home lot shall be less than 40 feet in width at the building setback line. No individual mobile home lot shall be less than 25 feet in width at the right-of-way line of an internal street or the edge of the pavement of a private street.
- (5) Distance between structures. Mobile homes shall have side to side separation of not less than 30 feet. Mobile homes shall have rear to rear separation of not less than 20 feet.
- (6) Mix of unit types. A minimum of 50% of units shall be double-wide units.
- (7) Setback from tract boundary. No mobile home or other primary building may be located closer than 50 feet from any boundary of a mobile home development, regardless of whether that boundary abuts a lot, water body, road or other right-of-way. In the event that a mobile home development abuts another such development, this provision will not apply; however, all other applicable setbacks prescribed herein shall apply.
- (8) Setbacks from streets. No mobile home, other primary building or accessory use shall be located closer than 25 feet to the right-of-way line of any internal street or to the edge of the cartway of any alley in a mobile home development.

- (9) Accessory building setbacks. Accessory buildings on individual mobile home lots shall be set back a minimum of five feet from side or rear lot or lease line and a minimum of 10 feet from any building on adjacent lots.
- (10) Side and rear setbacks. No mobile home or accessory building may be located closer than 10 feet to any rear lot or lease line or five feet to any side lot or lease line of an individual mobile home lot; provided, however, that all minimum requirements of § 255-122E must be met.
- (11) Unit location on individual lots. Mobile homes placed on individual lots are encouraged to utilize the minimal setbacks specified in § 255-122J and to be placed off-center on the lots so as to provide a large usable open yard space and outdoor living area in one area of the lot.
- (12) Surface area.
 - (a) Building coverage. The maximum coverage of any individual mobile home lot by all primary and accessory buildings and structures shall be no greater than 35%.
 - (b) Impervious surface. The maximum impervious surface of any individual mobile home lot or any lot improved with a mobile home park shall not exceed 60%.
- (13) Service buildings. Service buildings shall be set back a minimum of 24 feet from front lot lines, 10 feet from side lot lines, and 10 feet from rear property lines, but in no case shall be less than 50 feet from any other structure. Parking for a service building shall be provided at a rate of four spaces per 1,000 square feet of floor area. Parking areas for the service building shall be set back 40 feet from any mobile home, 50 feet from site property lines, 25 feet from cartways, and 10 feet from the service building.

B. Compact Pedestrian Oriented Residential Development

- (1) Density. The total number of dwelling units in a compact, pedestrian oriented residential development shall not exceed a maximum density of five (5) dwelling units per developable acre, as defined in § 255-119.
- (2) Height. No structure built in a compact, pedestrian oriented residential development shall exceed a height of 3 stories or a maximum of 35 feet.
 - (a) If the architectural style of each unit's top floor is the same, such as for example, if each unit has a dormered third floor, then no more than two adjoining dwelling units shall have the same building height..

- (3) **Building Length.** No building shall exceed 140 feet in length or contain more than 4 individual dwelling units.
 - (a) The front façade of any building containing 3 or more individual dwelling units shall articulate each unit by providing a minimum two foot (2') offset between at least one of the units.
 - (b) Other alternative designs may be utilized, if approved by the Board of Commissioners as part of a land development application, provided the applicant demonstrates that the facade of each unit is visually differentiated in an architecturally significant fashion.
- (4) **Lots.** If residential units are placed on individual lots, the following standards apply:
 - (a) Lots for interior dwelling units, those units in the center of a structure with 3 or more individual units shall have a minimum lot size of 3,300 square feet.
 - (b) Lots for end units, those dwelling units at either end of a multi-dwelling structure, shall have a minimum lot size of 4,400 square feet.
 - (c) Lot width. All lots shall have a minimum width of 30 feet at the building setback line and 10 feet at the right of way line of an internal street or the edge of the pavement of an alley.
- (5) **Separation Requirements.** All primary buildings and accessory structures shall be separated by the following minimum distances. In no case may one structure be closer than 20 feet to another structure.
 - (a) front to front: 60 feet
 - (b) front to side: 60 feet
 - (c) side to side: 20 feet
 - (d) side to rear: 35 feet
 - (e) rear to rear: 32 feet
- (6) **Tract Setbacks.** The tract setback line shall be 50 feet.
- (7) **Street Setbacks.** No residential dwelling shall be located closer than ten feet (10') to the right-of-way line of an internal street. No residential dwelling or accessory structure shall be located closer than 6 feet (6') to the cartway of the nearest alley.

(8) Surface area.

- (a) Building coverage. The total building coverage of any tract developed as a compact, pedestrian oriented, residential development shall be no greater than 25% of the tract's developable acreage, as defined in this Article.
- (b) Impervious surface. The maximum impervious surface of any tract developed as a compact, pedestrian oriented, residential development shall be no greater than 55% of the developable acreage, as defined in this Article.

Section 9. The Code of the Township of Upper Dublin, Chapter 255, entitled Zoning, Article XVII, MHD Mobile Home Development District, § 255-123. Common areas, subsections (A) through (E) shall be revised and renumbered, and a new subsection (B) shall be added, to provide as follows:

§ 255-123. Common areas

A. Mobile Home Developments

- (1) At least 10% of the site area of the mobile home development must be in common space other than parking and roadways, including recreation space, space for laundry and storage facilities. Buffer areas may not count toward the minimum common space requirements.
- (2) The common space shall be designed as a contiguous area unless the applicant demonstrates to the satisfaction of the Board of Commissioners that two or more separate areas would be preferable. The open space shall also have paved pedestrian and visual accessibility to all residents of the mobile home development.
- (3) Recreation areas and facilities shall be provided to meet the anticipated needs of the residents of the development. Not less than 5% of the usable site area exclusive of lands within the required setback area shall be devoted to recreation. Recreation areas should be of a size, shape and relief that is conducive to active and passive recreation.
- (4) Service building. The structure or structures containing the management office and other common facilities shall be conveniently located for the use intended. Consolidation of laundry, recreation, management and other common facilities in a single building and location is encouraged, if the single location will adequately serve all mobile home lots.
- (5) Maintenance. After the successful completion of the development, provision

acceptable to the Township Board of Commissioners and Solicitor for the maintenance and/or ownership of the common open space, service and recreational facilities shall be established.

B. Compact, Pedestrian Oriented, Residential Development

(1) Open Space. A minimum of 25% of the developable acreage of the compact, pedestrian oriented, residential development tract shall be preserved as common open space, not a part of any privately owned lot. The open space shall be an undeveloped green space, the use of which shall be limited to landscaping and the following:

- (a) A walking/biking trail that will serve to connect the proposed development with adjacent residential communities and other surrounding land uses. The trail(s) shall comply with current Township standards. The Board of Commissioners may authorize an alternative trail design as a conditional use provided the applicant demonstrates the improvements meet or exceed the Township's existing construction standards.
- (b) Open space may contain areas within the tract boundary setbacks, provided it is not improved for vehicular parking or circulation. It may also contain any required utility services and stormwater management facilities, provided the utilities are below ground and the facilities are designed using best management practices, such as, for example, naturalized basins, ponds and/or rain gardens.
- (c) Open space shall include, to the greatest extent practical, any existing environmentally sensitive natural features. Such natural features include, but are not limited to, floodplain, wetlands, streams, slopes greater than 15 percent, and areas of mature woodlands.
- (d) Recreational area. At least 10% of the open space shall be consolidated in one centrally located area, such as a common green or pocket park, for the residents' active or passive use.

(2) Maintenance and operation of common facilities and open land.

- (a) The applicant shall, at the time of preliminary plan submission, provide a plan for maintenance and operation of common facilities. Such plan shall:
 - (i) Define ownership;

- (ii) Establish necessary regular and periodic operation and maintenance responsibilities;
- (iii) Estimate staffing needs, insurance requirements, and associated costs and define the means for funding on an ongoing basis from year to year. Such funding plan shall include means for funding long-term capital improvements as well as regular yearly operating and maintenance costs.
- (iv) 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 from the date the residents assume majority control of the Homeowners Association.

(b) Failure to maintain; corrective action. 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 enter the premises and take corrective action.

- (i) The costs of such corrective action may be charged to the property owner or homeowners' association and may include administrative costs and penalties as stipulated in Article XXVI of this chapter. 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 Montgomery County.

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Section 10. The Code of the Township of Upper Dublin, Chapter 255, entitled Zoning, Article XVII, MHD Mobile Home Development District, § 255-124. Access and circulation, subparagraphs (A) and (B), shall be amended and a new subparagraph (C) shall be added, to provide as follows:

§ 255-124. Access and circulation

A. Access limitations. No mobile home or dwelling unit built as part of a compact, pedestrian oriented, residential development shall have direct access to any existing public street.

- (1) Alleys shall provide vehicular access to the rear of at least 85% of the residential dwelling units built in a compact, pedestrian oriented, residential development.

- (a) The garage aprons/driveways served by alleys shall be located a minimum of 25 feet from the point where the alley intersects the nearest internal

street. If the driveway is located on a one way alley this requirement shall only apply to that end where vehicles can enter.

B. Pedestrian circulation. All mobile home developments and compact, pedestrian oriented, residential developments shall provide safe, convenient, all-season pedestrian access of adequate width for intended use, durable and convenient to maintain, between individual residential structures, streets and all community facilities provided for the resident.

(1) Sidewalks, with a minimum width of four (4) feet, shall be installed along internal streets in Compact, Pedestrian Oriented Residential Developments. Sidewalks, with a minimum width of six (6) feet, shall be installed along adjacent, existing public roads.

(a) A grass planting strip for street trees, with a minimum width of five (5) feet, shall separate the sidewalks from the adjacent internal street.

(b) A grass planting strip, with a minimum width of 4 feet, shall separate sidewalks from adjacent public streets.

C. Vehicular Circulation.

(1) Design standards for streets in Compact, Pedestrian Oriented, Residential Developments shall comply with the standards provided in the Subdivision and Land Development Code § 212-15. Streets, except as otherwise provided herein.

(2) Where the design of internal streets is such that yield movement conditions are created the applicant shall demonstrate that for each block of more than 100 feet in length there will be at least one break in the on-street parking sufficient for a passenger vehicle to pull out of the path of an approaching vehicle.

a. Driveway curb cuts, alley to street intersections, fire hydrant "no parking zones" and the like are all acceptable breaks in on-street parking for the purposes of this section.

Section 11. The Code of the Township of Upper Dublin, Chapter 255, entitled Zoning, Article XVII, MHD Mobile Home Development District, § 255-125. Parking, subsections (A) and (B), shall be amended to provide as follows:

§ 255-125. Parking.

A. Mobile Home Developments

(1) Space required. Two paved off-street parking spaces shall be provided for each mobile home either on the same lot therewith or in common parking facilities,

provided that parking areas contained therein are within 150 feet of the mobile home lots for which they are intended.

- (2) Required green areas. Ten percent of all common parking areas on each lot shall be devoted to green areas which must be interspersed within the paved parking areas to channel traffic or divide parking areas. The green areas required by this section shall not constitute a portion of any green area otherwise required by this chapter or any other ordinance or regulation of the Township. The exact design and location of the green areas required by this section shall be disclosed on a development or subdivision or other similar plan and be permanently maintained as such.

B. Compact, Pedestrian Oriented, Residential Development

- (1) Space Required. A minimum of two (2) off-street parking spaces shall be provided on each lot, for each dwelling unit. There shall also be a minimum of 0.5 on-street guest parking space provided for each dwelling unit. Guest spaces shall be within 250 feet of the residential lot being served.
- (2) If there are places where it is not possible to provide parking for a dwelling unit in a compact, pedestrian oriented, residential development from an alley, then driveway curb cuts onto internal streets may be permitted, provided that the garage door of each affected dwelling conforms to one of the design options described below, in order of preference:
 - (a) The garage is rear entry, such that garage door(s) is on the opposite side of the dwelling from the front façade and it is not directly visible from sidewalks along the internal street.
 - (b) The garage is located behind the rear façade of the dwelling. Such garage may be detached from or attached to the dwelling, and the garage doors may face any direction.
 - (c) The garage is side entry from the side street of a corner lot. In such cases, the garage does not need to be recessed.
 - (d) The garage is front-entry and recessed at least ten (10) feet from the principal front façade. This rule shall not apply to dwellings located on corner lots.
 - (e) The garage is side entry, such that garage doors are perpendicular or radial to the street or open space which the front façade faces.
- (3) Parallel on-street parking spaces.
 - (a) Parallel on-street parking spaces are prohibited on internal streets with a

cartway width less than 24 feet.

- (b) Parallel on-street parking spaces may be located on one side of an internal street if the cartway width is 24 feet or wider.
- (c) Parallel on-street parking spaces may be located on both sides of an internal street if the cartway width is 32 feet or wider.
- (d) Parallel parking stalls shall have a minimum length of 22 feet.

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Section 12. The Code of the Township of Upper Dublin, Chapter 255, entitled Zoning, Article XVII, MHD Mobile Home Development District, § 255-126. Buffers, subsections (A) and (B) shall be amended, and subsection (C) shall be removed, to provide as follows:

§ 255-126. Buffers.

A. Mobile Home Developments.

- (1) Supplementing the landscaping provisions of Chapter 212, a permanent buffer shall be maintained along all exterior property boundary lines, other than those adjacent to a right-of-way, designed to provide screening between the mobile home development and its abutting uses. The depth of the buffer shall be 40 feet where the boundary line abuts another mobile home development, a commercial district or an industrial district. In all other cases the depth of the buffer shall be 50 feet.
- (2) The primary component of this buffer screen shall be a row of evergreen trees, at a height of not less than six feet when planted, spaced not more than eight feet apart on-center, and these trees shall be of such species as to attain a height at maturity of not less than 20 feet. The buffer must also include an opaque fence six feet in height. The use of mounding is also encouraged, provided that the slopes shall be a maximum of 3:1. Along all property boundaries which abut a public street, the use of a single row of deciduous trees with a spacing of not more than 40 feet on-center shall be placed at the edge of the right-of-way, subject to the approval of the Shade Tree Commission.
- (3) In cases where an edge(s) of a mobile home development borders natural features which function as buffers, including but not limited to mature woodland, severe grade changes or stream valleys, buffering may not be required along that edge(s) if approved as a conditional use by the Board of Commissioners.

B. Compact, pedestrian oriented, residential developments. Developments shall comply with the provisions of Chapter 212, entitled Subdivision and Land Development, §

212-32. Landscaping.

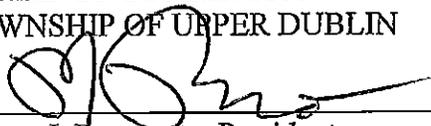
Section 13. Nothing in this Ordinance or in Chapters 215 and 255 of the Code of the Township of Upper Dublin, as hereby amended, shall be construed to affect any suit or proceedings in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Chapters 215 and 255 prior to the adoption of this amendment.

Section 14. 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 this 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 if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

Section 15. This Ordinance shall take effect and be in force from and after its approval as required by law.

Enacted by the Board of Commissioners of Upper Dublin Township this 13th day of November 2007.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN



Robert J. Fesavento, President

ATTEST:



Paul A. Leonard, Secretary/Township Manager

AN ORDINANCE

NO. 1189

AN ORDINANCE To Amend The Code Of The Township Of Upper Dublin, Chapter 224, Taxation, To Repeal Article IV Thereof, "Emergency And Municipal Services Tax"; To Enact A New Article IV To Be Entitled "Local Services Tax"; Imposing Such Tax In The Amount Of \$52 Per Calendar Year On Each And Every Person Employed In The Township Of Upper Dublin And Earning In Excess Of \$12,000 Annually, Subject To Certain Exemptions; Requiring Employers Of Such Individuals To Withhold Such Tax From The Individual's Wages; Providing For The Allocation Of The Tax Obligation Between Political Subdivisions Were The Individual Is Employed During The Calendar Year In More Than One Municipality; And Providing Penalties For Violation Thereof.

The Board of Commissioners of the Township of Upper Dublin hereby ordains:

Section 1. The Code of the Township of Upper Dublin, Chapter 224, Taxation, Article IV, Emergency and Municipal Services Tax, both the title and the text thereof, is hereby repealed in its entirety and replaced with the following:

ARTICLE IV. Local Services Tax

§ 224-15. Definitions.

As used in this Article, unless the context clearly indicates a different meaning, the following words shall have the meanings set forth below:

COLLECTOR -- The Township Manager of the Township of Upper Dublin or his designated representative.

EARNED INCOME -- Compensation as this term is defined in Section 13 [relating to earned income taxes] of the Local Tax Enabling Act, the Act of Dec. 31, 1965, P.L. 1257, §13, 53 P.S. §6913 as amended.

EMPLOYER -- An individual, partnership, association, limited liability corporation, limited liability partnership, corporation, governmental body, agency or other entity employing one or more persons on a salary, wage, commission or other compensation basis, including a self-employed person.

HE, HIS or HIM -- Indicates the singular and plural number, as well as male, female and neuter genders.

INDIVIDUAL -- Any person, male or female, engaged in any occupation, trade or profession within the Township of Upper Dublin.

NET PROFITS -The net income from the operation of a business, profession; or other activity, as this term is defined in Section 13 [relating to earned income taxes] of the Local Tax Enabling Act, the Act of Dec. 31, 1965, P.L. 1251, §13, as amended, 53 P.S. §6913, as amended.

OCCUPATION - Any trade, profession, business or undertaking of any type, kind or character, including services, domestic or other, earned on or performed within the Township of Upper Dublin for which compensation is charged or received; whether by means of salary, wages, commission or fees for services rendered.

POLITICAL SUBDIVISION - any county, city, borough, incorporated town, township, school district, vocational school district with the authority to levy the Local Services Tax.

TAX - The local services tax at the rate fixed in §224-30 of this article.

TAX YEAR - The period from January 1 until December 31 in any year; a calendar year.

TOWNSHIP - The Township of Upper Dublin.

§ 224-30. Levy of tax

A. For specific revenue purposes, an annual tax is hereby levied and assessed, commencing January 1, 2008; upon the privilege of engaging in an occupation with a primary place of employment within the Township during the tax year. Each natural person who exercises such privilege for any length of time during any tax year shall pay the tax for that year in the amount of Fifty- Two Dollars (\$52.00), assessed in accordance with the provisions of this article.

B. This tax may be used solely for the following purposes as the same may be allocated by the Board of Commissioners from time to time:

- (1) emergency services, which shall include emergency medical services, police services and/or fire services;
- (2) road construction and/or maintenance;
- (3) reduction of property taxes; or

(4) property tax relief through implementation of a homestead and farmstead exclusion in accordance with 53 Pa.C.S. Ch. 85, Subch. F (relating to homestead property exclusion).

D. The Township shall use no less than twenty-five percent of the funds derived from the tax for emergency services. This tax is in addition to all other taxes of any kind or nature heretofore levied by the Township.

E. The tax shall be no more than \$52.00 on each person for each calendar year, irrespective of the number of political subdivisions within which a person maybe employed.

§ 224-31. Exemption and refunds.

A Exemption. Any person whose total earned income and net profits from all sources within the Township is less than twelve thousand (\$12,000) dollars for any calendar year in which the tax is levied is exempt from the payment of the tax for that calendar year. In addition, the following persons are exempt from payment of the tax:

(1) Any person who has served in any war or armed conflict in which the United States was engaged and is honorably discharged or released under honorable circumstances from active service if, as a result of military service, the person is blind, paraplegic or a double or quadruple amputee or has a service-connected disability declared by the United States Veterans' Administration or its successor to be a total one hundred percent disability.

(2) Any person who serves as a member of a reserve component of the armed forces and is called to active duty at any time during the taxable year. For the purposes of this subparagraph, "reserve component of the armed forces" shall mean the United States Army Reserve, United States Navy Reserve, United States Marine Corps Reserve, United States Coast Guard Reserve, United States Air Force Reserve, the Pennsylvania Army National Guard or the Pennsylvania Air National Guard. Active duty does not include weekend training sessions or two week summer service.

B. Procedure to Claim Exemption.

(1) A person seeking to claim an exemption from the local services tax must annually file an exemption certificate with the Township and with the person's employer pursuant to the Township's regulations affirming that the person reasonably expects to receive earned income and net profits from all sources within the Township of less than twelve thousand dollars (\$12,000) in the calendar year for which the exemption certificate is filed. The exemption

certificate shall have attached to it a copy of all the employee's last pay stubs or W-2 forms from employment within the Township for the year prior to the fiscal year for which the employee is requesting to be exempted from the tax. Upon receipt of the exemption certificate and until otherwise instructed by the Township or except as required by clause (2) of this section the employer shall not withhold the tax from the person during the calendar year or the remainder of the calendar year for which the exemption certificate applies, Employers shall ensure that the exemption certificate forms are readily available to employees at all times and shall furnish each new employee with a form at the time of hiring. The exemption certificate form shall be the uniform form provided by the Township.

(2) With respect to a person who claimed an exemption for a given calendar year from the tax, upon notification to an employer by the person or by the Township that the person has received earned income and net profits from all sources within the Township equal to or in excess of twelve thousand dollars (\$12,000) in that calendar year or that the person is otherwise ineligible for the tax exemption for that calendar year, or upon an employer's payment to the person of earned income within the Township in an amount equal to or in excess of twelve thousand dollars (\$12,000) in that calendar year, an employer shall withhold the local services tax from the person under clause.

(3) If a person who claimed an exemption for a given calendar year from the tax becomes subject to the tax for the calendar year under clause (2) of this Section, the employer shall withhold the tax for the remainder of that calendar year. The employer shall withhold from the person, for the first payroll period after receipt of the notification under clause (2) of this Section, a lump sum equal to the amount of tax that was not withheld from the person due to the exemption claimed by the person under this subsection, plus the per payroll amount due for that first payroll period. The amount of tax withheld per payroll period for the remaining payroll periods in that calendar year shall be the same amount withheld for other employees. In the event the employment of a person subject to withholding of the tax under this clause is subsequently severed in that calendar year, the person shall be liable for any outstanding balance of tax due, and the Township may pursue collection under this article.

(4) Except as provided in clause (2), it is the intent of this subsection that employers shall not be responsible for investigating exemption certificates, monitoring tax exemption eligibility or exempting any employee from the local services tax.

C. Refunds. The Township shall establish procedures for the processing of refund claims for any tax paid by any person who is eligible for exemption, which procedures shall be in accord with provisions of the general municipal law relating to refunds of

overpayments and interest on overpayments. Refunds made within seventy-five days of a refund request or seventy-five days after the last day the employer is required to remit the tax for the last quarter of the calendar year, whichever is later, shall not be subject to interest. No refunds shall be made for amounts overpaid in a calendar year that do not exceed one dollar (\$1.00). The Collector shall determine eligibility for exemption and provide refunds to exempt persons.

§ 224-32. Duty of employers to collect.

A. Each employer within the Township, as well as those employers situated outside the Township but who engage in business within the Township, is hereby charged with the duty of collecting the tax from each of his employees engaged by him or performing for him within the Township and making a return and payment thereof to the Collector. Further, each employer is hereby authorized to deduct this tax for each employee in his or her employ, whether said employee is paid by salary, wage or commission and whether or not all such services are performed within the Township.

B. A person subject to the tax shall be assessed by the employer a pro rata share of the tax for each payroll period in which the person is engaging in an occupation. The pro rata share of the tax assessed on the person for a payroll period shall be determined by dividing the rate of the tax levied for the calendar year by the number of payroll periods established by the employer for the calendar year. For purposes of determining the pro rata share, an employer shall round down the amount of the tax collected each payroll period to the nearest one-hundredth of a dollar. Collection of the tax shall be made on a payroll period basis for each payroll period in which the person is engaging in an occupation, except as provided in Paragraph D of this Section. For purposes of this paragraph, combined rate shall mean the aggregate annual rate of the tax levied by the Upper Dublin School District and the Township.

C. No person shall be subject to the payment of the local services tax by more than one municipality during each payroll period.

D. In the case of concurrent employment, an employer shall refrain from withholding the tax if the employee provides a recent pay statement from a principal employer that includes the name of the employer, the length of the payroll period and the amount of the tax withheld and a statement from the employee that the pay statement is from the employee's principal employer and the employee will notify other employers of a change in principal place of employment within two weeks of its occurrence. The employee's statement shall be provided on the form approved by Pennsylvania Department of Community and Economic Development.

E. The tax shall be no more than fifty-two dollars (\$52) on each person for each calendar year, irrespective of the number of political subdivisions within which a person

maybe employed. The Township shall provide a taxpayer a receipt of payment upon request by the taxpayer.

F. No employer shall be held liable for failure to withhold the tax or for the payment of the withheld tax money to the Township if the failure to withhold taxes arises from incorrect information submitted by the employee as to the employee's place or places of employment, the employee's principal office or where the employee is principally employed. Further, an employer shall not be liable for payment of the local services tax in an amount exceeding the amount withheld by the employer if the employer complies with the provisions of Paragraph B of Section 224-16.1 of this article and this section and remits the amount so withheld in accordance with this article.

G. Employers shall be required to remit the local services taxes thirty days after the end of each quarter of a calendar year, tax, whether or not the employer makes collection thereof from the employee's salary,

§224-33. Returns.

Each employer shall prepare and file a return showing a computation of the tax on forms to be supplied to the employer by the Collector. If an employer fails to file the return and pay the wages or commissions paid by him or her to an employee, except as provided hereafter in this article, the employer shall be responsible for the payment of the tax in full as though the tax had been originally levied against the employer.

§224-34. Dates for determining tax liability and payment.

In each tax year, each employer shall use his or her employment records to determine the number of employees from whom such tax shall be deducted and paid over to the Collector on or before the thirtieth day following the end of each calendar quarter of each such tax year.

§224-35. Self-employed individuals.

Each self-employed individual who performs services of any type or kind or engages in any occupation or profession within a primary place of employment within the Township shall be required to comply with this article and pay the pro rata portion of the tax due to the Collector on or before the thirtieth day following the end of the first quarter or any subsequent quarter in which they become self-employed within the Township. For purposes of determining the pro-rata share, self-employed individuals shall be deemed to have one pay period per year and the pro-rata share shall be deemed to be \$52.00.

§ 224-36. Individuals engaged in more than one occupation or employed in more than one political subdivision.

A. The situs of the tax shall be the place of employment on the first day the person becomes subject to the tax during each payroll period. In the event a person is engaged in more than one occupation, that is, concurrent employment, or an occupation which requires the person working in more than one political subdivision during a payroll period, the priority of claim to collect the local services tax shall be in the following order:

(1) First, the political subdivision in which a person maintains his or her principal office or is principally employed;

(2) Second, the political subdivision in which the person resides and works if the tax is levied by that political subdivision;

(3) Third, the political subdivision in which a person is employed and which imposes the tax nearest in miles to the person's home. In case of dispute, a tax receipt of the taxing authority for that calendar year declaring that the taxpayer has made prior payment constitutes prima facie certification of payment to all other political subdivisions.

§224-37. Nonresidents subject to tax.

All employers and self-employed individuals residing or having their places of business outside of the Township but who perform services of any type or kind or engage in any occupation or profession within the Township do, by virtue thereof, agree to be bound by and subject themselves to the provisions, penalties and regulations promulgated under this article with the same force and effect as though they were residents of the Township. Further, any individual engaged in an occupation within the Township and an employee of a nonresidential employer may, for the purpose of this article, be considered a self-employed person, and in the event his or her tax is not paid, the Township shall have the option of proceeding against either the employer or employee for the collection of this tax as hereinafter provided.

§224-38. Administration of tax.

A. It shall be the duty of the Collector to accept and receive payments of this tax and to keep a record thereof showing the amount received by him from each employer or self-employed person, together with the date the tax was received.

B. The Collector is hereby charged with the administration and enforcement of this article and is hereby charged and empowered, subject to approval of the Board of Commissioners, to proscribe, adopt and promulgate rules and regulations relating to any matter pertaining to the administration and enforcement of this article, including

provisions for the examination of payroll records of any employer subject to this article, the examination and correction of any return made in compliance with this article and any payment alleged or found to be incorrect or as to which overpayment is claimed or found to have occurred. Any person aggrieved by any decision of the Collector shall have the right to appeal the Collector's decision pursuant to the Township's procedures under the Local Taxpayer's Bill of Rights as in other cases provided.

C. The Collector is hereby authorized to examine the books and payroll records of any employer in order to verify the accuracy of any return made by an employer or, if no return was made, to ascertain the tax due. Each employer is hereby directed and required to give the Collector the means, facilities and opportunity for such examination.

§224-39. Suits for collection.

A. In the event that any tax under this article remains due or unpaid 30 days after the due dates above set forth, the Collector may sue for the recovery of any such tax due or unpaid under this article, together with interest and penalty.

B. If for any reason the tax is not paid when due, interest at the rate of 1 1/2% per month on the amount of such tax shall be calculated beginning with the due date of the tax and a penalty of 10% shall be added to the flat rate of such tax for nonpayment thereof. Where suit is brought for the recovery of this tax or other appropriate remedy undertaken, the individual liable therefor shall, in addition, be responsible and liable for the costs of collection.

§224-40. Violations and penalties.

A. Whoever makes any false or untrue statement on any return required by this article, or whoever refuses inspection of the books, records or accounts in his or her custody and control setting forth the number of employees subject to this tax who are in his or her employment, or whoever fails or refuses to file any return required by this article or whoever fails to collect or withhold or, having collected and withheld, fails to pay the tax due, shall, upon conviction thereof, be sentenced to pay a fine or penalty to the Township of not more than \$600 and costs of prosecution for each offense. The action to enforce the penalty herein prescribed may be instituted against any person in charge of the business of any employer who shall have failed or who refuses to file a return required by this article and shall include self-employed individuals.

B. Any employee or individual who submits false statements regarding eligibility for exemption or submits a false exemption certificate shall be guilty of a violation of this article, and, upon conviction thereof, shall be sentenced to pay a fine of not more than \$600 and costs of prosecution for each offense.

ORDINANCE NO. 1190

ANNUAL BUDGET OF THE TOWNSHIP OF UPPER DUBLIN FOR THE YEAR 2008

AN ORDINANCE OF UPPER DUBLIN TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA APPROPRIATING SPECIFIC SUMS ESTIMATED TO BE REQUIRED FOR THE SPECIFIC PURPOSES OF THE MUNICIPAL GOVERNMENT, HEREINAFTER SET FORTH, DURING 2008.

The Board of Commissioners of the Township of Upper Dublin does hereby ENACT AND ORDAIN as follows:

SECTION 1: That for the expenses for the fiscal year 2008 the following amounts are hereby appropriated from the revenues available for the current year for the specific purposes set forth below, which amounts are more fully itemized in the budget form.

SUMMARY OF ALL ESTIMATED RECEIPTS

Receipts from Current Tax Levy	16,648,920
Receipts from Taxes of Prior Years	70,000
Receipts from Debt Financing	1,500,000
Other Revenues and Receipts	<u>6,795,400</u>
TOTAL ESTIMATED RECEIPTS AND CASH	25,014,320

SUMMARY OF ALL APPROPRIATIONS

GENERAL GOVERNMENT	
Administration and Finance	2,245,246
Treasurer and Tax Collector	21,013
Library	953,095
Municipal Buildings	<u>563,388</u>
TOTAL	3,782,742
PROTECTION TO PERSON AND PROPERTY	
Police	5,788,192
Fire	1,321,405
Emergency Services	<u>302,732</u>
TOTAL	7,412,329

SANITARY SEWER	7,500
SANITATION	2,315,556
CODE ENFORCEMENT	586,083
HIGHWAY AND ENGINEERING	3,296,172
PARKS AND RECREATION	1,725,337
DEBT SERVICE	1,309,310
NON EXPENDABLE TRUSTS	3,900
CAPITAL PROJECTS	
General Capital	2,457,570
Stormwater Management Projects	1,780,066
Open Space	<u>324,505</u>
	TOTAL
	4,562,141
COMMUNITY CONTRIBUTIONS	13,250
	TOTAL APPROPRIATIONS
	25,014,320

SECTION 2: An estimate of the specific items making up the amounts appropriated to the respective departments is on file in the office of the Township of Upper Dublin, Montgomery County, Pennsylvania.

SECTION 3: That an Ordinance, or part of an Ordinance, conflicting with this Ordinance be and the same is hereby repealed insofar as the same affects this Ordinance.

SECTION 4: Nothing in this Ordinance shall be construed to affect any suit or processing in any Court, any rights acquired or liability incurred, any permit issued, or any causes of action existing prior to the adoption of this amendment.

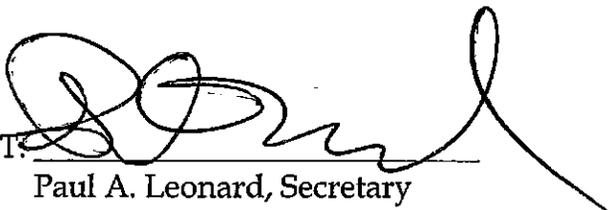
SECTION 5: The provisions of this Ordinance are severable, and if any section, sentence, clause, part or provision thereof shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of the Court shall not affect or impair the remaining sections, sentences, 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 illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

SECTION 6: This Ordinance shall take effect and be in force from and after January 1, 2008.

ENACTED AND ORDAINED THIS 11th day of December 2007.

BOARD OF COMMISSIONERS
UPPER DUBLIN TOWNSHIP

BY: 
Robert J. Pesavento, President

ATTEST: 
Paul A. Leonard, Secretary

ORDINANCE NO. 1191

AN ORDINANCE OF UPPER DUBLIN TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA, FIXING THE TAX RATE FOR THE YEAR 2008 FOR GENERAL PURPOSES, THE TAX RATE FOR THE YEAR 2008 FOR DEBT SERVICE, THE TAX RATE FOR THE YEAR 2008 FOR FIRE PROTECTION, THE TAX RATE FOR THE YEAR 2008 FOR PARKS AND RECREATION, THE TAX RATE FOR THE YEAR 2008 FOR PERMANENT IMPROVEMENT FUND AND ESTABLISHING DISCOUNTS AND PENALTIES THEREFOR.

The Board of Commissioners of the Township of Upper Dublin does hereby ENACT AND ORDAIN as follows:

SECTION 1: Tax Rate for General Purposes

That a tax be and the same is hereby levied on all property and occupation within the said municipality subject to taxation for the fiscal year 2008, as follows:

Tax rate for General Purposes, the sum of	2.720 mils
on each dollar of assessed valuation, or the sum of	27.200 cents
on each one hundred dollars of assessed valuation.	

The same being summarized in tabular form as follows:

	<u>Mils on Each Dollar of Assessed Valuation</u>	<u>Cents on Each One Hundred Dollars of Assessed Valuation</u>
Tax Rate for General Purposes	2.720	27.200

SECTION 2: Tax Rate for Debt Service

That a tax be and the same is hereby levied on all property and occupation within the said municipality subject to taxation for the fiscal year 2008, as follows:

Tax rate for Debt Service, the sum of	0.496 mils
on each dollar of assessed valuation, or the sum of	4.960 cents
on each one hundred dollars of assessed valuation.	

The same being summarized in tabular form as follows:

	<u>Mils on Each Dollar of Assessed Valuation</u>	<u>Cents on Each One Hundred Dollars of Assessed Valuation</u>
Tax Rate for Debt Service	.496	4.960

SECTION 3: Tax Rate for Fire Protection

That a tax be and the same is hereby levied on all property and occupation within the said municipality subject to taxation for the fiscal year 2008, as follows:

Tax rate for Fire Protection, the sum of	0.369 mils
on each dollar of assessed valuation, or the sum of	3.690 cents
on each one hundred dollars of assessed valuation.	

The same being summarized in tabular form as follows:

	<u>Mils on Each Dollar of Assessed Valuation</u>	<u>Cents on Each One Hundred Dollars of Assessed Valuation</u>
Tax Rate for Fire Protection	.369	3.690

SECTION 4: Tax Rate for Parks and Recreation

That a tax be and the same is hereby levied on all property and occupation within the said municipality subject to taxation for the fiscal year 2008, as follows:

Tax rate for Parks and Recreation the sum of	0.580 mils
on each dollar of assessed valuation, or the sum of	5.800 cents
on each one hundred dollars of assessed valuation.	

The same being summarized in tabular form as follows:

	<u>Mils on Each Dollar of Assessed Valuation</u>	<u>Cents on Each One Hundred Dollars of Assessed Valuation</u>
Tax Rate for Parks and Recreation	.580	5.800

SECTION 5: Tax Rate for Permanent Improvement Fund

That a tax be and the same is hereby levied on all property and occupation within the said municipality subject to taxation for the fiscal year 2008, as follows:

Tax rate for Permanent Improvement, the sum of	0.187 mils
on each dollar of assessed valuation, or the sum of	1.870 cents
on each one hundred dollars of assessed valuation.	

The same being summarized in tabular form as follows:

	<u>Mils on Each Dollar of Assessed Valuation</u>	<u>Cents on Each One Hundred Dollars of Assessed Valuation</u>
Tax Rate for Permanent Improvement Fund	.187	1.870

SECTION 6: Discounts and Penalties

All taxpayers shall be entitled to a discount of two per centum (2%) from the amount of tax levied upon property, upon making payment of amount of such tax within sixty (60) days of the date of the tax notice. All taxpayers who shall fail to make payment of any such taxes charged against them within one hundred twenty (120) days of the date of the tax notice, shall be charged a penalty of ten per centum (10%) of the amount of the tax, which penalty shall be added to the taxes by the tax collector and collected as provided by law.

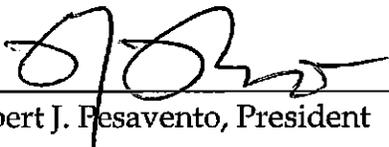
SECTION 7: Nothing in this Ordinance shall be construed to affect any suit or processing in any Court, any rights acquired or liability incurred, any permit issued, or any causes of action existing prior to the adoption of this amendment.

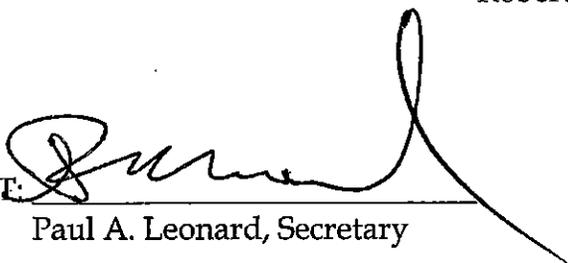
SECTION 8: The provisions of this Ordinance are severable, and if any section, sentence, clause, part or provision thereof shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of the Court shall not affect or impair the remaining sections, sentences, 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 illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

SECTION 9: This Ordinance shall take effect and be in force from and after January 1, 2008.

ENACTED AND ORDAINED THIS 11th day of December 2007.

BOARD OF COMMISSIONERS
UPPER DUBLIN TOWNSHIP

BY: 
Robert J. Pesavento, President

ATTEST: 
Paul A. Leonard, Secretary

AN ORDINANCE
NO. 1192

AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF UPPER DUBLIN, CHAPTER 233, VEHICLES AND TRAFFIC, ARTICLE VIII, "SCHEDULES", SECTION 233-54, "PARKING PROHIBITED AT ALL TIMES" BY RESTRICTING PARKING ON THE NORTH SIDE OF MEETINGHOUSE ROAD FROM TEMPLE DRIVE TO FRIENDS LANE

The Board of Commissioners of the Township of Upper Dublin does hereby enact and ordain:

Section 1. The Code of the Township of Upper Dublin, Chapter 233 thereof, entitled Vehicles and Traffic, Article VIII, "Schedules", Section 233-54, Schedule XIII: Parking Prohibited at All Times, shall be amended to provide as follows:

§ 233-54. Schedule XIII: Parking Prohibited at All Times.

In accordance with the provisions of §233-21, no person shall park a vehicle at any time upon any of the following described streets or parts thereof:

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>

Meetinghouse Road	North	From Temple Drive to Friends Lane

Section 2. Nothing in this Ordinance or in Chapter 233 of the Code of the Township of Upper Dublin, as hereby amended, shall be construed to affect any suit or proceeding in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Chapter 233 prior to the adoption of this amendment.

Section 3. 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 illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

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

ENACTED AND ORDAINED this 17th day of December, 2007.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN

ATTEST:



PAUL A. LEONARD, SECRETARY


ROBERT J. PESAVENTO, PRESIDENT

ud\ord\CH 233 VEHICLES & TRAFFIC\No Parking-Meetinghouse-11.1.07

AN ORDINANCE
NO. 1193

AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF UPPER DUBLIN, CHAPTER 233, VEHICLES AND TRAFFIC, ARTICLE VIII, "SCHEDULES", §233-55, SCHEDULE XIV: "PARKING PROHIBITED CERTAIN HOURS" BY CHANGING THE NO PARKING 8 A.M. TO 4 P.M., MON. TO FRI. RESTRICTION ON BOTH SIDES OF JOEL DRIVE TO THE WEST SIDE ONLY OF JOEL DRIVE FROM MEETINGHOUSE ROAD TO TANNERIE RUN ROAD AND §233-54, SCHEDULE XIII: PARKING PROHIBITED AT ALL TIMES, BY ESTABLISHING A "NO PARKING ANY TIME" RESTRICTION ON THE EAST SIDE OF JOEL DRIVE FROM MEETINGHOUSE ROAD TO TANNERIE RUN ROAD.

The Board of Commissioners of the Township of Upper Dublin does hereby enact and ordain:

Section 1. The Code of the Township of Upper Dublin, Chapter 233 thereof, entitled Vehicles and Traffic, Article VIII, "Schedules", Section 233-55, Schedule XIV: Parking Prohibited Certain Hours, shall be amended by rescinding the following restriction:

§ 233-55. Schedule XIII: Parking Prohibited Certain Hours.

In accordance with the provisions of §233-22, no person shall park a vehicle upon any of the streets or parts of streets on any day except Saturdays, Sundays and holidays:

<u>Name of Street</u>	<u>Side</u>	<u>Hours/Days</u>	<u>Location</u>
		* * * * *	
Joel Drive	Both	8 am to 4 pm Mon. to Fri.	From Tannerie Run Road to Meetinghouse Road

Section 2. The Code of the Township of Upper Dublin, Chapter 233 thereof, entitled Vehicles and Traffic, Article VIII, "Schedules", Section 233-55, Schedule XIV: Parking Prohibited Certain Hours, shall be amended to provide as follows:

§ 233-55. Schedule XIII: Parking Prohibited Certain Hours.

In accordance with the provisions of §233-22, no person shall park a vehicle upon any of the

streets or parts of streets on any day except Saturdays, Sundays and holidays:

<u>Name of Street</u>	<u>Side</u>	<u>Hours/Days</u>	<u>Location</u>
		* * * * *	
Joel Drive	West	8 am to 4 pm Mon. to Fri.	From Tannerie Run Road to Meetinghouse Road
		* * * * *	

Section 3. The Code of the Township of Upper Dublin, Chapter 233 thereof, entitled Vehicles and Traffic, Article VIII, "Schedules", Section 233-54, Schedule XIII: Parking Prohibited at All Times, shall be amended to provide as follows:

§ 233-54. Schedule XIII: Parking Prohibited at All Times.

In accordance with the provisions of §233-21, no person shall park a vehicle at any time upon any of the following described streets or parts thereof:

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
		● * * * * *
Joel Drive	East	From Tannerie Run Road to Meetinghouse Road

Section 4. Nothing in this Ordinance or in Chapter 233 of the Code of the Township of Upper Dublin, as hereby amended, shall be construed to affect any suit or proceeding in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Chapter 233 prior to the adoption of this amendment.

Section 5. 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 illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

Section 6. This Ordinance shall take effect and be in force from and after its approval as required by law.

ENACTED AND ORDAINED this 11th day of December, 2007.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN

ATTEST:



Handwritten signature of Paul A. Leonard, Secretary, in black ink. The signature is cursive and spans across the line.

PAUL A. LEONARD, SECRETARY

ud\ord\CH 233 VEHICLES & TRAFFIC\No Parking-Joel Dr-11.13.07



Handwritten signature of Robert J. Pesavento, President, in black ink. The signature is cursive and spans across the line.

ROBERT J. PESAVENTO, PRESIDENT

ORDINANCE NO. 1194

AN ORDINANCE Of Upper Dublin Township, Montgomery County, Pennsylvania, Establishing The Dates Of The Regular Meetings Of The Commissioners Of The Township Of Upper Dublin During The Year 2008.

The Board of Commissioners of the Township of Upper Dublin does hereby ENACT and ORDAIN as follows:

SECTION 1. The regular stated monthly meetings of the Commissioners of the Township of Upper Dublin for the year 2008 shall be held on the second Tuesday of each month unless the same shall be a legal holiday or election day, in which case the meeting will be held on the next regular business day following, at 7:00 PM, local time, and on the fourth Tuesday of the month, immediately following the Commissioners Planning Committee meeting, unless the same shall be a legal holiday or election day, in which case the meeting will be held on the next regular business day following, at 7:00 P.M. local time.

SECTION 2. The Economic Development and Finance Committee meetings of the Township of Upper Dublin for the year 2008 shall be held on the first Tuesday of each month unless the same shall be a legal holiday or election day, in which case the meeting will be held on the next regular business day following, at 6:30 PM, local time.

SECTION 3. The Public Safety, Works and Services Committee meetings for the year 2008 shall be held on the first Tuesday of February, April, June, August, October, December, unless the same shall be a legal holiday or election Day, in which case the meeting will be held on the next regular business day following, immediately following the Economic Development and Finance Committee meeting at 6:30 PM., local time.

SECTION 4. The Planning Commission meetings for the year 2008 shall be held on the third Tuesday of each month at 7:00 PM, local time.

SECTION 5. The Public Activities, Lands and Contracts Committee meetings for the year 2008 shall be held on the fourth Tuesday of February, April, June, August, October, December, unless the same shall be a legal holiday or election Day, in which case the meeting will be held on the next regular business day following, at 6:30 PM., local time.

SECTION 6. The Commissioners Planning Committee meetings of the Township of Upper Dublin for the year 2008 shall be held on the fourth Tuesday of each month unless the same shall be a legal holiday or election day, in which case the meeting will be held on the next regular business day following, immediately following the Public Activities Lands & Contracts Committee meeting at 6:30 PM, local time.

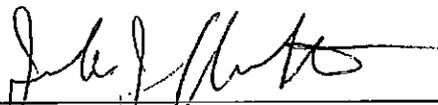
SECTION 7. The public is welcome to attend all meetings, and participation by the public is welcome.

SECTION 8. Persons with disabilities who wish to attend any public meeting and require auxiliary aid, service or other accommodations to participate in the proceedings may contact the Township Manager's Office to discuss how the Township may best accommodate an individual's needs.

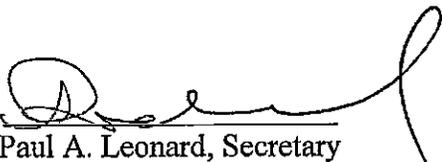
SECTION 9. All meetings will be effective January 8, 2008 and held in the Upper Dublin Township Building, 801 Loch Alsh Avenue, Fort Washington, Pennsylvania, unless otherwise specifically directed.

ENACTED AND ORDAINED this *8th* day of *January*, 2008.

BOARD OF COMMISSIONERS
UPPER DUBLIN TOWNSHIP



Jules J. Mermelstein, President

Attest: 

Paul A. Leonard, Secretary

AN ORDINANCE

NO. 1195

AN ORDINANCE To Amend The Subdivision And Land Development Code Of The Township Of Upper Dublin, Chapter 212, To Add A Definition For "Improvement"; To Amend The Zoning Code Of The Township Of Upper Dublin, Chapter 255, To Add Definitions For "Repair Garage," "Improvement," "Reserved Parking," And "Storage Area Or Structure"; To Provide For Accessory Uses For Public Schools; To Provide Regulations Pertaining To Impervious Surfaces For Public Schools; To Provide For Building Heights For Public Schools; To Provide For Required Parking For Public Schools; To Delete The Required Travel Lane And Parking Aisles Width Regulations Within The Zoning Code; And To Provide Sign Standards For Public Schools On Lots 25 Acres Or Larger.

The Board of Commissioners of the Township of Upper Dublin hereby ordains:

Section 1. The Code of Upper Dublin Township, Chapter 212, Subdivision and Land Development, Article II, Terminology, § 212-5 Definitions, shall be amended to add in alphabetical order the following:

§ 212-5. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

IMPROVEMENT – Any man-made structure, object and/or area constituting a physical addition to or alteration of real property.

Section 2. The Code of Upper Dublin Township, Chapter 255, Zoning, Article I, General Provisions, § 255-7 Definitions, shall be amended to add in alphabetical order the following:

§ 255-7. Definitions.

Unless otherwise expressly stated, the following words and phrases shall be construed throughout this chapter to have the meanings indicated below:

GARAGE, REPAIR – A building or structure in which a business, service or industry involving the maintenance, repairs, servicing or painting of vehicles is conducted or rendered.

* * * * *

IMPROVEMENT – Any man-made structure, object and/or area constituting a physical addition to or alteration of real property.

* * * * *

PARKING, RESERVED – Required parking spaces that are shown on a recorded development plan in dashed lines and that are not installed when the development is initially constructed, but which must be installed if required by the Township at some future date.

* * * * *

STORAGE AREA or STRUCTURE – A space or place where goods, materials, vehicles and/or equipment is placed and kept for more than 24 consecutive hours.

* * * * *

Section 3 The Code of Upper Dublin Township, Chapter 255, Zoning, Article IV, Accessory Buildings, Structures and Uses, § 255-28. Places of worship; schools, shall be amended by the addition of a new subsection B, to provide as follows:

§ 255-28. Places of worship; schools.

The following uses shall be accessory to a church, chapel or other place of worship and public and private schools:

* * * * *

- B. Storage area and/or repair garage for buses that are used by a public school district to transport children to public and/or private schools., but only on a lot used for a public school which is 25 acres or larger. Any improvement for this use must be setback a minimum of 100 feet from any property line adjacent to residentially used property.

Section 4 The Code of Upper Dublin Township, Chapter 255, Zoning, Article V, Steep Slopes and Impervious Surfaces, § 255-32. Regulations pertaining to impervious surfaces, subsection A thereof, shall be amended by the addition of a new paragraph (3), to provide as follows:

§ 255-32. Regulations pertaining to impervious surfaces.

- A. The limitations of this chapter pertaining to impervious surfaces shall be strictly adhered to except as set forth herein.

- (3) A lot legally in existence on September 9, 2003, which has a minimum net lot area of 25 acres or more, is in a residential zoning district, is used for a public school purpose and contains an elementary, middle and/or high school building(s), may exceed the impervious surface limitations set forth in this chapter, by no more than 20% of the lot area provided the following standards are met:
- a. For applications proposing improvements that result in up to 10% more impervious surfaces on the development site than what is currently permitted in the underlying zoning district, (i.e. the 25% limit is increased to up to 35%) stormwater management facilities shall be designed to release no more than 90% of the pre-development rate of runoff for all regulated storm events, (i.e. the 1, 2, 10, 25, 50, 100 flood event.)
 - b. For applications proposing improvements that result in between 10% and 20% more impervious surfaces on the development site than what is currently permitted in the underlying zoning district, (i.e. the 25% limit is increased to between 35% and 45%) stormwater management facilities shall be designed to release no more than 75% of the predevelopment rate of runoff for all regulated storm events, (i.e. the 1, 2 10, 25, 50, 100 flood event.)

Section 5 The Code of Upper Dublin Township, Chapter 255, Zoning, Article VII, Residential Districts, § 255-43. A Residential District, subsection B, Lot, yard and bulk requirements, the regulations for Principal Building and Impervious Surface, shall be amended to provide as follows:

§ 255-43. A Residential District.

In an A Residential District, the following regulations shall apply:

- B. Lot, yard and bulk requirements.

Regulation	Requirement
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Principal Bldg. Height (maximum)

35 feet. Except that the roof over areas within a public school building used for athletic events and theater productions may exceed 35 feet in height provided:

- i. The peak of the roof over that portion of the building used for athletic events and/or theatre productions may not exceed 60 feet in height at any point; and
- ii. The area of the building under a roof that exceeds 35 feet in height may comprise no more than 20% of that structure's Building Coverage; and
- iii. No portion of a roof exceeding 35 feet in height may be closer than 75 feet to a property or street line.

* * * * *

Impervious surface (maximum)

25% of the total lot area, except as provided in § 255-32.A(3)

* * * * *

Section 6 The Code of Upper Dublin Township, Chapter 255, Zoning, Article XIX, Off-Street Parking and Loading, § 255-135. Required spaces, subsection B (9) thereof, shall be amended to provide as follows:

§ 255-135. Required spaces

* * * * *

B. For any of the following uses, the required parking space shall be all-weather, shall be paved, and shall be located on the same lot therewith or on land adjacent thereto. Required parking spaces for Secondary Schools and Post Secondary Schools may also be provided on land that is owned by the school district some portion of which is located immediately across a street or public right of way from the school property.

* * * * *

- (9) Secondary schools: the greater number of one space per employee, plus one space for every three students based on design capacity; or if the facility has an attached auditorium or other place of assembly, the number of parking spaces specified in Subsection B(1).

- a. Where the Board of Commissioners determines that the required number of parking spaces are not currently needed it may authorize up to 15% of the required parking spaces be reserved as part of a land development application, provided the following criteria are met:
 - i. The applicant must document that 100% of the required parking spaces can be paved without violating any applicable provisions of this chapter. When constructed, the reserve parking must meet all applicable provisions of this chapter and the Township's Engineering and Construction Standards Improvement Procedures as of the date the construction permit is sought.
 - ii. The Township Engineer recommends the reduction and the applicant then demonstrates, to the satisfaction of the Board of Commissioners, that the number of code required parking spaces are not currently needed for the school's daily operations.
 - iii. The applicant shall install stormwater management facilities, as required by the Township, for the total number of required parking spaces, including those parking spaces held in reserve, unless the applicant demonstrates to the Board's satisfaction that postponing the installation of the stormwater management facilities required for the reserve parking allows natural features on the site to be maintained until such time, if ever, that the construction of the reserved parking is deemed necessary.
 - iv. The reserved parking area shall be fully designed, and the area held as reserve parking shall be clearly designated on the development plan. The reserve parking area shall be considered in calculating the impervious surface ratio. The reserved parking area shall be planted with vegetative cover and integrated into the applicant's landscaping plans.
 - v. The reserved parking, or a limited portion thereof, must be constructed when the Board of Commissioners, upon the advice of the Township Engineer and/or Township Zoning Officer, determines that such spaces are needed to accommodate the school's daily operations.
 - vi. Parking capacity can be reevaluated. If there is any change in the use, ownership, building size or number of occupants/employees using the property that effect the number of paved parking spaces required, then a written determination concerning the requirements for parking shall be prepared by the Township Zoning Officer.

- vii. The Zoning Officer may deny or revoke a use and occupancy permit for failure to construct the previously reserved parking spaces when directed to do so under sub-paragraph (v.) above.
- viii. For a period of 60 months following approval of a development plan showing reserve parking, the applicant shall provide a financial guarantee calculated as provided in Chapter 212 for the cost of installing the reserve parking, including the Township's professional fees. The amount of the guarantee shall be approved by the Township Engineer and the form of the guarantee shall be approved by the Township Solicitor.

* * * * *

Section 7 The Code of Upper Dublin Township, Chapter 255, Zoning, Article XIX, Off-Street Parking and Loading, § 255-141, Travel lanes, shall be deleted.

§ 255-141. RESERVED

Section 8. The Code of Upper Dublin Township, Chapter 255, Zoning, Article XXI, Signs, § 255-153, Residential Districts, subsection (B) thereof, shall be amended to provide as follows:

§ 255-153. Residential districts.

In all residential districts, the following signs shall be permitted and no other:

* * * * *

- B. Sign for a school, church, hospital, sanitarium, club or other institution of similar nature, on the same lot therewith, for the purpose of displaying the name of the institution and its activities or services, provided that not more than one such sign shall be erected on any street frontage of any property in single and separate ownership, and provided that the area on one side of such sign shall not exceed 15 square feet except as follows:
 - a. Signs for a public school on a residentially zoned parcel 25 acres or larger may not exceed 32 square feet on one side and, in the case of a monument sign, the height of the sign may not exceed three feet, six inches (3' 6").

* * * * *

Section 9 Nothing in this Ordinance or in Chapters 255 of the Code of the Township of Upper Dublin, as hereby amended, shall be construed to affect any suit or proceedings in any

Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Chapter 255 prior to the adoption of this amendment.

Section 10. 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 this 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 if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

Section 11. This Ordinance shall take affect and be in force from and after its approval as required by law.

Enacted by the Board of Commissioners of Upper Dublin Township this 11th
day of March, 2008.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN



Jules J. Mermelstein, President

ATTEST:



Paul A. Leonard, Secretary/Township Manager

AN ORDINANCE

No. 1196

AN ORDINANCE To Amend The Code Of The Township Of Upper Dublin, Chapter A264, Historic Resource Inventory, To Add Properties Thereto, To Remove Properties There From, And To Correct The Street Addresses Of Certain Properties Currently On The Inventory.

The Board of Commissioners of the Township of Upper Dublin hereby ordains as follows:

Section 1. The Code of the Township of Upper Dublin, Chapter A264, Historic Resource Inventory, shall be amended by the addition in alphabetical order by street address of the following properties:

HISTORIC RESOURCE INVENTORY - The buildings, structures and sites identified and/or located on the properties set forth below, as more fully described in the Township's Historic Resource Database and any Pennsylvania Historic Resource Form associated with such properties, shall comprise the Historic Resource Inventory of Upper Dublin Township:

<u>ADDRESS</u>	<u>CLASS</u>
621 Bellaire Avenue	Class II
233 Bethlehem Pike	Class II
1407 Bethlehem Pike	Class II
1718E Butler Pike	Class II
1601 Dillon Road	Class II
413 Ellerslie Avenue	Class II
410 Fairview Avenue	Class II
414 Fairview Avenue	Class II
418 Fairview Avenue	Class II
422 Fairview Avenue	Class II
1323 Fort Washington Avenue	Class II

202 Girard Avenue	Class II
221 Girard Avenue	Class II
1412 Highland Avenue	Class II
149 Jackson Avenue	Class II
151 Jackson Avenue	Class II
155 Jackson Avenue	Class II
157 Jackson Avenue	Class II
161 Jackson Avenue	Class II
163 Jackson Avenue	Class II
117 Lafayette Avenue	Class II
125 Lafayette Avenue	Class II
1545 S. Limekiln Pike	Class II
437 W. Pennsylvania Avenue	Class II
119 Stout Road	Class II
512 Tennis Avenue	Class II
205 Washington Lane	Class II

Section 2. The Code of the Township of Upper Dublin, Chapter A264, Historic Resource Inventory, shall be amended by the removal of the following properties from the Inventory:

<u>ADDRESS</u>	<u>CLASS</u>
208 Bethlehem Pike	Class II
301 E. Butler Avenue	Class II
1725 Jarrettown Road	Class II

Section 3. The Code of the Township of Upper Dublin, Chapter A264, Historic Resource Inventory, shall be amended changing the address references to properties presently on the Inventory as follows:

<u>OLD ADDRESS</u>	<u>NEW ADDRESS</u>
511 Dreshertown Road	495 Dreshertown Road
550 Meetinghouse Road	580 Meetinghouse Road
1500 Fort Washington Avenue	1506 Fort Washington Avenue

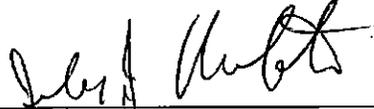
Section 4. Nothing in this Ordinance or in Chapter A264 of the Code of the Township of Upper Dublin, as hereby amended, shall be construed to affect any suit or proceedings in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Chapter A264 prior to the adoption of this amendment.

Section 5. 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 this 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 if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

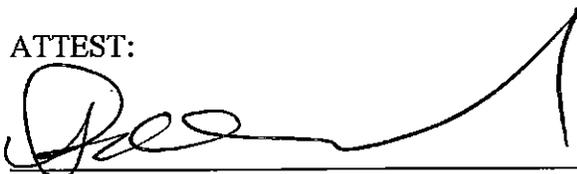
Section 6. This Ordinance shall take affect and be in force from and after its approval as required by law.

Approved by the Board this 11th day of March 2008.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN

BY: 
Jules J. Mermelstein, President

ATTEST:


Paul A. Leonard, Secretary/Township Manager

AN ORDINANCE

NO. 1197

AN ORDINANCE To Amend The Code Of The Township Of Upper Dublin, Chapter 233, Vehicles And Traffic, Article VIII, "Schedules", Section 233-54, "Parking Prohibited At All Times" By Restricting Parking On The West Side Of Linden Avenue From Walnut Avenue North For A Distance Of 230 Feet.

The Board of Commissioners of the Township of Upper Dublin does hereby enact and ordain:

Section 1. The Code of the Township of Upper Dublin, Chapter 233 thereof, entitled Vehicles and Traffic, Article VIII, "Schedules", Section 233-54, Schedule XIII: Parking Prohibited at All Times, shall be amended to provide as follows:

§ 233-54. Schedule XIII: Parking Prohibited at All Times.

In accordance with the provisions of §233-21, no person shall park a vehicle at any time upon any of the following described streets or parts thereof:

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
Linden Avenue	West	From Walnut Avenue North for a distance of 230 feet

Section 2. Nothing in this Ordinance or in Chapter 233 of the Code of the Township of Upper Dublin, as hereby amended, shall be construed to affect any suit or proceeding in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Chapter 233 prior to the adoption of this amendment.

Section 3. 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 illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

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

ENACTED AND ORDAINED this *11th* day of *March*, 2008.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN

ATTEST:



JULIS J. MERMELSTEIN, PRESIDENT



PAUL A. LEONARD, SECRETARY

subordCH 233 VEHICLES & TRAFFIC No Parking-Linden Ave 1.30.08

AN ORDINANCE

NO. 1198

AN ORDINANCE To Amend The Code Of The Township Of Upper Dublin, Chapter 233, Vehicles And Traffic, Article VIII, "Schedules", Section 233-54, "Parking Prohibited At All Times" By Restricting Parking On Both Sides Of Susquehanna Road From Cedar Road East For A Distance Of 2600 Feet.

The Board of Commissioners of the Township of Upper Dublin does hereby enact and ordain:

Section 1. The Code of the Township of Upper Dublin, Chapter 233 thereof, entitled Vehicles and Traffic, Article VIII, "Schedules", Section 233-54, Schedule XIII: Parking Prohibited at All Times, shall be amended to provide as follows:

§ 233-54. Schedule XIII: Parking Prohibited at All Times.

In accordance with the provisions of §233-21, no person shall park a vehicle at any time upon any of the following described streets or parts thereof:

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>

Susquehanna Road	Both	From Cedar Road East for a distance of 2600 feet

Section 2. Nothing in this Ordinance or in Chapter 233 of the Code of the Township of Upper Dublin, as hereby amended, shall be construed to affect any suit or proceeding in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Chapter 233 prior to the adoption of this amendment.

Section 3. 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 illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

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

ENACTED AND ORDAINED this *17th* day of *March*, 2008.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN

ATTEST:



PAUL A. LEONARD, SECRETARY
ad 00CH 233 VEHICLES & TRAFFIC No Parking Overstays Ref 1.30.08



JULES J. MERMELSTEIN, PRESIDENT

AN ORDINANCE

NO. 1199

AN ORDINANCE To Amend The Code Of The Township Of Upper Dublin, Chapter 233, Vehicles And Traffic, Article VIII, "Schedules", Section 233-54, "Parking Prohibited At All Times" By Restricting Parking On The East Side Of Ft. Washington Avenue From Highland Avenue South For A Distance Of 850 Feet.

The Board of Commissioners of the Township of Upper Dublin does hereby enact and ordain:

Section 1. The Code of the Township of Upper Dublin, Chapter 233 thereof, entitled Vehicles and Traffic, Article VIII, "Schedules", Section 233-54, Schedule XIII: Parking Prohibited at All Times, shall be amended to provide as follows:

§ 233-54. Schedule XIII: Parking Prohibited at All Times.

In accordance with the provisions of §233-21, no person shall park a vehicle at any time upon any of the following described streets or parts thereof:

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>

Ft. Washington Avenue	East	From Highland Avenue South for a distance of 850 feet

Section 2. Nothing in this Ordinance or in Chapter 233 of the Code of the Township of Upper Dublin, as hereby amended, shall be construed to affect any suit or proceeding in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Chapter 233 prior to the adoption of this amendment.

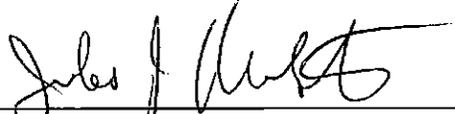
Section 3. The provisions of this Ordinance are severable, and if any section, sentence, clause, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, 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 illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

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

ENACTED AND ORDAINED this *11th* day of *March*, 2008.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN

ATTEST:



JULES J. MERMELSTEIN, PRESIDENT



PAUL A. LEONARD, SECRETARY
udord CH 233 VEHICLES & TRAFFIC No Parking Linden Ave 1.30.08